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08

Working Papers  
on Education Policy

# Enforcing the right to education of refugees

A policy perspective

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Francesc Pedró  
Education Policy  
UNESCO Education Sector  
Email: [f.pedro@unesco.org](mailto:f.pedro@unesco.org)

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# Enforcing the right to education of refugees: a policy perspective

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## Abstract

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This paper, aimed at education policymakers, provides analysis and insights on how the right to education for refugees could be ensured from a policy perspective. It does so by reviewing the current status of access to education of refugees, using the scant data that is available in this area. It also outlines some of the extensive barriers to education that refugees face, with recognition of the multifaceted, interlinked and complex nature of exclusion. It provides an overview of the international normative frameworks and global agendas on education that can be applied to refugees to ensure their right to education and achieve SDG 4. Additionally, this document presents practical examples, good practices, and promising measures taken by countries in order to ensure the inclusion of refugees in their national systems and better guarantee the fulfilment of their right to education. As a result of this research, collaboration and the invaluable contributions from the participants in a dedicated Expert Meeting in Barcelona (2018), a set of policy recommendations are provided in the last chapter which aims to guide policymakers to ensure equal access to good quality education for refugees.

## Introduction

Access to education is a fundamental human right. It is essential to the acquisition of knowledge and to “the full development of the human personality”, as stated by the Universal Declaration of Human Rights. Yet for millions of refugees,<sup>1</sup> education remains an aspiration, not a reality. In 2017, the number of refugees displaced worldwide reached a staggering 25.4 million, with more than half of that number children under the age of 18, including many unaccompanied or separated from their families.<sup>2</sup> At odds with the fundamental and universal status of the right to education, refugee children remain five times more likely to be out of school compared to their non-refugee peers.<sup>3</sup>

The right to education is important for every child, but for displaced children it can provide the knowledge and skills to rebuild their lives and chart a path to a more peaceful and prosperous future for themselves and their families.<sup>4</sup> Education is the primary way by which displaced and marginalized migrants can lift themselves out of poverty and participate meaningfully in their societies. Providing the opportunity to learn and flourish through learning can empower refugee children and adults to lead fulfilling lives, and is the indispensable means for the full realization of other human rights.

The education of refugees is crucial to the peaceful and sustainable development of the countries that have welcomed them, and to the future prosperity of their own countries.<sup>5</sup> The inclusion of refugee children and youth in national systems can provide the necessary tools for the successful integration of individuals and communities and can foster mutual acceptance, tolerance and respect in situations of social upheaval. More globally, education for refugees can provide hope and long-term prospects for stability and sustainable peace for individuals, communities, countries and global society. Secondary and higher education, in particular, increase tolerance, lead to a lower enrolment in extremist movements and help to prevent terrorism, as well as racial and religious intolerance, genocide, war crimes and crimes against humanity.<sup>6</sup> By including, creating and reinforcing different competencies, skills and perspectives through a more diverse student body, Higher Education produces reinforced knowledge and capacities for the development of recipient countries, their education systems and their higher education institutions.

But the issues around the right to education for refugees are not limited to childhood. The average length of time that a refugee spends in exile is around 20 years, which is more than an entire childhood,<sup>7</sup> so it is crucial that a lifelong learning perspective is taken into account.

The realization of the right to education for refugees poses some challenges everywhere, but particularly in low- or middle-income countries where about 85% of refugees worldwide are

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<sup>1</sup> In this document, the term “refugees” includes all persons seeking refuge in another country, for whatever reason, whether or not they have already been legally recognized as such by the receiving country.

<sup>2</sup> UNHCR, *Global Trends: Forced Displacement in 2017*.

<sup>3</sup> Global Education Monitoring Report/UNESCO, 2016 *Global Education Monitoring Report 2016: Education for people and planet*.

<sup>4</sup> UNICEF, 2017 *Education Uprooted*.

<sup>5</sup> UNHCR, 2017 *Left Behind*.

<sup>6</sup> UNESCO, 2015 *197 EX/Decision 46*.

<sup>7</sup> *Ibidem*.

hosted. Countries with high numbers of refugees such as Turkey, Pakistan, Uganda, Lebanon, the Islamic Republic of Iran<sup>8</sup> and many more are already dealing with substantial barriers to sustainable development. They have limited resources available to enforce the right to education of their citizens, yet are also obligated to deal with large numbers of refugees and the fulfilment of their universal rights, including the right to education.<sup>9</sup> The enforcement of the right to education of refugees is therefore a global and transnational challenge that must be overcome through cooperative means.

This document presents a policy perspective on the realization of the right to education of refugees. It does it by presenting, first, an account of the status of the access to education of refugees, noting how scarce data are. Second, it discusses the challenges involved, from a systemic perspective. Third, it discusses what the international agreements and treaties prescribe on the right to education and how they apply to the case of refugees, from a lifelong learning perspective. And fourth, it provides an account of how countries are using legislative and policy measures to comply with State obligations and duties, using the main features of the right to education (the “4 As”: accessibility, availability, acceptability and adaptability) as an analytical framework. Drawing on this, the fifth and final section compiles a set of basic policy recommendations that are intended to offer guidance to Member States for the fulfilment of refugees’ right to education, responding to the ambition of inclusive and equitable quality education for all by 2030.<sup>10</sup>

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<sup>8</sup> *Ibidem.*

<sup>9</sup> United Nations, 2018 *Report of the Special Rapporteur on the Right to Education: The right to education of refugees.*

<sup>10</sup> UNESCO, 2017 *Working Paper.*



## I. Current status of access to education of refugees

Although it is widely recognized that refugee children and adolescents are among the most marginalized and vulnerable groups in education, data on education indicators for refugees are limited and fragmented. Education indicators for refugees are often missing from both the statistics of the refugee's country of origin and the refugees' host country.<sup>11</sup> At the global level, there is a lack of available data disaggregated by gender or level of education. As an example, data on secondary schooling is not disaggregated between lower and upper secondary school, and the Office of the United Nations High Commissioner for Refugees (UNHCR) reports secondary school enrolment data as being for the age group 12-17.<sup>12</sup>

What has been ascertained is that in 2017, 61% of refugee children were enrolled in primary school, compared to 92% globally.<sup>13</sup> At the secondary school level, figures are even worse, with 23% of students enrolled in schools compared with 84% globally. This means that only two-thirds of refugee children transition from primary to secondary schools.<sup>14</sup> At the tertiary education level, the figure for refugees is 1% compared to 34% globally.<sup>15</sup>

Access to education for refugees varies significantly between countries. The vast majority of school-aged refugees are hosted by low- and middle-income countries. Some of the countries hosting the largest numbers of refugees have the lowest secondary school enrolment rates. In 2016 in Pakistan, only 5% of secondary school-age refugee students attended school; in Cameroon only 6%; in Ethiopia, the figure was 9%.<sup>16</sup>

More than half the world's refugees today live in towns and cities rather than camps.<sup>17</sup> Historically, international donor support to education of refugees was channelled through UNHCR and international NGOs, and focused on education service provision within camps. Access to education in camps was often higher than for urban refugees.<sup>18</sup> UNHCR data showed that, in 2010, the primary school gross enrolment ratio (GER) in camp settings was 78%, whereas it was 70% in urban areas, and the secondary school GER in camps was 37% and in urban areas it was 31%.<sup>19</sup> It is now widely acknowledged, however, that donor-supported camp schools running outside of national education systems do not provide a sustainable solution, and that refugees should be included in national education systems.

Vulnerable refugee students have their access to education limited even further. More recent UNHCR statistics show that access to education is limited for refugee girls hosted in developing countries. Data from Kenya and Ethiopia show that in 2017, there were only seven refugee girls for every ten refugee boys enrolled in primary education.<sup>20</sup> At the secondary school level, the gender gap was even greater: refugee girls at the secondary school level were only half as likely

<sup>11</sup> Dryden-Peterson, 2011; Zubairi and Rose, 2016.

<sup>12</sup> Zubairi and Rose, 2016.

<sup>13</sup> *Ibidem*. In detail, 61% of refugee children were enrolled in primary school, compared to 92% globally.

<sup>14</sup> *Ibidem*.

<sup>15</sup> UNHCR, 2018 *Her Turn*.

<sup>16</sup> Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.

<sup>17</sup> UNHCR, 2016 *Missing Out*.

<sup>18</sup> Dryden-Peterson, 2011.

<sup>19</sup> *Ibidem*.

<sup>20</sup> UNHCR, 2018. *Turn the Tide*.



to be enrolled as their male peers.<sup>21</sup> In 2017, in Uganda, there were five girls for every ten boys in secondary schools.<sup>22</sup> In 2013, the United Nations Children's Fund (UNICEF) estimated that up to 10% of Syrian refugee children may be living with a disability (physical, mental or sensory). Children with disabilities face considerable barriers to accessing education, including discrimination, physical barriers and lack of appropriate services and trained staff.<sup>23</sup> The Education Sector Working Group found that in Jordan, less than half (46%) of Syrian children with disabilities were in school in 2013. Complexities and inconsistencies regarding the definition, identification and recording of information about disability<sup>24</sup> potentially hides greater out-of-school numbers.

Even when students can attend school, the quality of learning is a serious concern. The immense pressures that growing demand for schooling imposes on host countries, including overcrowding and shorter school hours where a double shift system is implemented, have significant implications for the quality of education for refugees. Even if teaching and learning materials are financed and distributed, the ability of schools to transform these inputs into learning appears mixed, in part due to challenges surrounding language of instruction, lack of qualified teachers and overcrowded classes. Monitoring of refugee children's learning to date has been limited, with no currently available analysis of learning outcomes. Gains in access risk being undermined by losses due to inadequate quality, which is one of the drivers of high dropout rates among refugee students. Education should be seen as a continuum, where lags and gaps in learning and student trajectories in previous educational stages impair subsequent stages and thus opportunities for the realization of the right to education. Education systems must then provide maximum opportunities at the school level and take special structural policy measures for the inclusion of at-risk populations in quality education from early childhood that enables them to continue their student trajectories to tertiary education and beyond.

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<sup>21</sup> *Ibidem.*

<sup>22</sup> *Ibidem.*

<sup>23</sup> Education Sector Working Group, 2015.

<sup>24</sup> Riggall and Croft, 2016.

## II. The barriers to education faced by refugees

The barriers to education for refugee children are multifaceted, interlinked and complex. This section attempts to summarize them into three categories:

- household, related to the actual capacities of refugees and their families to afford education, how relevant they consider it to be, and how easy access to education is for them;
- systemic, related to some characteristics of the configuration of the education system that can prevent refugees from receiving a fair provision; and
- functional, related to how the system works for refugees and what differentiated outcomes refugees get from it.

### 1. Household barriers

At the household and school levels, obstacles to education include financial barriers (caused by the direct and indirect cost of education), distance to school, linguistic barriers, security concerns, xenophobia and intolerance. Practices and beliefs along with the contingent need caused by displacement keep boys and girls out of school, particularly at the secondary level. Even when refugees recognize the importance of education, displacement changes their priorities: food security and financial constraints reportedly become their main concerns. Early marriage and wage-earning activities feature in the research as common strategies to cope with immediate and urgent needs.<sup>25</sup>

#### A. Cost of education

Indirect or direct schooling costs are among the main constraints in accessing education. Although primary education is officially free in most refugee host country contexts, other costs such as tuition fees, operational fees, exam fees, stationary, uniform and transport costs can make school inaccessible for refugee students.<sup>26</sup> Countries may charge fees to partially cover education costs. As an example, in the capital of Uganda, Kampala, schools may charge fees to cover operational costs, such as water and electricity.<sup>27</sup> Education costs can be even higher for secondary school, where school fees are often charged within the public system.<sup>28</sup> A recent study<sup>29</sup> demonstrates that only 2% of Syrian children were enrolled in and regularly attended secondary school in Lebanon: “Syrian refugees, who invariably fled under a variety of circumstances, are unable to afford even the nominal tuition and transportation fees without assistance. To make matters worse, only 30% of Lebanese public schools offered a waiver of school fees”.<sup>30</sup> Financial barriers may limit transition from primary to secondary schools too. In Uganda, the majority of students aged 13-18 in refugee settlements (71% of boys, 73% of girls)

<sup>25</sup> UNESCO, 2017 *Working Paper*.

<sup>26</sup> Sommers, 1999; Smith, 2007; Bonfiglio, 2010; Human Rights Watch, 2016 *Growing Up Without an Education*.

<sup>27</sup> Dryden-Peterson, 2003 cited in Bonfiglio, 2010.

<sup>28</sup> *Ibidem*.

<sup>29</sup> Shuayb, Makkouk and Tuttunji, 2014.

<sup>30</sup> *Ibidem*: 15.

and host communities (54% of boys, 51% of girls) were found to be attending primary school due to unaffordable exam fees charged at the secondary school level.<sup>31</sup>

Financial constraints may force refugee households to prioritize school-age children's engagement in paid work over education to contribute to household incomes and cover basic living costs.<sup>32</sup> One study found that 47% of Syrian households reported that at least a portion of their income was earned by a child.<sup>33</sup> In Uganda, a study demonstrated that there is a correlation between living in poverty and the likelihood of having school-aged children out of school.<sup>34</sup> Engagement of children in the labour market occurs more frequently at the secondary school level for several reasons, namely: (a) higher costs of schooling (absolute and opportunity costs); (b) limited availability of secondary school places due to the higher public expense and technical infrastructure and equipment required for running secondary schools;<sup>35</sup> (c) families have experienced poor quality primary education; and (d) primary education is considered to be an adequate level of schooling.<sup>36</sup> A household's financial position may affect school attendance of both boys and girls. Equally, the quality and accessibility of education may also impact on their options. Early work or early marriage can be seen as either a better economic option or a better alternative to poor quality education or lack of access to educational opportunity. Cultural and religious norms constraining adolescent girls' education can be "reinforced" by displacement. As an example, early marriage was already common among Rohingya communities before displacement. However, a recent study shows that it had increased since displacement as a household strategy to cope with extreme financial challenges.<sup>37</sup> In tertiary education, where provision in many cases is made in a significant proportion by private providers, costs represent an unavoidable barrier without financial support and specific measures.

## B. Distance to school

As the result of a lack of education provision, public schools can be located far away from where refugee families are settled. The distance to school poses several challenges to the access of education. Children have to travel to and from the school and transportation costs are often unaffordable to refugee households. Travelling to school can be linked to security concerns, particularly for girls, due to the fear of harassment, sexual assault and kidnapping on the way to school.<sup>38</sup> The combination of long journeys to reach schools and second shift classes ending in the late afternoon can make it almost impossible for some refugee children to attend school.<sup>39</sup>

Geography can also unintentionally cause segregation between refugee children and local children. In Kenya, schools in the two largest refugee camps are located in remote areas away

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<sup>31</sup> UNHCR and REACH Initiative, 2018.

<sup>32</sup> UNHCR, 2015 *Secondary Education for Refugee Adolescents*.

<sup>33</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2014.

<sup>34</sup> UNHCR and REACH Initiative, 2018.

<sup>35</sup> UNESCO, 2017 *Working Paper*.

<sup>36</sup> *Ibidem*.

<sup>37</sup> Cox's Bazar Education Sector, 2018.

<sup>38</sup> UNHCR, 2018 *Turn the Tide*.

<sup>39</sup> Human Rights Watch, 2016 *Growing up Without an Education*.

from local students, so despite studying the national curriculum and taking national qualifying examinations, refugee students miss out on the chance to integrate with settled communities.<sup>40</sup>

### C. Security, xenophobia and intolerance

The United Nations human rights treaty bodies have expressed concern about the limited enjoyment of rights that refugees experience on arrival.<sup>41</sup> Stigmatization of vulnerable groups due to economic downturn and national security considerations has become a growing tendency.<sup>42</sup> Frequently, refugees are labelled as a “threat to the standard of living of the general population” and blamed “for being responsible for the rise in unemployment” and States’ debts.<sup>43</sup> In the light of recent terrorist attacks, these concerns have been reinforced by national security issues.<sup>44</sup> Financial support to refugees seems to be often limited by the perception that “the influx of people might threaten their national security”.<sup>45</sup>

Xenophobia and intolerance create a vicious cycle in perpetuating exclusion: on the one hand, education has been indicated as one of the main tools for promoting “values of equality, non-discrimination, diversity, democracy and respect for all”,<sup>46</sup> on the other, education quality and the capacity of education to reach the most vulnerable is undermined by intolerance and discrimination. Xenophobia, exclusion and stigmatization can create inhospitable – or dangerous – environments for children seeking to join a new school system. These factors can discourage children from attending and lead to drop out.<sup>47</sup> Refugee children face bullying and harassment on the way to school and in the classroom from other children, bus drivers, teachers and school administrators. One 2016 survey shows that 33% of Syrian respondents experienced discrimination in Lebanese schools. Bullying and discrimination can lead refugee students to abandon school.<sup>48</sup> According to UNICEF, a great majority of Syrian refugee children face psychological, physical or severe physical punishment at school. These violent disciplinary measures are experienced by four out of five children.<sup>49</sup>

A recent study in multishift schools in Jordan,<sup>50</sup> found extensive evidence of bullying, sexual harassment and discrimination experienced by refugee learners. It also found evidence of refugees being discriminated against at an institutional level, with refugees insulted by teachers, expected to clean the school premises and denied access to extracurricular activities.

<sup>40</sup> Presentation by Ms Anna Cristina D’Addio, Senior Policy Analyst, Global Education Monitoring Report, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December, 2018.

<sup>41</sup> UNESCO, 2017 *Working Paper*.

<sup>42</sup> *Ibidem*; United Nations, 2013.

<sup>43</sup> United Nations, 2013 *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*.

<sup>44</sup> World Education News & Reviews, 2015.

<sup>45</sup> *Ibidem*.

<sup>46</sup> United Nations, 2013 *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*.

<sup>47</sup> *Ibidem*; UNICEF, 2017 *Education Uprooted*.

<sup>48</sup> Human Rights Watch, 2016 *Growing up Without an Education*.

<sup>49</sup> UNICEF, 2018 *Assessment of Syrian Refugee Children*.

<sup>50</sup> Salem, 2018.

Feelings of physical insecurity in the host community may result in parents adopting negative coping strategies to protect their children, especially daughters, such as limiting their movements and even keeping them out of school.

#### D. Linguistic barriers

Another barrier to accessing education is the language of instruction. Successful schooling is closely dependant on the linguistic context of the host countries and on the openness of those countries to multilingualism and intercultural education.<sup>51</sup> While learning the language of the host country is crucial to communicate with people living in the host environment and contributing to self-esteem, independency and competencies in a foreign language,<sup>52</sup> it may represent an obstacle in learning. Research clearly shows that children are better able to acquire literacy initially in their first language and then to transfer those skills to the target language of instruction.<sup>53</sup> Other research also indicates that the medium of instruction policies of a country are often poorly interpreted by teachers, who may not have either the language or pedagogic skill to enact them well.<sup>54</sup> This could also impact on the educational experience of refugee children and their ability to engage in learning. The education available to refugees is often neither in their first language nor in the language in which they have previously studied. As an example, it was reported that none of the 220 Syrian refugee students in the Kurdistan region of Iraq were enrolled in national schools, since the predominant teaching language is Sorani/Kurdish.<sup>55</sup> In cases where children are enrolled in school but face language barriers, these obstacles can lead to frustration, lower performance and ultimately, drop out.

#### E. Trauma

The lack of mental health resources is another major barrier for refugees. Refugees have experienced many extremely stressful events because of political or religious oppression, war, migration and resettlement. Refugees may have experienced imprisonment, torture, loss of property, malnutrition, physical assault, extreme fear, rape, loss of livelihood and separation from family members. Often, the education system of host countries does not take into account refugees' mental health needs. The teachers are often poorly trained on how to support children dealing with trauma and stress, forcing many to drop out of school.

## 2. Systemic barriers

At the system level, barriers to education may include: limited provision of public education, an explicit exclusion policy of refugees from the national secondary education system, or administrative barriers (e.g. lack of identity papers and documents for school enrolment).

<sup>51</sup> Presentation by Ms Kyungah Kristy Bang, Programme officer, UNESCO Bangkok, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December, 2018.

<sup>52</sup> UNESCO, 2010 *Guidebook*; Bonfiglio, 2010; UNHCR, 2009 *Refugee Education in Urban Settings*.

<sup>53</sup> Dryden-Peterson, 2011.

<sup>54</sup> Erling, Adiolfi and Hultgren, 2017.

<sup>55</sup> Ahmadzadeh et al, 2014.

## A. Explicit exclusion policy of refugees from national education systems

While most host countries (64 out of 81 refugee-hosting countries analysed by UNHCR) do not place any formal legal or administrative barriers to refugees accessing their national education systems, in some countries, refugees do face various restrictions to enrolment in national schools and have access only to unregistered schools.<sup>56</sup> Article 22 of the 1951 Convention commits signatories to provide refugees with the same treatment as nationals concerning “elementary” education, but secondary and higher education are not granted the same degree of international legal protection. Refugees living in States that lack formal legislative and administrative frameworks to address refugee matters and ensure the right to education for all may not have their right to access education or their right to live outside of refugee camps recognized. Where legal and policy barriers exist to formal schooling for refugees in urban areas, non-formal/ informal schools for refugees may be the only option. In Malaysia, there are approximately 90,000 refugees and asylum seekers who have arrived predominantly from Myanmar, but also from Somalia, Afghanistan, Iraq and Sri Lanka.<sup>57</sup> They are considered by the Malaysian government to be “undocumented migrants”. The 13,865 refugee children and young people (ages 5-17) living in Malaysia are unable to access public or private schools. Only 5,134, or about 37%, were attending any form of school at the end of 2010. As a point of comparison, national GER in Malaysia in 2007 was 97%.<sup>58</sup>

UNESCO is promoting the adoption in 2019 of a Global Convention on the Recognition of Higher Education Qualifications as a response to the increasing mobility between countries and continents. A driver for mobility of learners and workers, inclusion and leaving no one behind. Several key elements have been introduced and adopted for this text including validation of prior learning; partial qualifications; non-traditional learning modes; and the use of digital technology.

## B. Administrative barriers

In other cases, refugee students do not have the necessary documents to enroll in public schools, such as birth certificates or previous school transcripts. The situation is worsened by the lack of cross-border recognition of certificates and equivalences and the costs associated with obtaining the required documentation. Often, administrative requirements delay or impede enrolment in schools.

In other cases, there are discrepancies between the documents required by the government and those asked for at the school level, as in the case of Syrian refugees in Lebanon who, although not required to provide valid residency papers by the national law, are in some cases barred by schools from enrolling without such papers.<sup>59</sup> Rohingya refugees in Bangladesh are not allowed to access schools outside camps due to the lack of necessary legal documents required by the Bangladeshi government. This condition forces Rohingya refugees to attend only the limited and overcrowded camp schools.<sup>60</sup>

<sup>56</sup> UNHCR, 2016 *Missing Out*.

<sup>57</sup> *Ibidem*.

<sup>58</sup> *Ibidem*.

<sup>59</sup> Human Rights Watch, 2016 *Growing up Without an Education*.

<sup>60</sup> Dryden-Peterson, 2011; Cox’s Bazar Education Sector, 2018.

Legal barriers to accessing education are also common in European countries: only 10 European Union Member States recognize the right of undocumented children to enter the school system, and five explicitly exclude them from free schooling.<sup>61</sup> While high-income countries in most cases provide those with recognized refugee status full access to public education systems, it is not consistently granted to asylum seekers, and many are unable to access quality education during the lengthy process of having claims processed. In countries with strict mandatory detention policies (i.e. they detain people seeking political asylum or who they consider being unauthorized arrivals and illegal immigrants), there is very little regarding a coordinated response to meeting the educational needs of those who have been detained.<sup>62</sup> For asylum-seeking children in the United States, the emphasis appears to be on processing claims, with no clear roles for providers of health, education and other key services.<sup>63</sup>

The lack of continuity to education is another barrier facing refugee children. As well as breaks in education resulting in interruptions and low levels of learning, there are additional problems. As an example, Syrian refugees in Jordan find it very difficult to re-enter school due to the “three-year rule” which bans any child who is more than three years older than the grade level for their age to enrol in formal schooling.<sup>64</sup> As a result, it is estimated that 77,000 children were ineligible to enrol in public schools for this reason.<sup>65</sup>

### C. Limited school capacities

The education system in many host countries was often already fragile prior to the arrival of large numbers of refugees. In many cases, refugee students are unable to enrol in public schools, since the availability of seats and the provision of public education can be limited. The lack of education provision can be more pronounced at the secondary school level, as the provision of secondary education is more expensive, requires more teachers, specialized infrastructure and equipment,<sup>66</sup> and so access is far from universal among many host communities. In Jordan, schools have also been reported to lack the resources to accommodate refugees, since they are already operating at full capacity. To cope with the increasing demand for education, some host governments have expanded the provision of education by creating second shifts. However, second shifts are not always possible, due to financial or administrative constraints. In Jordan, schools cannot afford to implement a two-shift system to increase capacity.<sup>67</sup> In Lebanon, where use of second shifts is a common policy solution, there are cases where schools are too full, but the demand for additional places is insufficient to meet the minimum enrolment levels required by the government to fund a second shift. Schools will only open a class for grades 1-6 if there is demand from at least 25 students, and 20 students for grades 7-9.<sup>68</sup> In these cases, refugee students who wish to enrol have no option but to repeat lower grades.<sup>69</sup>

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<sup>61</sup> UNICEF, 2016 *Education Uprooted*.

<sup>62</sup> Stern, 2010.

<sup>63</sup> Bhabha, 2014.

<sup>64</sup> Human Rights Watch, 2016 *We're Afraid for Their Future*.

<sup>65</sup> *Ibidem*.

<sup>66</sup> UNHCR, 2015 *Secondary Education for Refugee Adolescents*.

<sup>67</sup> Education Sector Working Group, 2015.

<sup>68</sup> Human Rights Watch, 2016 *Growing Up Without an Education*.

<sup>69</sup> *Ibidem*.



#### D. Specific barriers to higher education

Refugees who have completed secondary school almost universally voice the desire to attend university.<sup>70</sup> Access to higher education for refugees, however, is extremely limited. Estimates depict a plummet in the percentage of Syrian students participating in higher education today compared to pre-war statistics, placing the total participation of Syrians aged 18-24 in higher education at 20% before the war and less than 5% in 2016.<sup>71</sup>

For refugees wishing to undertake tertiary-level education, tuition fees are generally identified as the prime barrier to accessing higher education by refugee youths.<sup>72</sup> Financial support for the higher education of refugees, however, is extremely limited. In many circumstances, refugee students are ineligible for student finance.<sup>73</sup> The existing funding opportunities for tertiary education are not sufficient for covering the demand and the needs of refugee youths. UNHCR supports higher education for refugees predominantly through the DAFI Programme,<sup>74</sup> which provides scholarships for study at colleges and universities in host countries. Demand for DAFI scholarships far outstrips the number of scholarships available, with only 2% of applications being successful.<sup>75</sup> Other higher education programmes for refugees exist, including the World University Service of Canada (WUSC) and the Windle Trust. Despite these initiatives, higher education receives little attention from donors, and universal access to higher education is compromised for refugee students.<sup>76</sup>

The pathway to tertiary education is made more difficult with many students outside the formal education system, which impedes refugees' ability to provide the official certification required to access tertiary education. Due to the experience of displacement, many refugees have experienced significantly interrupted education, while others have experienced very little formal education at all. For many, displacement marked the end of their education, whilst others spent many years trying to catch up and access higher education.<sup>77</sup>

There are other barriers to accessing opportunities, including lack of documentation, such as birth certificates or examination results; recognition of learning certifications obtained in another country; and institutions' nationality requirements either for enrolment or eligibility for subsidized fees. Tertiary education institutions generally demand official documents and certificates from students in order to be enrolled in the programmes they offer. Lack of the required documentation and academic records at the time of admission delays or even prevents enrolment. Additionally, the necessary documentation that qualifies students for many scholarships may also be missing indefinitely, resulting in lost opportunities.<sup>78</sup>

The draft text of the new Global Convention on the Recognition of Higher Education Qualifications to be adopted in 2019 was guided by lifelong learning principle, fairness and transparency. This normative text will be a strong instrument to improve migrants' and

<sup>70</sup> Women's Refugee Commission, 2009; Dryden-Peterson, 2011.

<sup>71</sup> Al-Hawamdeh and El-Ghali, 2017.

<sup>72</sup> Refugee Support Network, 2012.

<sup>73</sup> *Ibidem.*

<sup>74</sup> The German acronym for the Albert Einstein German Academic Refugee Initiative.

<sup>75</sup> Dryden-Peterson, 2011.

<sup>76</sup> *Ibidem.*

<sup>77</sup> Stevenson and Willott, 2007.

<sup>78</sup> *Ibidem.*

refugees' access to higher education in their new home countries, even when they cannot provide any documentary evidence of their qualifications. This new Convention will be the first United Nations treaty on higher education with a global scope, and establishes universal procedures for the fair, transparent and non-discriminatory recognition of foreign higher education qualifications.

Language requirements are another common barrier to higher education. As an example, English language requirements for most Jordanian university courses emerged as one critical factor inhibiting Syrian refugees from accessing tertiary education at local institutions. This is particularly the case for Syrians who completed their secondary education in the Syrian Arab Republic, as the main medium of education is Arabic.<sup>79</sup>

### 3. Functional barriers

A further barrier to education is the low quality of education available, which contributes to dropout and reduces demand. The low quality of education causes it to intensify inequalities and lack of opportunities rather than act as a protective factor. The quality of education from the earliest levels of education is fundamental to students successful trajectories and a key factor in enabling opportunities in tertiary education. Refugee contexts are characterized by a lack of adequate resources and qualified teachers, and overcrowded classrooms. Host countries are expected to answer to an increase in demand for education without having the necessary structural and human resources to meet this demand. To cope with this shortfall, many people enter into the teaching profession for the first time, lacking experience, while qualified teachers often do not have the necessary skills to cope with the psychological challenges of refugee students, nor the extreme working conditions, such as teaching to different age groups, crowded classrooms, cultural diversity, etc. Teachers are one of the most important dimensions of refugee education and a key ingredient for expanding access and ensuring quality of education.<sup>80</sup> Teacher training is crucial for enhancing the capacities of teachers to overcome education challenges in refugee settings.

Quality lies “at the heart of education”, meaning that education has to “satisfy basic learning needs and enrich the lives of learners and their overall experience of living”.<sup>81</sup> While data on learning outcomes for refugees are limited, available data indicate very low levels of learning. One study, undertaken by the International Rescue Committee (IRC) in 2010, used the Early Grade Reading Assessment (EGRA) in two Eritrean refugee camps in Ethiopia. The study found that in both Kunama and Tigrigna the proportion of children with zero reading fluency in grade 2 was high: 38% among Tigrigna-speakers and 25% among Kunama-speakers. Further, the number of children with benchmark scores was zero in both languages. By grade 4, only 5% of Kunama-speakers and 2% of Tigrigna-speakers had reached benchmark fluency.<sup>82</sup> Among Eritrean refugees in Ethiopia, less than 6% of refugee children had reached benchmark reading fluency by grade 4.<sup>83</sup>

<sup>79</sup> *Ibidem.*

<sup>80</sup> UNESCO, 2010 *Guidebook*.

<sup>81</sup> UNHCR, 2009 *Education Strategy: 2010 – 2012*.

<sup>82</sup> Anastacio, 2011; IRC, 2011; Dryden-Peterson, 2011.

<sup>83</sup> Dryden-Peterson, 2011.

Given the lack of data on refugee learning outcomes, the international community has identified three proxy indicators against which to measure the quality of refugee education: (i) number of students per teacher; (ii) percentage of qualified teachers; and (iii) the extent to which refugee/returnee qualifications are recognized.<sup>84 85</sup>

The student-to-teacher minimum standard is 40:1,<sup>86</sup> however, 14 of the 26 reporting camp operations have average ratios above this level.<sup>87</sup> As an example, in Ethiopia, the student-to-teacher ratios average 80:1, despite a double-shift system in place in all refugee camps.<sup>88</sup> In Pakistan, the student-to-teacher ratio is 53:1, significantly higher than the national average of 40:1. The student-to-teacher standard is not measured systematically in urban settings.<sup>89</sup> The high student-to-teacher ratio is connected with the limited availability of teachers in refugee contexts. Refugee camps in eastern Chad continue to host more than 90,000 Sudanese refugee children of primary school age, served by only 62 schools in 2016. The high pupil-to-teacher ratio is a major reason why children drop out, particularly as they make the transition from primary to secondary school.<sup>90</sup>

Although competent teachers are indispensable to the quality of education, especially in contexts where there may be a shortage of textbooks and other learning resources,<sup>91</sup> the lack of qualified and available teachers, legal restrictions on refugee teachers holding salaried teaching positions and low levels of remuneration, all lead to the recruitment of those with little or no experience.<sup>92</sup> Indeed, evidence shows that teachers in refugee settings are not adequately equipped to address and manage the context-specific needs of their students, particularly to handle traumatized students in need of psychosocial support.<sup>93</sup> In Algeria and Ethiopia, a study<sup>94</sup> reported that teachers found disciplinary issues, psychological problems and a lack of motivation among their students.

While integrated school systems are preferable, they often exclude refugee teachers who face multiple barriers to teaching in national schools. They might lack a legal right to work in their host country, their teacher credentials might not be recognized, they might not know the language or curriculum or face restrictions on movement and access to higher education.<sup>95</sup>

The third standard is the extent to which refugee/returnee qualifications are recognized. The recognition of qualification and certification is crucial for the benefits of individuals, families, communities and societies to recover from the crisis.<sup>96</sup> The missing recognition of diplomas and

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<sup>84</sup> *Ibidem.*

<sup>85</sup> The Education Strategy 2010-2012 outlined three standards by which to measure the quality of refugee education.

<sup>86</sup> UNHCR, 2009 *Education Strategy: 2010 – 2012*.

<sup>87</sup> Dryden-Peterson, 2011.

<sup>88</sup> UNHCR, 2016 *Missing Out*.

<sup>89</sup> Dryden-Peterson, 2011.

<sup>90</sup> UNHCR, 2016 *Missing Out*.

<sup>91</sup> Richardson et al, 2018.

<sup>92</sup> *Ibidem.*

<sup>93</sup> *Ibidem.*

<sup>94</sup> Ring and West, 2015.

<sup>95</sup> Presentation by Ms Ruth Naylor, Education Development Trust, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December, 2018.

<sup>96</sup> Kirk, 2009.

certification obtained in host countries may limit the access to learning and job opportunities upon return. Cross-border examinations may represent a way in which education pursued by refugees can be recognized in the country of origin. As an example, Southern Sudanese students living in Uganda, for example, have access to examinations from their home country and host country examinations.<sup>97</sup> The adoption and ratification of the Global Convention on the Recognition of Higher Education Qualifications under process, will represent a key opportunity to set mechanisms for fair and timely recognition as well as international collaborative networks that put the need for recognition as an urgent matter on the public agenda. Progress can be seen in this regard, as is the case of the Project “European Qualifications Passport for Refugees” led by the Council of Europe and based on the UNESCO Council of Europe Lisbon Recognition Convention. The passport is a document providing an assessment of the higher education qualifications based on available documentation and a structured interview. It is a specially developed assessment scheme for refugees, even for those who cannot fully document their qualifications. It also presents information on the applicant’s work experience and language proficiency. The document provides reliable information for integration and progression towards employment and admission to further studies.<sup>98</sup>

Some communities have used parallel education systems following the curriculum of the country of origin, which is the country left by the asylum seeker or migrant; however, this posed significant challenges, especially lack of access to examinations and certifications, leaving children unable to continue their education. In Thailand, for example, thousands of refugee children have been educated in camps on the Myanmar border using a curriculum that is not recognized by either the Thai or the Myanmar governments, leaving the children unable to continue their education.<sup>99</sup>

### **III. International normative frameworks and global agendas for ensuring the right to education of refugees and achieving SDG 4**

As described under Section II, extensive barriers prevent refugees from the effective enjoyment of their right to education. Even with political will, realizing the right to education for refugees and migrants can be very challenging for states, as is reflected by the current trends worldwide.

International agendas and frameworks can act as policy levers to ensure the right to education for refugees and aid integration into national education systems. The first part of this section provides an overview of the international normative framework and the second part describes some of the global initiatives, such as the Sustainable Development Goals and Education 2030, the World Humanitarian Summit Commitments to Action and the New York Declaration which led to the Comprehensive Refugee Response Framework and the Global Compact on Refugees. Sustainable action requires creating the right implementation environments, which can be identified as: the “whole of society” partnership approach; development and humanitarian coherence; national capacity development and accelerated financial and technical support. The

<sup>97</sup> *Ibidem.*

<sup>98</sup> Council of Europe, Project “European Qualifications Passport for Refugees”  
<https://www.coe.int/en/web/education/recognition-of-refugees-qualifications>

<sup>99</sup> Dryden-Peterson, 2011.

third section illustrates some of the regional commitments that have followed, which show how cooperation and collaboration between States on a smaller scale can translate successfully to action plans.

### 1. The international normative framework protecting refugees' right to education<sup>100</sup>

The international community has become increasingly committed to human rights and fundamental freedoms through an evolving body of international human rights law.<sup>101</sup> This international normative framework has established the inalienable right to education for everyone, based on the principles of non-discrimination and equality.<sup>102</sup>

Article 26 of the Universal Declaration of Human Rights establishes that “everyone has the right to education”, and the 1960 Convention against Discrimination in Education specifically requires States to take measures to ensure equality of opportunity and treatment in education, with an explicit obligation “to give foreign nationals resident within their territory the same access to education as that given to their own nationals”.<sup>103</sup> The 1960 Convention prohibits any discrimination based, *inter alia*, on social origin, economic condition or birth, protecting the right to education for everyone, including refugees and asylum seekers.

The body of international and regional treaties and instruments protecting the universal right to education includes the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

The 1951 Convention relating to the Status of Refugees specifies that Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education and treatment as favourable as possible with respect to secondary and higher education. UNESCO has welcomed the development of regional instruments on the recognition of qualifications in higher education that contain specific clauses applicable to refugees and those in refugee-like situations.<sup>104</sup> The Global Convention on the Recognition of Higher Education Qualifications already discussed by the UNESCO Member States, once adopted and ratified, will support the right to education of this groups as well. In the specific context of armed conflicts and post-conflict situations, specific provisions of the four Geneva Conventions (1949) and the three Additional Protocols seek to limit the effect of armed conflict on civilians, including on their educational opportunities.

The common core obligations on States as duty-bearers are to: provide free and compulsory primary education; make secondary education generally available and accessible with

<sup>100</sup> See Document Protecting the Right to Education for Refugees <http://unesdoc.unesco.org/images/0025/002510/251076E.pdf>

<sup>101</sup> UNESCO, 2017 *Working Paper*.

<sup>102</sup> 1960 Convention against Discrimination in Education.

<sup>103</sup> Article 3(e) of the 1960 UNESCO Convention against Discrimination in Education.

<sup>104</sup> Article VII of the revised Convention on the Recognition of Qualifications concerning Higher Education in the European Region (1997, the “Lisbon Convention”); Article VII of the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (2011, the “Tokyo Convention”); and Article III.2, paragraph 5, of the Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States.

progressive introduction of free education; make higher education equally accessible to all on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education<sup>105</sup>; encourage or intensify “fundamental education” for educations who have not received or completed primary education; improve the quality of education; improve the material conditions for teaching staff; end discrimination and guarantee educational freedom of choice.<sup>106</sup> To these ends, States are bound by the principle of non-retrogression and obligated to allocate the maximum level of available resources to education, with a view to achieving progressively the right to education for all.<sup>107</sup>

As highlighted earlier, there are considerable barriers that prevent refugees from obtaining the education that they are entitled to. Difficulties in enrolling, lack of cross-border recognition of certificates, language, cultural gender norms, cost and distance, among other things, often contribute.<sup>108</sup> It is important that States adapt their education systems to the particular problems that refugees face with regard to access, relevance and quality of education. In this respect, it is important to recall that all States have ratified at least one legally binding instrument enshrining the right to education for all.

## 2. Global agendas

A number of recent global agendas, compacts, commitments and frameworks provide a mix of policy levers that can be used to uphold refugees’ right to education and integrate refugees within national education systems with an eye toward ensuring the availability, accessibility, acceptability and adaptability of education.

The 2030 Agenda for Sustainable Development, adopted in September 2015, provides an impetus for action on refugee education, recognizing that education is both a goal in itself and a means for attaining all the other Sustainable Development Goals (SDGs). Refugee education is implicitly supported by the SDGs’ promise to “leave no one behind” – the acknowledgement that the goals will not be met unless they are met for the most vulnerable and marginalized groups in society. Sustainable Development Goal 4 (SDG4) aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030. The Education 2030 Framework for Action is a roadmap to achieve the education goal and targets within the Incheon Declaration and SDG 4, adopted in November 2015. The Incheon Declaration and Framework for Action provides guidance for implementing this goal and commits to developing more inclusive, responsive and resilient education systems to meet the needs of children, young people and adults in the context of conflict and crisis, including internally displaced persons and refugees.

In particular, the Education 2030 Framework for Action makes explicit reference to the need for countries to implement measures to develop inclusive, responsive and resilient education systems to meet the needs of children, youth and adults in crisis contexts, including refugees, noting: *“Education sector plans and policies should anticipate risks and include measures to respond to the educational needs of children and adults in crisis situations; they should also*

<sup>105</sup> Article 13 of the International Covenant on Economic, Social and Cultural Rights

<sup>106</sup> UNESCO, 2017 *Working Paper*.

<sup>107</sup> Article 2 of the International Covenant on Economic, Social and Cultural Rights.

<sup>108</sup> UNESCO, 2017 *Working Paper*.



*promote safety, resilience and social cohesion, with the aim of reducing the risks of conflict and natural disaster"* (p. 9).

It is clear that SDG 4 cannot be achieved by 2030 without meeting the educational needs of refugees. Taking into account the limited technical and financial capacity of the States where the majority of the world's refugees are congregated, it becomes a global and transnational challenge that must be overcome through cooperative means.

The World Humanitarian Summit's Commitment to Action and the New Way of Working: The World Humanitarian Summit, held in 2016, brought together a wide range of actors in the international aid system to transform the way humanitarian action is delivered, coordinated and financed.<sup>109</sup> A Commitment to Action to meet people's immediate humanitarian needs, while at the same time sustainably reducing risk and vulnerability and increasing resilience, was signed by the Secretary-General and nine United Nations agencies at the World Humanitarian Summit, and endorsed by the World Bank and the International Organization for Migration (IOM). A focus on collaboration between humanitarian and development actors through collective outcomes with a multi-year timeframe of 3-5 years and based on comparative advantage has become known as the New Way of Working. The notion of collective outcomes has been described as the "stepping stones" to the SDGs in crisis-affected countries.<sup>110</sup> The development and operationalization of collective outcomes is critical to the integration of refugees into national systems; however, this is a learning process and many questions remain relating to the process of development, monitoring and evaluating progress.

The New York Declaration for Refugees and Migrants (New York Declaration), was adopted unanimously by the United Nations General Assembly in September 2016. The New York Declaration reaffirms the obligations of States to fully respect the rights of refugees and is a political commitment to strengthen the international response to the global refugee crisis and more predictably and equitably share responsibility for meeting the needs of refugees and host communities. The declaration sets out a Comprehensive Refugee Response Framework (CRRF), which is also a key feature in the Global Compact on Refugees, along with a programme of action underpinning the framework. The global compact recognizes education's role, sets objectives aligned with the global commitment to leave no one behind and sets out actions that can be taken by Member States and stakeholders to ensure its implementation in support of refugees and host countries. Central aims are to ease pressure on countries that host refugees, enhance refugee self-reliance and resilience and support their inclusion into host communities from the first stages of a response.<sup>111</sup> The compact is essentially "a new way of working" on refugee response, emphasizing collective outcomes and initiating long-term planning for durable solutions from the first stages of an emergency. It is being realized through voluntary contributions to achieve collective outcomes and progress towards its objectives. On education, the compact states:

"In line with national education laws, policies and planning, and in support of host countries, States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community

<sup>109</sup> United Nations General Assembly, 2016 *Report of the Secretary-General for the World Humanitarian Summit*.

<sup>110</sup> International Council of Voluntary Agencies (ICVA), 2017 *The "New Way of Working" Examined*.

<sup>111</sup> UNHCR, 2018 *European Qualifications Passport for Refugees*.



children (both boys and girls), adolescents and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival".<sup>112</sup>

The compact goes on to note that additional support could be contributed to expand teaching capacities and educational facilities (for instance for early childhood development or vocational training), facilitate recognition of qualifications and integrate refugees into national education sector plans.

It is worth underscoring that the successful utilization of all of these frameworks and policy levers requires a whole-of-society partnership approach, development and humanitarian coherence, and accelerated financial and technical support:

- A whole-of-society partnership approach across the local, national and international levels requires strong partnerships between and collaboration across government actors; United Nations agencies and coordination and partnership mechanisms, civil society, the private sector and other financial actors, and refugees themselves.
- Humanitarian development coherence requires collaboration between humanitarian and development actors through collective outcomes with a multi-year timeframe of 3-5 years and based on comparative advantage.
- Accelerated financial and technical support, including capacity development targeting individuals, systems and institutions in order to build upon what exists rather than establish parallel systems.

### 3. Translating international frameworks and global agendas at the regional level

As highlighted previously, a robust policy environment has been developed in recent years to ensure the right to education of refugees in national systems through the frameworks and policy levers of SDG 4 and Education 2030, the World Humanitarian Summit Commitments to Action, and the New York Declaration, the Comprehensive Refugee Response Framework and the Global Compact on Refugees, in addition to the normative framework. Taken together, these frameworks can act as long-term policy levers for ensuring refugee integration into national education systems in a manner that responds to the ambition of SDG 4 in terms of inclusive and equitable quality education.

These frameworks should be operationalized at the regional, national and local levels in order to move forward essential actions for sustainability. The following examples of regional roll outs of these frameworks and policy levers illuminate some of the efforts under way to enshrine and uphold refugee rights to education in national laws and policy. Efforts are focussed on successfully integrating refugees into national education systems by: overcoming barriers such as recognition of qualifications and lack of teacher capacity; building tolerance in the host community; combatting discrimination against refugees in education; adapting the stages and levels of education to fit with the needs of refugee learners, including through accelerated and flexible education options to meet refugees' diverse needs. In addition, where possible, the examples draw out ways in which regional and pursuant national implementation is creating

<sup>112</sup> United Nations, 2018 *The Global Compact on Refugees*.

the positive conditions for sustainable action that are mentioned above - the “whole-of-society” partnership approach, development and humanitarian coherence and accelerated financial and technical support.

### A. Nairobi Declaration and Plan of Action

At the Special Summit of the Intergovernmental Authority on Development (IGAD) in Nairobi in March 2017, heads of States from Eastern Africa and the Horn of Africa adopted the Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia and its Comprehensive Plan of Action, committing to jointly pursue a regional approach to address the protracted situation for Somali refugees. The summit called for a new commitment from financial institutions and for development actors to work with humanitarian actors in protracted forced displacement contexts. Under the leadership of IGAD, and with the support of the European Union, UNHCR, World Bank, United Nations Development Programme (UNDP) and many other partners, this became the regional application of the Comprehensive Refugee Response Framework. As part of the whole-of-society approach, the Somali Government organized a *National Forum on Durable Solutions for Refugees, Returnees, and IDPs* to build national consensus around sustainable solutions as a starting point for countrywide consultations on the development of a National Action Plan (NAP) on Durable Solutions and a Policy on IDPs and Refugees.

Ultimately a regional framework with a set of national action plans for Somali refugees has been developed in the spirit of the New York Declaration, including enhancing education, training and skills development. The Nairobi Comprehensive Plan of Action details Member State commitments to ensure refugees’ right to education, some of which are examined in detail below. Moreover, given that the IGAD region in Eastern Africa and the Horn of Africa hosts more than 7.5 million refugees and internally displaced persons, many of whom are struggling to access inclusive, quality education, IGAD Heads of State and Government committed to convening a regional refugee education meeting among Member States, relevant agencies and technical experts “to reach an agreement on standards and certificate equivalency”.<sup>113</sup>

### B. The Djibouti Declaration and Plan of Action

In December 2017, Education Ministers from IGAD Member States adopted the Djibouti Declaration on Refugee Education, committing the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda to ensure that every refugee and host community child has access to quality education without discrimination in a safe learning environment.<sup>114</sup> The Djibouti Plan of Action commits IGAD Member States to include refugees in national education sector plans by 2020, establish regional minimum education standards and targets on access and quality, and create a framework and mechanism for the recognition of qualifications throughout the region to allow mobility of students across borders. Technical and financial support is a critical next step among donors and partners.<sup>115</sup>

<sup>113</sup> Intergovernmental Authority on Development, 2017 *Nairobi Comprehensive Plan of Action*.

<sup>114</sup> Nhan-O'Reilly, J., 2018.

<sup>115</sup> *Ibidem*.

IGAD is following these commitments with practical action: the Second Ministerial Conference of IGAD on Education for Refugees, held in December 2018, reviewed progress and adopted a roadmap for enhanced implementation in the years to come.<sup>116</sup> As is explored in the next section, these commitments in the Djibouti Declaration have created momentum in Uganda, Kenya and Djibouti, among others in East Africa, to make quality education accessible for refugees and host populations in the region.<sup>117</sup> Moreover, these regional approaches are indispensable in galvanizing support for common agendas and outcomes that shape regional policies and strategies. These examples from IGAD demonstrate how States and partners can use global frameworks and policy levers to shape regional dialogue and national action for integrating refugees into national systems. Such regional gatherings also offer a platform for dialogue to share best practices, supporting countries to build capacity through collaborative efforts.

### C. 3RP: “The Regional Refugee and Resilience Plan in Response to the Syria Crisis”<sup>118</sup>

The 3RP brings together plans developed under the leadership of national authorities - namely, the Arab Republic of Egypt, the Republic of Iraq, the Hashemite Kingdom of Jordan, the Lebanese Republic, and the Republic of Turkey – to offer protection and humanitarian assistance to, and strengthen the resilience of, Syrian refugees. Some 270 partners from the United Nations system, NGOs and the private sector provide coordinated support to the countries neighbouring the Syrian Arab Republic who are dealing with record numbers of refugees. Special attention is given to education with the “No Lost Generation” initiative – an ambitious commitment to action by humanitarians, donors and policymakers to support children and youth affected by the Syrian and Iraqi crises. An inter-agency appeal raised \$766 million for education, which is to provide education interventions along the emergency-to-resilience continuum and represent long-term “investments for the future”, as well as addressing the immediate needs relating to the crisis.

In 2017, education strategies were focussed on strengthening public education systems in the five host countries, with nationally mainstreamed refugee response plans, policy frameworks and data collection instruments. Strategies for the future will include further moves to formal, accredited education, enhanced community engagement and social protection programmes, and child support mechanisms. A lifelong approach to learning will be taken, that starts from early learning and continues through to tertiary education, addressing the school-to-work transition.

### D. “Whole-of-society” partnership approach

It is worth highlighting the whole-of-society partnership approach illustrated in the above examples of regional measures to ensure refugees’ right to education and their integration into national development and education systems. In particular, national policy formulation relies on various government ministries whose priorities and mandates may not align and could undermine the right to refugee education. As such, creating policies that are conducive to the provision of education for refugees requires recognizing the need for alignment between

<sup>116</sup> Intergovernmental Authority on Development, 2018 *IGAD’s Commitment to All Refugees*.

<sup>117</sup> Intergovernmental Authority on Development, 2018 *Djibouti Plan of Action*.

<sup>118</sup> Read more on the 3RP at <http://www.3rpsyriacrisis.org/wp-content/uploads/2018/02/3RP-Regional-Strategic-Overview-2018-19.pdf>.

various ministries and across governmental levels as well as finding areas of alignment across the interests of host governments, local communities and refugees.<sup>119</sup> Moreover, recent research has found that the implementation of policies for urban refugee education in particular is a more significant barrier to urban refugee education than the policies themselves, given the multiple players involved in complex and often decentralized government bureaucracies that are implementing educational policies in urban spaces.<sup>120</sup> As such, national and local authorities should facilitate clear coordination and communication mechanisms amongst education actors and across sectors (health, protection, disaster management, etc.) to ensure comprehensive cross-sectoral services that address both refugee and host needs.

#### IV. Policy avenues

In translating the global frameworks, States must seek durable and sustainable solutions ensuring the right to education in all phases of the migration context, which involves the adoption of education policies and legal frameworks enforcing the right to education of refugees. The right to education implies that the national education systems of States must meet standards in four interdependent areas: availability, accessibility, acceptability and adaptability, as was determined by the Committee on Economic, Social and Cultural Rights.<sup>121</sup>

Therefore, in the context of States' consideration of the implementation of the right to education for refugees in their national systems, in advocating the fulfilment of the right to education for refugees, this operational "4-As framework" is promoted to encourage States to adopt, implement and monitor solid legal and policy national frameworks preventing discrimination based on any ground and protecting the rights of refugees. In terms of refugees' rights, the framework provides a useful approach to understanding obligations relating to the right to education.<sup>122</sup> Member States should therefore ensure the application of the following 4-As principles through appropriate action:

- Accessibility
- Availability
- Acceptability
- Adaptability

Based on the 4-As framework, this section aims to present practical examples, some good practices, and promising measures taken by countries in order to ensure the inclusion of refugees in their national systems and better guarantee the right to education. It is not intended as a comprehensive view of measures taken worldwide. It presents policies and measures reported by Member States within the framework of the national reports sent to UNESCO on the implementation of the 1960 Convention against Discrimination in Education. Indeed, to monitor the implementation of the 1960 Convention, UNESCO conducts regular

<sup>119</sup> Mendenhall, M., 2017.

<sup>120</sup> *Ibidem*.

<sup>121</sup> Committee on Economic, Social and Cultural Rights, 1999 *General Comment no. 13*; Tomaševski, K., 2001. *Right to Education Primers 3*.

<sup>122</sup> UNESCO, 2017 *Working Paper*.

consultations with Member States, which are required to submit a report on the measures they have adopted at legal and policy level. The Ninth Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2016-2017) was completed and its results were submitted to the governing bodies of UNESCO at the end of 2017. About 31% of reporting countries outlined measures taken to ensure the right to education of refugees and other people in a similar situation.

Beyond the results of the Ninth Consultation, this chapter also provides an analysis of education laws and policies in selected countries conducted by the Right to Education Initiative, in partnership with pro bono law firms worldwide in 2017<sup>123</sup>, as well as examples of measures presented on the occasion of the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees that was held in Barcelona on 13-14 December 2018, and other sources of information.

It should be noted that States are not all dealing with the same refugee context and that local refugee populations can be skewed towards different profiles, origins, backgrounds and ages. Therefore, the situations and challenges in terms of education vary greatly from one country to another – compare the circumstances in a host country to those in a country of origin, or the priorities of a host country close to a conflict area to those of a more distant destination, for instance. In addition, the examples presented below do not necessarily reflect States' overall policies towards refugees. Also, some measures are shared as inspiring examples despite their occasional limitations.

Nevertheless, this section aims to present various examples of national contexts, issues faced and challenges experienced, and measures adopted to cope with the circumstances in order to show what can be done to strengthen refugees' right to education, both legally and practically. Most of the time, States adopt measures that apply to all migrants, including refugees. Such measures are therefore included in this section.

## 1. Accessibility

A country's education system, its educational institutions and programmes, should be accessible to everyone, for all educational levels, ensuring non-discrimination and physical, economic and information accessibility. Host countries should prevent discriminatory practices towards refugees, in particular regarding their possible lack of documentation, and facilitate their access to schools, universities, educational institutions and any other learning facilities. Moreover, it should be borne in mind that for refugees living in rural or remote areas, transport options may not be available or affordable. It is crucial that refugees' right to education be guaranteed by national legislation and policy frameworks. Indeed, refugees' school-attendance rate can be increased through the adoption and implementation of national laws and policies asserting their right to education. Necessary legal and administrative steps should be taken to guarantee that admission and enrolment criteria are applied in a non-discriminatory way to ensure equality of treatment, but also in a sufficiently flexible way to ensure equity (taking into account the specific difficulties that refugees may face) and to address physical and economic barriers. For instance, to ensure their access to higher education, it is important to provide refugees with the opportunity to learn the language of the host country and to benefit from

<sup>123</sup> Examples initially published in Right to Education Initiative, 2018; Global Education Monitoring Report/UNESCO, 2018 *Background paper prepared for the 2019 Global Education Monitoring Report*.

alternative ways of having their qualifications recognized. If transcripts are unofficial or incomplete, other sources of documentary evidence may be used to help corroborate the background papers of the applicant, including diplomas and certificates of completion, student identification cards, published lists of students, proof of tuition payment, proof of State examinations passed, professional licences or certificates, statements of professional standing or status, and membership cards for professional associations.<sup>124</sup> Nevertheless, national authorities must develop reasonable procedures designed to assess fairly and efficiently whether refugees and displaced persons fulfil the relevant requirements for access to higher education, to further higher education programmes or to seek employment opportunities, including in cases where the partial studies, prior learning or qualifications obtained in another country cannot be proven through documentary evidence. These relevant considerations are included and were agreed by Member States, as part of the Global Convention on the Recognition of Higher Education Qualifications to be adopted in 2019.

#### **A. Guaranteeing the right to education of refugees and applying the principles of non-discrimination and equality**

States guarantee the right to education of refugees by enshrining the principles of non-discrimination and equality in their constitutions (enshrinement therein provides the highest level of legal protection) or in their education laws. Some legal provisions ensure explicitly that refugees are entitled to education under the same conditions as national students (Bulgaria, Latvia, Sweden); other legal provisions ensure in a less assertive way that every child, which implicitly includes refugees and asylum seekers (Ecuador, Spain, Ukraine)<sup>125</sup>, has the right to education. Some provisions indicate which levels of education are covered or specify whether refugees, often as part of a category of migrants, can receive free and compulsory education. In Spain for instance, the constitution guarantees that every child, regardless of his or her immigration status, has the right to receive free and compulsory education.<sup>126</sup> Under Law 2/2009, the right to education extends to all foreigners in Spain, covering legal and illegal migrants, displaced persons, refugees and asylum-seekers.<sup>127</sup> Similarly, in Turkmenistan, the Law on Refugees<sup>128</sup>, adopted on 3 June 2017, explicitly guarantees the right “to receive preschool and general secondary school on an equal basis with nationals of Turkmenistan” to refugees (Article 15), persons granted complementary (Article 16) or temporary (Article 17) protection, and asylum-seekers and persons whose claim for refugee status or complementary protection is registered (Article 8). In addition, the Law on State Guarantee of the Rights of the

<sup>124</sup> There are other types of recognition based on alternative assessment, such as, for instance, alternative recognition (i.e., a different qualification that acknowledges the available experience), conditional recognition (e.g., the applicant enters a programme on the condition of meeting future requirements), partial recognition in an academic context (i.e., the evidence is recognized only as part of a degree programme), and partial recognition for employment in an unregulated profession (e.g., offering an internship or a junior position as a clear pathway to full employment as long as the applicant demonstrates proficiency): Bryce Loo, 2016, *Recognizing refugee qualifications*.

<sup>125</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>126</sup> See Articles 10, 13 and 27 of the Spanish Constitution of 1978.

<sup>127</sup> Therefore, all foreigners under the age of 18 years are not only entitled to education, but obliged to receive it, which means access to basic, free and obligatory education. Law 2/2009, Spain.

<sup>128</sup> Law on Refugees, 3 June 2017, translated by refworld:  
<https://www.refworld.org/docid/3df087b41.html>



Child<sup>129</sup>, adopted in 2014 and amended in 2016, states that “all children in Turkmenistan, regardless of their legal status, have access to primary education and healthcare” (Article 3).

Applicable regulations in France provide for non-discrimination in access to education for all children living in France, regardless of their nationality. The preamble of the Constitution of the Fourth Republic (1946)<sup>130</sup> provides that “the nation grants each child [...] equal access to education”. The Education Code specifically provides that school attendance is compulsory for French and foreign nationals living in France from the age of 6 years to the age of 16 years.<sup>131</sup> It specifies that no discrimination should be made between pupils as “education is the first national priority”.<sup>132</sup> In addition, a circular dated 25 January 2016 provides that “in France each child and teenager has the right to education, regardless of his or her administrative situation”.<sup>133</sup>

In the Russian Federation, the right of every child to an education is enshrined in the Constitution and the Federal Law on Education. Federal law specifically states that foreign citizens, including recognized refugees and stateless persons, shall enjoy equal rights with citizens of the Russian Federation in respect of the obtaining of pre-school, primary basic and secondary general education, as well as vocational education, on a publicly accessible and free-of-charge basis.<sup>134</sup> In Uruguay, the right to education extends to all inhabitants, including migrants and refugees, who are afforded the same rights as any other resident of Uruguay, in application of the Constitution, the General Law of Education, the Immigration Act and the Refugees Act.<sup>135</sup>

The Constitution of Ukraine states that “foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine<sup>136</sup>, ... including the right to education”.<sup>137</sup> In addition, the Law on Education states that: “Equal opportunities for access to education are created in Ukraine. No one can be restricted in their right to obtain education. The right to education is guaranteed regardless of the age, sex, race, health status, disability, citizenship, ethnic origin, political, religious or other views, colour, place of residence, language, origin, social and material position, criminal record, as well as other circumstances and characteristics.”<sup>138</sup> Similarly, in Ecuador, the Constitution includes a

<sup>129</sup> Law on State Guarantee of the Rights of the Child, 12 May 2014, only available in Russian: <http://www.turkmenistan.gov.tm/?id=6451>

<sup>130</sup> The preamble of the Constitution of the Fourth Republic has constitutional standing. It is still applicable today even though a new Constitution was adopted in 1958, when the Fifth Republic was established.

<sup>131</sup> Article L. 131-1 of the French Education Code.

<sup>132</sup> Article L. 111-1 of the French Education Code.

<sup>133</sup> Circular concerning minors deprived temporarily or permanently of the protection of their family and persons presenting themselves as such, 25 January 2016, n° 2016-01.

<sup>134</sup> Article 43 of the Constitution of the Russian Federation guarantees the right to a free education, accessible to all. Article 78(1) of Federal Law No. 273-FZ on Education in the Russian Federation (2012) addresses the right of foreign citizens in the Russian Federation to free preschool and free primary and secondary education.

<sup>135</sup> Article 71 of the Constitution of the Eastern Republic of Uruguay; Article 1 of General Law of Education No. 18.437 (2006); Articles 1, 3, 6, 8 and 11 of the Immigration Act (Law No. 18.250 of 2008); Article 20 of the Refugees Act (Law No. 18.076)

<sup>136</sup> Article 26 of the Constitution of Ukraine, dated 28 June 1996, No. 254к/96-BP.

<sup>137</sup> Article 53 of the Constitution of Ukraine.

<sup>138</sup> Article 3(1)(2) of Law on Education No. 2145-VIII of 5 September 2017.



general provision not to discriminate against migrants: Article 11(2) states, "no one may be discriminated against for reasons of ... migratory status."<sup>139</sup>

## B. Setting up mechanisms to claim discriminatory practices

For the guarantee of non-discrimination and equality of opportunity in education to be protected, there must be some form of mechanism for complaint.

Within the framework of UNESCO's Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education<sup>140</sup>, Chile and Norway reported on procedures alternative to court proceedings in cases of discriminatory practices. In 2011, Chile created an Inspectorate of Education.<sup>141</sup> The role of this body is to ensure compliance with education legislation; to this end, the Inspectorate investigates and resolves complaints of discriminatory acts, as well as responding to requests for advice relating to discrimination. Similarly, in Norway, the Parliamentary Ombudsman and the Equality and Anti-Discrimination Ombudsman offer an easily accessible route for lodging a complaint.<sup>142</sup>

### **France: Examples of legal and non-legal means for failure to respect the policies regarding migrant children's school enrolment**

#### **Conditions for school registration**

Mayors are in charge of children's registration for nursery and primary school.<sup>143</sup> Registration for secondary schools takes place directly at the school in the administrative area where a pupil lives.

Registration at a French school is never subject to the production of a residence permit. As a 2016 circular states: "It is not for the Ministry of Education to control foreign pupils' status in relation to regulations concerning foreigners' entry into and stay in France. The school enrolment of foreign pupils, whatever their age, cannot be made conditional on the submission of a residence permit."<sup>144</sup>

As for French pupils, the following documents do have to be produced: (i) a family record book, identity card or birth certificate; (ii) a vaccination certificate; and (iii) proof of residency.<sup>145</sup>

Regarding the vaccination certificate, the *Défenseur des droits* (ombudsman) states that "up-to-date vaccination is essential for the physical admission of children; however, it cannot be

<sup>139</sup> Article 11(2) of the Constitution of the Republic of Ecuador, dated 20 October 2008

<sup>140</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>141</sup> Chile, National report on the measures taken to implement the 1960 Convention against Discrimination in Education, Ninth Consultation.

<sup>142</sup> Norway, National report on the measures taken to implement the 1960 Convention against Discrimination in Education, Ninth Consultation.

<sup>143</sup> Article L. 2122-27 of the General Code of Territorial Authorities; Article L. 131-6 of the Education Code

<sup>144</sup> Circular concerning minors deprived temporarily or permanently of the protection of their family and persons presenting themselves as such, 29 January 2016, n° 2016-01, p. 15, annex 6.

<sup>145</sup> "L'inscription à l'école élémentaire", primary school registration; "Inscription au collège", middle school registration; "Inscription au lycée", high school registration; Decision of the *Défenseur des droits* n° 2017-134, 7 November 2017, §46.

grounds for denying children administrative enrolment". A circular of 1 October 2012 therefore states that "even if a family cannot provide one or several of the necessary documents at the time of enrolment, the pupil must be granted provisional admission pending submission of documents necessary to his or her admission at the earliest possible date".<sup>146</sup>

Regarding the proof of residency, the *Défenseur des droits* states that: "The city of N. must promote and facilitate the domiciliation of families living in camps, even where such camps are unlawful, in order to facilitate children's access to education. The *Défenseur des droits* recalls that the term used with respect to domiciliation is the concept of "settlement", which must be interpreted as broadly as possible."<sup>147</sup> Pursuant to the Law of 27 January 2017, Article L.131-5 of the Education Code now states that: "Status and housing patterns of families living in a municipality cannot be valid grounds for refusing admission to a child who is subject to compulsory education."

### Challenging a decision to refuse enrolment

If a mayor refuses to enrol a child in school, the parents have various means of challenging this refusal.

**Administrative claim:** Parents can file an administrative claim before the prefect of the department in which the school is located. The prefect will review the case and decide to uphold or to reverse the mayor's decision.<sup>148</sup>

**Referral to the *Défenseur des droits*:** The *Défenseur des droits* is a non-judicial, independent administrative authority in charge of defending people's rights in France. A claim can be filed with the *Défenseur des droits* by anyone<sup>149</sup> who believes that he or she has been subject to discrimination, believes a child's rights have been violated, or faces difficulties with a public service body, or where a State representative has failed to observe due process.<sup>150</sup> The *Défenseur des droits* has powers of inquiry and powers of intervention, including the power to: resolve a conflict by mutual agreement by making recommendations or through mediation; request disciplinary action against a security officer; and request observations before a court in order to recommend sanctions by the administration against a physical person or legal entity at the origin of an act of discrimination.<sup>151</sup> The *Défenseur des droits* can therefore intervene in cases of discrimination with respect to pupils' registration at school. For example, the *Défenseur des droits* rendered a decision urging a mayor to accept the primary school registration of a child who was living in an illegal camp.<sup>152</sup>

<sup>146</sup> Decision of the *Défenseur des droits* n° MDE-2013-92, 7 May 2013, on the primary schooling of children residing in illegal settlements.

<sup>147</sup> Decision of the *Défenseur des droits* n° MDE-2013-92, 7 May 2013, on the primary schooling of children residing in illegal settlements.

<sup>148</sup> Article L. 2122-34 of the General Code of Local Authorities.

<sup>149</sup> Or by an association which has been established for at least five years as at the date of the facts, and whose statutes are aimed at combating discrimination or assisting victims of discrimination.

<sup>150</sup> Organic Law n° 2011-333 of 29 March 2011 on the *Défenseur des droits*.

<sup>151</sup> France: Defender of rights, European Directory of Equality Bodies, Equinet European Network of Equality Bodies.

<sup>152</sup> Decision of the *Défenseur des droits* n° MDE-2013-92, 7 May 2013, on the primary schooling of children residing in illegal settlements.

## Judicial appeal

### *Action for annulment (recours en annulation)*

The purpose of this action is to annul and reverse a decision made by the mayor and considered unlawful by the claimant. The competent administrative court is the one in which the mayor's municipality is located. This type of appeal must be made no later than two months after the mayor's decision has been issued. Legal representation is not mandatory. For instance, the Administrative Tribunal of Paris annulled a 2002 decision whereby a mayor refused to register children for school on the basis that they were allegedly living in illegal accommodations.<sup>153</sup>

### *Petition for suspension (référé suspension)*<sup>154</sup>

To be admissible, this petition must be filed before or simultaneously with an action for annulment. For the suspension to be granted, two conditions must be met: there must be a serious doubt as to the lawfulness of the challenged decision and the petition must be driven by urgent need. In that respect, courts consider that the delay in a child's schooling constitutes an urgent situation.<sup>155</sup> If the petition is granted, the interim order will stay the effects of the contested decision until a decision is reached on its merits. A court can also grant an injunction, where necessary under financial compulsion. For instance, in September 2016, a Lille court granted an interim relief order in which it ordered the mayor to enrol a child at school subject to a fine of 1,500 euros per day for non- execution.<sup>156</sup>

## Criminal claim

A mayor may be prosecuted for discrimination under Article 225-1 of the Criminal Code. Heavier sentences are imposed when the perpetrator of discrimination is a public officer.<sup>157</sup>

## Ensuring that all children attend school

Every year, mayors are asked to provide a list of French and foreign children who live in their municipalities and who are subject to compulsory education.<sup>158</sup> If a mayor discovers that children subject to compulsory education are not enrolled, he or she must immediately report the situation to the Department of Education. However, in practice, assessing whether a pupil is entitled to education may be difficult, especially when children arrive in France without their parents. Migrants under the age of 18 years with no legal representatives are considered "unaccompanied foreign minors". Because of their specific vulnerability, the Child Welfare Service (*Aide sociale à l'enfance*) is in charge of supporting these migrants, providing them with accommodation and seeing to their school enrolment.<sup>159</sup> In order to receive the support of the

<sup>153</sup> Administrative Tribunal of Paris, 1 February 2002, n° 0114244/7, cited in *Refus de scolarisation*, Refusal of school enrolment, Immigrant Information and Support Group (GISTI), 5 September 2013.

<sup>154</sup> Article L. 521-1 of the Code of Administrative Justice.

<sup>155</sup> Administrative Tribunal of Paris, 5 October 2001, cited in *Journal du droit des jeunes*, October 2002, n° 220, pages 52-54.<sup>[L] [SEP]</sup>

<sup>156</sup> Administrative Tribunal of Lille, 6 September 2016, n° 1606500.<sup>[L] [SEP]</sup>

<sup>157</sup> Article 432-7 of the Criminal Code, *see also* Paris Regional Court decision of 25 February 1988 and Paris Court of Appeal Decision of 12 March 1992, cited in *Plein droit*, January 2009, n° 64, pp. 3-6.

<sup>158</sup> Article L. 131-6 of the Education Code.

<sup>159</sup> Article L. 221-1°1 of the Social Action and Family Code.

Child Welfare Service, children must prove that they are under the age of 18 years. However, they do not always have the necessary official documents indicating their age, and even when they do, the validity of their documents is sometimes put into question. In addition, medical assessment may not accurately assess the precise age of a teenager. According to studies conducted by associations that help migrants, the Child Welfare Service turns down the requests for assistance of more than half of the unaccompanied minors who apply.<sup>160</sup> Children can appeal decisions that do not recognize them as minors. However, this involves a lengthy process during which they are left with no assistance.<sup>161</sup> In the past, schools used to enrol these children despite doubts as to their real age. In Paris, this has not been the case since January 2015. A stricter assessment of any children arriving in Paris now takes place before they can attend school.<sup>162</sup>

### Communication issues

A limited command of French or isolated living conditions (such as camps or squats) also account for migrants' insufficient awareness of the administrative procedures for enrolling their children in school. School mediators (employees of the Department of Education [*Education Nationale*] who work to support student integration and combat school absenteeism) and associations assist migrants by explaining the administrative steps of the process. A 2012 circular on the schooling of newly arrived non-French speakers stresses the importance of clear and accessible information on the French school system, the rights and duties of families and pupils, and the principles governing school organization.<sup>163</sup> The circular requires education centres for the children of new arrivals and travellers (CASNAV)<sup>164</sup> to draft a document containing all the relevant information on administrative provisions and school conditions and other useful material (such as establishment names, registration process details and practical advice).<sup>165</sup>

### C. Adopting financial and material support initiatives

Financial support is a powerful lever for improving refugees' access to education. Displacement may exacerbate conditions that make it difficult to cope with the costs associated with education (e.g., tuition, uniforms, textbooks, and other school supplies). The provision of financial support to refugee students and their families can facilitate access to education, in all educational levels. Cash transfers are direct payments made to families with children of school-going age in order to enable them to enrol their children in school. These transfers can be conditional (based on requirements such as a minimum level of school attendance) or unconditional (not subject to minimum requirements). Both conditional and unconditional transfers have been recognized to have positive impacts on student attendance and

<sup>160</sup> “La Mairie de Paris délaisse des dizaines de Mineurs Isolés Etrangers”, Paris-Luttes.info, 30 April 2016.<sup>[1]</sup>

<sup>161</sup> *Ibidem*

<sup>162</sup> Welcoming and supporting unaccompanied foreign minors in Paris, Paris City Hall, April 2015, p. 19.

<sup>163</sup> Circular n° 2012-141 of 2 October 2012 regarding the organization of allophone children.

<sup>164</sup> CASNAVs were created under the Ministry of Education. Their role is to provide information and support in relation to the education of foreign children and children belonging to the travelling community. CASNAV staff consists of employees from the subregional branch of the Ministry of Education (*Inspection Académique*) and teachers with specific training. There is one CASNAV in each subdivision of the Ministry of Education (*académie*).

<sup>165</sup> Circular n° 2012-141 of 2 October 2012 regarding the schooling of children whose native language is not French.

enrolment.<sup>166</sup> An assessment conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR) on the use of cash assistance in 45 education programmes showed that the effect of cash assistance only lasts for as long as the support lasts. For school completion, cash assistance for multiple years is therefore required.<sup>167</sup>

At the Ninth Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education, a number of States explicitly affirmed that education was provided free of charge to refugees, notably in Bulgaria and New Zealand. Georgia similarly ensured that education was "funded by the State" for all migrants.<sup>168</sup> The Supreme Leader of the Islamic Republic of Iran stated by decree on 17 May 2015 that: "No Afghan child, even those who illegally live in the Islamic Republic of Iran without documentation, should be deprived of education. They should all be enrolled in Iranian schools." As a result, articles concerning tuition fees have been nullified, and the school "contribution fees" that are requested from all Iranian students in order to reduce the Ministry of Education's budget deficit are not expected from refugee students.<sup>169</sup>

Norway tries to encourage early childhood care and education (ECCE) for the children of immigrants by offering reduced parental fees or free 20-hour core kindergarten time for three- to five-year-olds in families with low income. Refugees in Norway are provided with free education and also become eligible for a refugee grant when taking up primary, ordinary lower- or upper-secondary education. The sooner they start education after arriving in Norway, the longer they are entitled to receive the refugee grant. The size of the grant is calculated in the same way as amounts for Norwegian students in higher education are calculated. The difference is that refugees receive the basic support as a grant instead of a loan.<sup>170</sup>

Other forms of financial support may include in-kind (material) support (e.g., books, uniforms). In Tertiary Education, scholarships may be imperative. These types of support have been demonstrated to boost enrolment and attendance.<sup>171</sup> Iraq has adopted numerous measures, such as providing school supplies, furniture and free compact discs containing all course material, to compensate for the inadequate delivery of books to displaced students; as well, funds are provided to transport these students from their places of residence to school.<sup>172</sup>

#### D. Reforming administrative procedures

Refugees may face complex procedures for enrolling in the national education system. Lack of certification and required documents may impede them from continuing along their academic path. In many cases, refugees have limited access to their academic and administrative

<sup>166</sup> Burde et al., 2015; Compennolle and Hansen-Shearer, 2018.

<sup>167</sup> Compennolle and Hansen-Shearer, 2018; Dryden-Peterson, 2011.

<sup>168</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>169</sup> Presentation by Dr Gholamreza Karimi, Vice-Minister of Education for International Affairs (the Islamic Republic of Iran) at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>170</sup> See Norwegian website Lanekassen: <https://www.lanekassen.no/Languages/>

<sup>171</sup> Indongole, 2004.

<sup>172</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

documents because they have been unable to take all the relevant documents with them during their displacement. Often, their home institutions cannot provide these documents because they are operationally compromised, or simply do not provide them because they refuse to issue documents to a refugee.<sup>173</sup> To facilitate access to education for refugees who do not have the required certification and documentation, host-country institutions should develop alternative administrative procedures (e.g., placement testing and/or a background paper supported with a portfolio of evidence, which the individual is able to submit to the relevant authorities).<sup>174</sup> Such procedures have to include a mitigation strategy in order to reduce the risks associated with fraudulent declarations.<sup>175</sup>

Greece allows children with inadequate documentation to enrol in the Greek schooling system under Law No. 3386/2005 on the Entrance, Residence and Social Integration of Third-Country Nationals on Greek Territory.<sup>176</sup> Article 72.3 states:

Documentation similar to that required for Greek nationals shall be required for the enrolment of minor third-country nationals to public schools. By way of exception, children of third-country nationals may enrol in public schools with insufficient documentation when:

- a. They are protected by the Greek State in the capacity of refugees or persons under the protection of the UN High Commission;
- b. They come from countries in which disorderly situations prevail;
- c. They have applied for asylum;
- d. They are third-country nationals residing in Greece, even if their legal residence therein has not been regulated.

Greek Law No. 4251/2014 enacting the Immigration and Social Integration Code has a similar provision.<sup>177</sup>

There is no obligation under Italian national immigration law to produce documentation relating to residence permits in order to access mandatory school education free of charge.<sup>178</sup> In February 2014, the Italian Ministry of Education, Universities and Research issued specific guidelines for the reception and integration of foreign students. These guidelines state, inter alia, that proof of a residence permit is not required and that no one should be barred from enrolling in any educational facility on account of the lack of such a document.<sup>179</sup> In a judgment handed down on 27 February 2014, the Italian Council of State (*Consiglio di Stato*) clarified that

<sup>173</sup> Bryce Loo, 2016.

<sup>174</sup> *Ibidem*

<sup>175</sup> *Ibidem*

<sup>176</sup> Greek Law No. 3386/2005 on the Entrance, Residence and Social Integration of Third-Country Nationals on Greek Territory, Article 72. Available at: [https://www.unodc.org/res/cld/document/law-3386-2005-on-the-entry--residence-and-social-integration-of-third-country-nationals-on-greek-territory.html/Law\\_No.\\_3386-2005.pdf](https://www.unodc.org/res/cld/document/law-3386-2005-on-the-entry--residence-and-social-integration-of-third-country-nationals-on-greek-territory.html/Law_No._3386-2005.pdf)

<sup>177</sup> Greek Law No. 4251/2014 enacting the Immigration and Social Integration Code, Article 21. Available at: <http://www.refworld.org/docid/54eb40114.html>

<sup>178</sup> Legislative Decree No. 286/1998. Available at: <http://www.refworld.org/pdfid/54a2c23a4.pdf>

<sup>179</sup> These guidelines are accessible at: <http://www.integrazionemigranti.gov.it/Pagine/Cerca-nel-sito.aspx?k=istruzione#k=istruzione#s=11>



when a student without a residence permit reaches the age of 18 years, he or she is entitled to pursue his or her studies until the obtainment of a final high school diploma.<sup>180</sup> In Afghanistan, the Education Law specifies that the lack of an identification card does not prohibit a child from attending school.<sup>181</sup> In the Islamic Republic of Iran, where there are an estimated 3.6 million documented and undocumented Afghans, a “special education support card” is issued to undocumented Afghan children.<sup>182</sup>

Other States, including Armenia, Bulgaria, Chile and Ecuador<sup>183</sup>, have developed alternative measures applicable in case of the loss of graduation or citizenship documents.

In Jordan, where Syrian children needed a “service card” to enrol in school, the Government decided in 2017 to waive this requirement. Jordan also created a “catch-up” programme to reach out-of-school children and delivered more work permits in order to reduce poverty and child labour.<sup>184</sup>

### E. The case of preschool

Host countries may not immediately have the absorptive capacity to provide for the influx of school-aged refugee children. Early years provision and post-basic education are particularly affected, often because of a combination of insufficient funds and a lack of physical space for the construction of infrastructure.<sup>185</sup>

Quality early education programmes hold the potential for a positive impact on children’s successful transition to primary school, their educational progress and their long-term social adjustment.<sup>186</sup> This is especially true in the case of refugee and migrant children, for whom preschool can provide stability and opportunities for language learning and social integration. It is therefore encouraging to see the implementation of national measures which ensure that refugee children are not discriminated against in relation to access to early years education.

The French National Education Code (Article L-113-1) allows all children to be enrolled in preschool near their residence from the age of 3 years. A circular issued by the Minister of National Education explains that there can be no discrimination regarding the admission of foreign children.<sup>187</sup>

<sup>180</sup> Italian *Consiglio di Stato*, judgment of 27 February 2014, No. 1734. This case involved a Thai citizen, enrolled in school, who had not been authorized to renew her study permit after turning 18 years old.

<sup>181</sup> Education Law of Afghanistan (2001), Article 6.

<sup>182</sup> Presentation by Dr Gholamreza Karimi, Vice-Minister of Education for International Affairs (the Islamic Republic of Iran) at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>183</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>184</sup> Bill Van Esveld, “A Good Move by Jordan for Syrian Children: New Policy Will Help Open School Doors”, Human Rights Watch, 2017, available at <https://www.hrw.org/news/2017/10/03/good-move-jordan-syrian-children>

<sup>185</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>186</sup> Committee on the Rights of the Child, 2006, *General comment No. 7: Implementing child rights in early childhood*.

<sup>187</sup> UNICEF, 2016, *Education Uprooted*.



Under the 1998 Immigration Act<sup>188</sup>, Italy guarantees migrants, including refugees, the right to instruction in the same manner as it does for Italian citizens, regardless of migration status. Moreover, the right to mandatory school education, recognized under Italian law, is interpreted to include the right to access preschool, regardless of the legal or administrative status of the children or parents concerned. In a 2008 order, the Tribunal of Milan ruled that access to preschool could not be restricted or made more burdensome by discrimination on the basis of citizenship, legal or residential status; the order indicated that preschool, although not properly within the definition of mandatory schooling, is fundamental to the preparation for later schooling.<sup>189</sup> The Flemish Ministry of Education in Belgium conducted an information campaign aimed at improving the participation of new migrants and children with foreign mother tongues in early-age education and care (ages 3-6 years).<sup>190</sup> In Serbia, Article 14 of the Law on Preschool Education provides that children that are foreign citizens, as well as children from vulnerable groups without proof of residence or other personal identity documents, refugees or displaced persons are permitted to enrol in a preschool and/or school delivering the preparatory preschool programme under the same conditions and in the manner regulated for the citizens of Serbia.<sup>191</sup> The city of Malmö in Sweden has a preschool section that functions as an introductory class for newly arrived children, as well as other children who speak little or no Swedish. The aim is to strengthen the children's identity and languages, both Swedish and their mother tongues, in the hope that these children will be ready to transfer to a regular preschool group after about a year. The city also opened a preschool focusing on newly arrived families. The Preschool Administration of Malmö developed information leaflets in 21 languages and works extensively with various outreach activities.<sup>192</sup>

## F. The case of higher education

### • Access

Access to higher education is often restricted for refugees on account of financial constraints, lack of legal or registered immigration status, and difficulties in gaining recognition for foreign qualifications. Only 1% of young refugees attend university worldwide. Without access to higher education, refugees are condemned to passivity and are unable to obtain crucial job skills for their personal development.<sup>193</sup> Specific positive action, measures and comprehensive policies are required to encourage and ensure the participation of refugees in higher education and to enable their completion and graduation. These are policies that consider education as a *continuum* and that, among others, include actions that connect secondary and tertiary education to open paths that make it possible. Tertiary and secondary education institutions should work together on actions that contribute to this purpose.

An important aspect of guaranteeing access to higher education is the removal of barriers relating to the obtainment of legal refugee status. In Ukraine, the Law on Higher Education<sup>194</sup>

<sup>188</sup> UNICEF, 2010, *Examples of Good Practices in the Implementation of the International Framework for the Protection of the Rights of the Child in the Context of Migration*.

<sup>189</sup> Tribunal of Milan, Order (*Ordinanza*) of 11 February 2008.

<sup>190</sup> See <http://www.onderwijs.vlaanderen.be/kleuterparticipatie> (Accessed 26 January 2018)

<sup>191</sup> United Nations, 2017 *Report of the Special Rapporteur on the Right to Education: Inclusion, equity and the right to education*.

<sup>192</sup> EU Agency for Fundamental Rights (FRA). 2017a. p. 7

<sup>193</sup> UNESCO, 2017, *Working Paper*.

<sup>194</sup> The Law on Higher Education No. 1556-VII of 1 July 2014

provides that migrants, refugees, and persons in need of additional protection or temporary protection have the right to higher education. Nevertheless, only persons with registered status (e.g., persons who have been granted refugee status) may enjoy tuition-free education. The law states that: "Foreigners and stateless persons permanently residing in Ukraine, persons who have been granted refugee status in Ukraine, persons in need of complementary or temporary protection, and persons who have been granted the status of a foreign Ukrainian and who are legally residing in Ukraine, have the right to higher education on a par with citizens of Ukraine. The acquisition of higher education by these categories of persons on the basis of the State budget funds is carried out within limits set by the Cabinet of Ministers of Ukraine." Similarly, in Germany, to obtain access to higher education institutions, refugees do not need an application for asylum accepted or tolerated status.<sup>195</sup>

- **Incentives and grants**

Financial difficulties constitute one of the main hurdles that block access to higher education for refugees. Study grants can help to alleviate the costs involved. In Belgium (Flanders), refugee students are eligible for study grants on similar grounds as foreign nationals: (1) who are living in Belgium and whose parents are European Union nationals who have worked or are currently working in Belgium; or (2) who have a permanent residence permit for Belgium. Students formally recognized as refugees or persons under subsidiary protection are eligible for study grants. Refugee students, as is the case for Flemish nationals and other students eligible for study grants, also need to fulfil study and financial conditions; that is to say, the grants are needs-based. Moreover, the number of grants awarded in Flanders is not predetermined, implying that refugee students effectively do not compete with Flemish students or other non-Flemish nationals for grants.<sup>196</sup> In Portugal, refugees can now benefit from Social Action support in higher education, as can nationals.<sup>197</sup>

Other countries, such as Armenia<sup>198</sup>, have established mechanisms for full or partial reimbursement of refugees for tuition fees in higher education and vocational education. Some States, such as Denmark and Georgia<sup>199</sup>, have revised their regulations in order to strengthen opportunities for refugees to receive scholarships usually awarded to national students.

- **Certification and recognition of qualifications**

At some levels of education, accreditation is necessary to allow education to continue when refugee students move to a new country or return to their country of origin. According to the Inter-Agency Network for Education in Emergencies (INEE), "accredited learning and exams have proven successful tools to motivate learning and open doors to further learning and employment".<sup>200</sup> Cross-border and/or international examinations/

<sup>195</sup> Eckhardt, K., Jungblut, J., Pietkiewicz, K., Steinhardt, I., Vukasovic, M. and Santa, R., 2017.

<sup>196</sup> Eckhardt, K., Jungblut, J., Pietkiewicz, K., Steinhardt, I., Vukasovic, M. and Santa, R., 2017.

<sup>197</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*

<sup>198</sup> *Ibidem*

<sup>199</sup> *Ibidem*

<sup>200</sup> INEE, 2010 cited in Compennolle and Hansen-Shearer, 2018: 19.

certifications may be a way in which the education received by refugees can be recognized in the country of origin.<sup>201</sup>

The Convention of UNESCO and the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention) includes a specific article on the “recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation”.<sup>202</sup> According to this article, refugees who have prior education, both formal and non-formal, even if not documented, should have the right to have their qualifications assessed and recognized in a fair and transparent manner in all the countries which have signed and ratified the Convention.<sup>203</sup> As was already mentioned, the Global Convention on the Recognition of Higher Education Qualifications to be adopted in 2019 during the 40<sup>th</sup> General Conference of UNESCO, include a chapter devoted to these issues. In Portugal, significant educational measures have been taken to ensure the rapid integration of refugee students into the national education system, including the adoption of specific guidelines for granting the equivalence of qualifications more rapidly.<sup>204</sup>

### **Belgium (Flanders): Adaptation of the procedure for facilitating the recognition of qualifications**

In Flanders, in order to enrol in a higher-education study programme, refugee students do not necessarily need to have their educational credentials recognized by Flemish authorities (i.e., NARIC<sup>205</sup>), since universities and university colleges have the authority to decide which credentials are required for admittance into their programmes.

Flemish authorities also allow for adaptations of the procedure to facilitate the recognition of qualifications in refugee cases. First, recognition authorities can decide to base their recognition decision on an advisory statement provided by an expert on the basis of an interview with the refugee student. Second, in the event that the applicant is not able to provide full documentation, an adapted procedure is offered.

In September 2016, NARIC and the Flemish Inter-University Council (VLIR) launched a pilot project that allows refugee students who have incomplete documentation to take an alternative route towards recognition. The route comprises: (1) attending a limited number of courses in an English-language master’s discipline related to their field of study; and (2) taking a seminar, attending practical training sessions, or writing a paper. On the basis of this, academic

<sup>201</sup> As an example, South Sudanese students living in Uganda have access to examinations from their home country and host-country examinations. Save the Children, UNHCR and Pearson, 2017.

<sup>202</sup> Article VII, Section VII, which states: “Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfill the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.”

<sup>203</sup> Eckhardt, K., Jungblut, J., Pietkiewicz, K., Steinhardt, I., Vukasovic, M. and Santa, R., 2017.

<sup>204</sup> UNESCO. 2017. *Ensuring the right to equitable and inclusive quality education: results of the Ninth Consultation of Member States on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*. pp. 22-23.

<sup>205</sup> NARIC: <https://www.naricvlaanderen.be/en/naric-vlaanderen>

staff involved in the programmes are expected to provide NARIC with recognition advice, which may also include advice on how to pursue a Flemish degree.

In 2017, this alternative route was available to refugee students who applied for recognition of their master's degrees in natural sciences, engineering, economics and business studies. This was, on the one hand, a reflection of demand – it appears that the majority of recognition applications from refugee students concern these areas. However, on the other hand, it also reflected the supply of English-language study programmes, which, in the Flemish case, are so far available almost only at the master's level, and in a limited number of fields.

Source: L. Eckhardt, J. Jungblut, K. Pietkiewicz, I. Steinhardt, M. Vukasovic and R. Santa, *Refugees welcome? Recognition of qualifications held by refugees and their access to higher education in Europe - Country analyses* (European Students' Union, 2017).

## 2. Availability

Refugees should be included in national education systems and educational institutions, infrastructures and programmes, all of which should be adequately equipped in all aspects (including buildings; sanitation; facilities for both sexes; safe drinking water; duly trained, qualified and motivated teachers receiving domestically competitive salaries, incentives, and teaching materials; and trained support staff). Through cooperation with the international community, the host authorities should be prepared to receive influxes of refugees and invest in education infrastructure and programmes. Special attention should be given to secondary schools, which require greater investment for specialized infrastructure and equipment, such as that for science and computer laboratories and libraries, for instance. In a digitized world, communication and information technologies must be understood as part of the right to education as not having them can exacerbate learning gaps. In addition, the prohibition of discrimination should be unconditional and should not be affected by a lack of resources.

### A. Welcoming newly arrived refugees

Ensuring that refugees have access to good-quality education is an urgent task. Providing this access to refugee students as soon as possible after arrival can play an important role in protection and normalization, support mental health and, of course, minimize interruption to schooling. The changes needed to fully integrate refugees into education systems take time to realize because of the multiple supply- and demand-side barriers that need to be overcome. Interim solutions need to be sought in the short term.

The promotion of short-term policies and measures is crucial to enhancing the capacity of host countries. Short-term policy measures and short-term practices have to focus on immediate solutions for ensuring and expanding access to quality education by addressing barriers to education for all students, including the most vulnerable. Short-term measures have to be implemented as early as possible in the emergency phase<sup>206</sup>; they also have to be realized in accordance with the need to develop long-term and sustainable solutions to respond to all the phases of displacement beyond the emergency phase.<sup>207</sup> Short-term measures have to play the

<sup>206</sup> UNESCO, 2017 *Working Paper*.

<sup>207</sup> UNESCO, 2017 *Working Paper*; Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.

double role of: i) expanding the provision of education to accommodate a growing number of students; while also ii) strengthening the system to cope in the longer term.

In accordance with the New York Declaration for Refugees and Migrants, measures have to ensure that all children are receiving education within a few months of their arrival in the host country. In most refugee situations, particularly when displacement is protracted, inclusion of refugees in national education systems is the most sustainable option for ensuring quality and certified education for refugees.<sup>208</sup>

Special strategies are needed to expand the capacity of education infrastructure, including augmenting the supply of formal and accredited primary and secondary education services through: i) the construction of school buildings; ii) the refurbishing or repurposing of existing buildings (including community spaces, mosques and churches); iii) the adjustment of the way that education is provided, by the introduction of double-shift programmes; and iv) guaranteeing available and free transport to school.<sup>209</sup>

Expanding the supply of education services in under-served areas is crucial. Evidence demonstrates that reducing the distance of the school commute by providing schooling close to where children reside has a dramatic effect on increasing enrolment<sup>210211</sup>, particularly for girls. In cases where schools are too far away, safe and subsidized school transport has to be available in order to allow students to reach their schools. The cost of transportation remains a major barrier to school access; the additional cost places an extra burden on families that may already be financially insecure. In that connection, the European Union (EU) has provided a direct grant (300 million euros) to fund a project which enables the Ministry of Education of Turkey to provide transportation to 40,000 Syrian children across the country.<sup>212</sup> In Turkmenistan, many Afghan refugees are living in remote settlements across vast stretches of arid land. In 2007, the United Nations Trust Fund for Human Security (UNTFHS) implemented a project in Turkmenistan aiming to build up or rehabilitate roads in order to improve access to schools and medical aid posts in the settlements; the undertaking is a promising example of how to tackle the issue of school commutes.<sup>213</sup>

Double shift schooling is one of the most common measures adopted by host governments in order to expand the provision of education quickly. It works by doubling the number of pupils that can attend school by grouping them into morning and afternoon shifts. In addition to a sudden increase in school places, the measure affords other documented benefits. By allowing students to attend school after regular school hours, double shifts are also particularly practical for students who are forced to work and cannot attend school during working hours.<sup>214</sup>

<sup>208</sup> Global Education Monitoring Report/UNHCR, 2016 *No more excuses*; Save the Children, UNHCR and Pearson, 2017.

<sup>209</sup> Compernelle and Hansen-Shearer, 2018.

<sup>210</sup> Burde et al., 2015.

<sup>211</sup> Burde and Linden (2013) investigated in Afghanistan the impact of village schools located close to children's homes. The effects were significant particularly for girls, whose enrolment increased by 52 percentage points, as compared to 35 percentage points for boys.

<sup>212</sup> Presentation of Ms. Ayşenur Bülbül, Ministry of National Education of Turkey, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>213</sup> Tan, 2007.

<sup>214</sup> Burde et al., 2015.

However, double shifts may not be as effective in increasing access as assumed.<sup>215</sup> Recent studies demonstrate that refugee families do not feel comfortable sending their children to school in the evening, particularly if the school is located far away from where they live.<sup>216</sup> To be effective, the implementation of double shifts has to take into account the distance to school so as to ensure that children are safe on their commute. While double shifts may play a role in expanding the provision of education rapidly, the quality of education can be reduced on account of the high levels of teacher turnover<sup>217</sup> and the “extra burden placed on teachers”.<sup>218</sup> For double shifts to operate in daylight, this often means reducing the length of the school day for each shift, resulting in less teaching and learning time. Double-shift schools can also affect teachers negatively. Teachers may have less preparation time and less time to spend on each of their tasks. In order to ensure the quality of education, it has been strongly suggested that it is crucial to recognize that double-shift approaches imply doubling the number of teachers.<sup>219</sup>

Non-formal education can play an important role in the expansion of education. Non-formal education has been widely criticized for its lack of certification and the consequent challenges<sup>220</sup> that it poses for students’ continuation of their studies. Despite this, several reports have demonstrated that accredited non-formal education can play a role in expanding access to education where formal alternatives are not available<sup>221</sup> or where there are legal and policy barriers to formal schooling for refugees.<sup>222</sup> Non-governmental organizations, civil society organizations and refugee communities can play a critical role in supporting inclusive education by providing non-formal education programmes to fill the gaps in a government system. In some cases, when done well, non-formal education can better meet the needs of refugee learners. Many studies illustrate the role that NGOs can play in providing accelerated education, psychosocial support, language classes and remedial education to ensure that children are better prepared to engage in the formal system.<sup>223</sup> These efforts are particularly effective when carried out with the support, recognition and certification of national governments<sup>224</sup>.

With high numbers of children and young people having missed out schooling, accelerated learning programmes (ALPs) are particularly important to providing a viable pathway towards formal learning opportunities. These can be for school-aged children, youth and adults. Evaluations have found that ALPs are effective in targeting the enrolment of over-age and out-of-school youth.<sup>225</sup> In addition, ALPs may be particularly effective in enrolling populations that are typically marginalized or stigmatized, such as girls and former child combatants.<sup>226</sup> Geographical barriers affect students and their ability to access education. New technologies may help refugees for whom physical access to education is difficult. While technology is not a

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<sup>215</sup> *Ibidem*

<sup>216</sup> Human Rights Watch, 2016 *We’re afraid for their future*.

<sup>217</sup> Burde et al., 2015.

<sup>218</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>219</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>220</sup> Global Education Monitoring Report/UNHCR, 2016 *No more excuses*; Save the Children, UNHCR and Pearson, 2017.

<sup>221</sup> Burde et al., 2015.; Save the Children, UNHCR and Pearson, 2017

<sup>222</sup> Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.

<sup>223</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>224</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>225</sup> Burde et al., 2015.

<sup>226</sup> Intili and Kissam, 2006; Beleli et al., 2007; Manda, 2011.



panacea and requires capable teachers and effective interactions, it represents a powerful tool for improving refugees' access to education. Educational programmes which combine self-learning materials, online interactive tools and lessons provided via satellite TV may be designed to meet the needs of those children who cannot attend school regularly.<sup>227</sup>

In some contexts, the prohibitive cost of the Internet, the lack of infrastructure and the lack of technical capacity on the part of users can make online learning challenging.<sup>228</sup> In contrast, the spread of mobile phones makes mobile learning a viable solution in the majority of contexts.<sup>229</sup> Many refugee adults own a phone which their children can use for educational purposes. Mobile learning programmes have proven to be successful in reaching large numbers of refugees living in rural areas, and are also found to be sustainable.<sup>230</sup> In order to be effective, learning programmes delivered through new technologies should be aligned with national curriculum and certification systems.<sup>231</sup>

In the context of availability, it is important to ensure that refugees can continue to have learning opportunities even when they are living in areas of instability. In Iraq, because of the war in the region, the State had to develop new educational solutions, including itinerant learning and teaching caravans, television programmes and online curricula targeting displaced students within the territory and reaching those who remained in difficult places. The State also made efforts to sustain educational opportunities for everyone, including by opening and renovating schools or renting buildings for use as schools for displaced persons.<sup>232</sup> In countries neighbouring conflict areas, such as Tunisia and Libya, refugees are allowed to establish schools in their new host countries in accordance with their respective national systems.<sup>233</sup>

## B. Moving from an emergency response to long-term planning

The importance of providing access to education opportunities as early as possible has been clearly emphasized.<sup>234</sup> As indicated by the UNHCR, refugee education is largely financed through emergency funds, leaving little room for long-term planning. Traditionally, refugee education has not featured in national development plans or in education-sector planning.<sup>235</sup> In several countries, refugees continue to be educated in separate, non-formal community-based or private schools. The recent mass displacement of the Rohingya fleeing Myanmar for Bangladesh is a prime example of this scenario.<sup>236</sup> Meanwhile, after four decades of a

<sup>227</sup> See as an example the UNRWA Self-Learning Programme: <https://www.unrwa.org/what-we-do/education-emergencies>

<sup>228</sup> Burde et al., 2015.

<sup>229</sup> Gulati, 2008, Burde et al., 2015; and Save the Children, UNHCR and Pearson, 2017.

<sup>230</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>231</sup> Save the Children, UNHCR and Pearson, 2017.

<sup>232</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>233</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>234</sup> UNHCR, 2012, *Education Strategy 2012-2016*.

<sup>235</sup> Although a few of the largest refugee-hosting countries are taking steps to correct this. UNHCR, 2016, *Missing Out*.

<sup>236</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*.



consistently high influx of migrants and refugees, the policy of the Islamic Republic of Iran is to include refugee students in the Iranian education system, ensuring that they share schools, classrooms, curricula and teachers with Iranian children, and that they have access to the same enriching extracurricular activities.<sup>237</sup> Along the same lines, education for refugees and displaced persons has been included in several education-sector plans developed by the Government of Chad and integrated into the overall ministerial action on education.<sup>238</sup>

### **The Sudan: Identifying refugee children in out-of-camp locations as a step towards better planning and policies**

In order to identify refugee children in out-of-camp locations, the Sudanese Ministry of Education, supported by the UNHCR, carried out an assessment across the seven states hosting the largest numbers of refugees in Sudan. The results indicated that refugee children make up 6% of the total children enrolled in out-of-camp basic schools, and that 1.1% are enrolled in out-of-camp secondary schools. This assessment is a big step towards enabling better planning and policies that ensure the inclusion of refugees in the national education strategy.<sup>239</sup>

### **Lebanon: The National Strategic Framework for Technical Vocational Education and Training in Lebanon (2018-2022)**<sup>240</sup>

In Lebanon, approximately 46% of Syrian refugee youth are estimated to be economically inactive. Already, Syrian refugees are offered short-term training courses without any restrictions on the specializations offered to them. Only three occupation sectors, however, are open to them in Lebanon, namely, agriculture, construction and environmental services. The National Strategic Framework for Technical and Vocational Education and Training (TVET) in Lebanon aims to better ensure the inclusion of refugees and other marginalized groups in TVET. It seeks to do this through measures such as reviewing the legal, technical, and infrastructure barriers that currently constrain the inclusion of marginalized groups, and promoting the increased participation of marginalized groups in TVET, including in non-traditional occupations, through awareness campaigns, and a reasonable accommodation of their needs.

While planning for the inclusion of refugees in national education systems should begin as early as possible in the emergency phase, educational planning has to go beyond emergency provision and be sustained over several years in coordination with development plans.<sup>241</sup> Therefore, alongside responses to short-term needs, States must seek sustainable, long-term

<sup>237</sup> Presentation by Dr Gholamreza Karimi, Vice-Minister of Education for International Affairs (the Islamic Republic of Iran), at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>238</sup> Presentation by Mr Youssouf Tahir Ahmat, General Director of Administration, Planning and Resources, Ministry of Education of Chad, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>239</sup> Presentation by Dr Ibtisam Mohamed Hassan, DG of Quality Assurance in Education in the Ministry of Education, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>240</sup> Lebanon, National Strategic Framework for Technical and Vocational Education and Training (TVET) in Lebanon 2018-2022. [https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_633487.pdf](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_633487.pdf)

<sup>241</sup> Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.

solutions ensuring that the right to education is delivered in all phases of the migration context. It is notably during the stabilization phase and beyond that educational programming can provide solid protection and opportunities. In addition, durable solutions can be monitored.<sup>242</sup>

### **Turkey: Moving from "temporary education centres" to the national public education system**

In Turkey, Syrian teachers are able to open "temporary education centres", which teach in Arabic and use a modified version of the Syrian curriculum (i.e., one in which are deleted the parts of textbooks that praised the Baath Party and the Assad family). Turkey's Ministry of National Education has certified the curriculum and the schools. This has allowed far more children to enrol in school than would otherwise have been the case,<sup>243</sup> given the Turkish language obstacle, economic hardship, the reluctance of some families to send their children to Turkish schools, and insufficient capacity in the public school system in some areas.<sup>244</sup>

Now Turkey is trying to move the children concerned into the national public education system.<sup>245</sup> In doing so, it should ensure that Syrian teachers continue to have a role to play, that Syrian children have the language training and support they need to succeed in Turkish schools, and that no temporary education centres should be shut down until all students have been able to enrol in and attend a Turkish national school.

Educational Management Information Systems (EMIS) – such as e-schools, e-non-formal education and the Foreign Students Education Management Information System – play a key role in developing long-term planning. For instance, e-school and e-non-formal education are linked with demographic database systems in Turkey and can contain information on Syrian students who attend Turkish public schools (approximately 354,000 Syrian students) or attend non-formal courses (approximately 284,000 Syrian students).<sup>246</sup>

### **Uganda: New Education Response Plan for Refugees and Host Communities**<sup>247</sup>

Uganda hosts approximately 1.4 million refugees, making it Africa's largest refugee-hosting country and one of the five largest refugee-hosting countries in the world. In some regions of the country, the number of refugees exceeds that of the host community, making local

<sup>242</sup> This monitoring would refer to the following criteria: long-term safety; security and freedom of movement; adequate standard of living; access to employment and livelihoods; restoration of housing, land and property; access to documentation; family reunification; participation in public affairs; and access to effective remedies and justice. Though not expressly mentioned, education is a necessary means of attaining said criteria (Fox, G., 2016 *IASC Framework on Durable Solutions for IDPs*).

<sup>243</sup> Global Education Monitoring Report/UNESCO, 2018 *Background paper prepared for the 2019 GEM report: evolution of national policy in Turkey on integration of Syrian children into the national education system*.

<sup>244</sup> Human Rights Watch, 2015 *"When I picture my future, I see nothing": Barriers to education for Syrian refugee children in Turkey*.

<sup>245</sup> Katherine Parks, 2018 *Efforts to expand education for Syrian refugees in Turkey*.

<sup>246</sup> Presentation by Ms. Ayşenur Bülbül, Ministry of National Education of Turkey, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>247</sup> Ministry of Education and Sports (Uganda) 2018 *Education Response Plan for Refugees and Host Communities in Uganda*.

[http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/uganda\\_education-response-plan-for-refugees-and-host-communities-in-uganda.pdf](http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/uganda_education-response-plan-for-refugees-and-host-communities-in-uganda.pdf)

Ugandan children equally affected by this influx. The unprecedented mass influx of refugees into Uganda in 2016 and 2017 has put enormous pressure on the country's basic service provision, including education.

The Government of Uganda has been serving as a model in the international community by granting refugees in Uganda asylum and access to the same rights as its citizens, including the right to education. This was achieved through several policies and frameworks, such as the Refugee Act 2006, Refugee Regulations 2010, the Comprehensive Refugee Response Framework for Uganda and the Education Sector Strategic Plan 2017-2020.

In September 2018, the Government of Uganda, the United Nations and the international community launched the Education Response Plan, which aims to provide quality education for hundreds of thousands of refugee and host-community children in Uganda.<sup>248</sup> The Plan is a product of the concerted efforts of various stakeholders, including the Ministry of Education and Sports, donors, civil society organizations and United Nation organizations, which have contributed financial support, technical expertise and practical input.

The overall ambition of the Plan is to improve learning outcomes for the refugees and their hosting communities. This will be achieved under three groups of activities:

- Improved equitable access to inclusive relevant learning opportunities
- Improved delivery of quality education services and training
- Strengthened systems for effective delivery

A key assumption is that sufficient funding will be made available to provide quality education and improve learning.

The Plan also aims to bridge humanitarian and development programming and to advocate for predictable and sustainable financing for this emergency and the protracted crisis. Under the coordination of the Ministry of Education and Sports, the Office of the Prime Minister and the UNHCR, the Plan recognizes the comparative advantages of both humanitarian and development actors. It reinforces a three-year interdependent approach that addresses both an immediate humanitarian crisis response and medium- and long-term investments towards recovery and development.

Thus, the Plan aims to result in the provision of: accessible and safe infrastructure, including classrooms, offices, water points and latrines; additional qualified teachers, through an accelerated training programme; appropriate instructional materials; a system of supervision, inspection, and professional development of teachers and educators; and strengthened management, including monitoring and evaluation.

The Education Response Plan also calls for innovations including: the use of double shifts; the application of information and communications technology (ICT) for learning; addressing socio-emotional and psychosocial issues for refugee children and teachers; enhancing safety;

<sup>248</sup> UNHCR, 2018 *Uganda Launches new Education Response Plan for Africa's biggest refugee crisis*.

innovative but low-cost pedagogies; using children's spoken languages and involving persons from the community as assistant teachers, especially for oversized classes.

To achieve both equitable, inclusive access and quality teaching, the Plan calls for resources and support for the third overarching outcome, strengthened systems for effective delivery. This outcome is realized through activities that include: advocacy for policy and regulations needed to address unique refugee needs (such as the current ceiling on appointing additional teachers and coordinating centre tutors for the teacher-training colleges); strengthening capacity at district and national levels for coordinating donors and implementing partners; managing an EMIS for refugees and host communities; supporting the Plan's monitoring and evaluation system; and engaging local communities in support of children's education and schools.

The fundamental principle of the Education Response Plan calls for an effective system for the coordination of donors, implementing agencies, and the Ministry of Education and Sports. At an operational level, this requires strengthening and resourcing both the national Ministry of Education and Sports and, especially, the District Education Offices so that they can increasingly take on responsibilities of coordination, including refugee and host-community education information management systems, monitoring and evaluation.

The Plan has drawn on the recommendations of the *INEE Minimum Standards for Education: Preparedness, Response, Recovery*, which represents the combined experience of hundreds of implementing partners and donors in providing education in emergency contexts.

Regular monitoring of the implementation and programmes and theories of change will be revised if required.

A detailed and costed prioritization exercise was undertaken in order to develop an ambitious but feasible plan.

The Plan goes beyond increasing the number of children accessing education. It also puts in place activities to improve the quality of education at all levels and strengthens the management of the education system.

An analysis of the current conflict anticipates that the majority of refugees will remain in the country at least during the implementation of the Plan. The "system strengthening" component, through robust policies and strengthened governance, plays a crucial role in: ensuring the sustainability of the humanitarian response in respect of refugees; and enhancing the national education capacity, from which the host community will equally benefit. Host-community schools will also benefit directly from a stronger system of support and data analysis.

The national-level system strengthening will be implemented together with the development of a comprehensive education database of refugee learners' enrolment data and national enrolment data based on EMIS.

The Plan is interesting for the following reasons: It is developed based on a comprehensive assessment of the issue

- It is a collaborative initiative associating different actors

- It looks at both access and quality of education
- It includes plans for monitoring its implementation
- It includes a budget plan
- It targets both the refugees and host communities
- It aims to be sustainable in the long term

### **Bangladesh: A learning framework for improving the quality of education within camps**<sup>249</sup>

The United Nations Children’s Fund (UNICEF) and the Education Sector of the Ministry of Education of Bangladesh have developed a learning framework to improve the quality of education within the 1,200 learning centres in the Rohingya refugee camps operated by UNICEF. The learning framework was submitted to the Government of Bangladesh for review to ensure consistency with its guidelines and secure official endorsement.

The framework includes different modules for different competency levels. The core teaching and learning materials are under development. Teaching plans covering all subjects and levels are under development, as are Myanmar-language student books. Prior to the rollout of the learning framework, a student assessment is under way to determine children’s competency levels.

The learning framework aspires to provide certification for all students who successfully complete their studies. The aim is to create a system which ultimately provides a clear pathway to certification and which prepares learners with regard to their certification in the context of their presence in their respective countries or anywhere else.

### **Implementing regional initiatives**

When addressing the issue of refugees’ education, countries may also use the regional frameworks mentioned in part III of this document and translate them into education planning at the national level.

- **Government of Kenya:** In accordance with the Comprehensive Refugee Response Framework (CRRF), and building on the Djibouti Declaration on Refugees, the Kenyan Ministry of Education has developed the Refugee Education Inclusion Policy and the Government of Kenya has committed to implementing the Guidelines on Admission of Non-Citizens to Institutions of Basic Education and Training in Kenya, which will expand the range of acceptable forms of documentation to help refugee learners access schools (Mendenhall, M., S. Garnett Russell, Elizabeth Buckner, 2017). The Government will also extend access to the education system, schools and training institutions at all levels, from basic to tertiary, for refugees (Nairobi Comprehensive Plan of Action for Durable

<sup>249</sup> Presentation by Mr Javed Ahmed, Additional Secretary, Secondary and Higher Education Division, Ministry of Education, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

Solutions for Somali Refugees, 2017: 12-13). Moreover, through collaboration between the Kenyan Refugee Affairs Secretariat, the UNHCR and other stakeholders, the status and needs of the refugee population and the refugee-hosting population have been integrated into the United Nations Development Assistance Framework (2018-2022).<sup>250</sup>

- **Government of Djibouti:** In December 2017, in fulfilment of its commitments regarding the Comprehensive Refugee Response Framework (CRRF), Djibouti passed a new refugee law strengthening the protection and rights of refugees. The law provides for the inclusion of refugee children in the national school system and for access to legal work and public services. The Government is also working to ensure access to quality education through the training of refugee teachers and through the establishment of a certificate equivalency for the English-language curriculum taught to refugees in Djibouti. The Government and its partners have been working together in a societally inclusive partnership to accomplish this. To guide and facilitate the application of the Comprehensive Refugee Response Framework, the Government has created a multi-stakeholder steering committee. The committee is led by the Ministry of the Interior and its members include representatives from the Ministry of Education, Health, Labour and Social Affairs, representatives from the refugee and host communities, donors, representatives from national and international NGOs, the Intergovernmental Authority on Development (IGAD), the World Bank, United Nations agencies, and the Djiboutian Chamber of Commerce. The strategy driving the application of the CRRF is the National Action Plan (2017-2022), which also serves as the road map for the implementation of the Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia (CRRF Global Digital Portal, n.d.).
- **Government of Uganda:** The new national Education Response Plan for Refugees and Host Communities in Uganda (2018–2021), adopted in March, is an example of a comprehensive national approach to ensuring that all children and adolescents from refugee and host communities have access to quality education at all levels. The Plan targets refugee settlements and covers 30% of the host community (Government of Uganda, 2018), and has been supported by Education Cannot Wait, a global partnership focused on increasing political will and finance for education in emergencies. More broadly, intersectoral efforts to address the refugee crisis in Uganda in a coherent way are framed by the Road Map for the Implementation of the Comprehensive Refugee Response Framework in Uganda 2018-2020, a Government document developed collaboratively with the UNHCR and other key humanitarian and development partners. Education is highlighted as a focus area in the Comprehensive Refugee Response Framework (CRRF); it is recognized as one of six sectors of work that contribute to risk mitigation, and it should be seen as a priority in the short and medium term for both refugees and host communities (Government of Uganda, 2018). A key component of the application of the CRRF in Uganda is the Refugee and Host Population Empowerment (ReHoPE) initiative, which has been explicitly designed as a collective humanitarian and

<sup>250</sup> This process was undertaken with long-term sustainability in mind: the United Nations translated the consultative process and its guiding principles (utilizing United Nations mandates and comparative advantage) to develop a framework that feeds into the Sustainable Development Goals, Kenya Vision 2030, the Government's Big Four agenda and Medium-Term Plan III, and the strategic direction of the United Nations Country Team (CRRF Global Digital Portal, n.d.a.).



development response to support the Government's integration of refugees into the National Development Plan (ReHoPE Strategic Framework, 2017).<sup>251</sup>

- **Government of Argentina:** Argentina's Refugee Protection Law (No. 26,165) works with the National Commission for Refugees (CNR) where all persons have the possibility of applying for refugee status if they consider that: they suffered persecution or fear persecution if they return to their country of origin; there are circumstances in their country of origin such as serious disturbances to public order or massive violations of human rights, among others. These persons have the effective right to be subjects of public policies. Currently, the country is receiving mainly Venezuelan immigrants, which reached approximately 130,000 in 2019. Thirty-six percent of them are between the ages of 26 and 35. 50% have university studies, 24% have secondary studies and 17% have higher technical studies (IOM, 2018).<sup>252</sup> The National Direction of Migration has established the "Assistance Program for Venezuelan Migrants" in 2019. This programme establishes guidelines to facilitate entry into the National Territory, regularization of migratory status and socio-economic integration of Venezuelans in Argentina. The National Academic Recognition System works with the corresponding national counterparts to recognize studies and contribute to the incorporation of thousands of immigrants into tertiary education and the world of work. The educational system grants equal treatment to immigrants with visas for humanitarian reasons coming from areas or countries in armed conflict and/or affected by natural disasters, displaced persons, asylum seekers or refugees recognized by the Argentine State and even to professionals coming from countries in institutional crisis, in order to recognize studies, facilitate the access and continuation of studies and their qualification for professional performance, although Argentina does not have reciprocity with their countries. This is the case of professional migrants from Venezuela to whom this treatment has been granted since 2018, avoiding the need to revalidate their degrees. Most of the professionals are incorporated to the labor market, requiring in the cases of careers regulated by the State the validation of their titles. During 2019, more than 400 university degrees were recognized, and 3392 files were in analysis and evaluation as of April 2019<sup>253</sup>. In these cases, the government simplified the access and the conditions of presentation of documentation for the recognition of studies and titles, for example, it exempts the apostille and other formalities, paying attention to the difficulties in obtaining them, at the same time as carrying out informative talks in a systematic way for displaced people with the purpose of orienting their integration processes. The government systematically conducts informative events for displaced people in order to facilitate their integration processes.

<sup>251</sup> ReHoPE's strategic framework outlines collective objectives and processes and involves one results framework applicable to the actors concerned, one situation and problem analysis in a shared analytical framework, and joint monitoring and evaluation, including reporting (ReHoPE Strategic Framework, 2017).

<sup>252</sup> <http://argentina.iom.int/co/ficha-t%C3%A9cnica-del-monitoreo-de-flujo-de-poblaci%C3%B3n-venezolana-argentina-dtm-ronda-2-octubre-noviembre>

<sup>253</sup> Data provided by the National Director of University Management and Auditing Ministry of Education, Culture, Science and Technology, April 11, 2019.



### 3. Acceptability

The form and substance (including curricula) of education should be acceptable (relevant, culturally appropriate and of good quality) to all students. Human rights education, respect for cultural diversity, intercultural understanding and multicultural education play an important role in this context. Education, by providing the necessary social and cultural skills for successful integration and by fostering tolerance and citizenship, should enable refugee students to participate fully and actively in their new society. In the host countries, the new language of instruction can present a significant barrier for refugees. Refugees should be supported in learning the language of the host country at an early stage,<sup>254</sup> and intensive language training should be promoted where needed. Generally, UNESCO supports mother-tongue instruction as a means of improving educational quality by building upon the knowledge and experience of the learners and teachers. Basic education, at least in its initial stages, should therefore be provided in the mother tongue while respecting the requirements of multilingualism. Regarding the overall refugee context, the “requirement” to provide instruction in the mother tongue still exists, but it is important to consider the language of the host country in order to ensure integration into national systems. Host countries should provide language training to refugees in order to give them the possibility of entering the national school and tertiary education system. This requires significant support. Legal, technical and administrative actions needed to provide high-quality education about human rights and how they are exercised in real life should also be taken. In addition, teachers should be fully supported and trained to respond to the specific needs and rights of refugees.

Integration into mainstream education may require introductory classes where the language of instruction and the curriculum adopted are different from what is familiar to the students. Introductory classes may be run parallel to mainstream education depending on the educational level of the student so as to minimize the interruption of schooling.

To be acceptable, education should also foster the participation of refugee learners, educators and community members.

Acceptability means that education must be of quality. Quality acts as a protective factor against school drop-out, improves cognitive and cultural capital, and opens possibilities for the successful participation of young people in tertiary education. If primary and secondary education is of quality, students will be able to develop their potential and thus pave the way for tertiary education. Quality must be a fundamental objective of education systems and, in the case of disadvantaged populations, it must be accompanied by extraordinary measures to generate public policies based on equal opportunities.

#### A. Creating intercultural schools and programmes

Germany has adopted a targeted support strategy for poorly performing pupils which focuses particularly on children and young people from migrant backgrounds. The strategy prioritizes cooperation with parents and migrant organizations and provides intercultural day-care centres for children and schools.<sup>255</sup> In Greece, schools are welcoming in more refugee and migrant

<sup>254</sup> United Nations General Assembly, 2016 *Report of the Secretary-General, A/70/59*.

<sup>255</sup> UNESCO. 2017. *Ensuring the right to equitable and inclusive quality education: results of the Ninth Consultation of Member States on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*. p. 22.

children through major efforts by the Greek Ministry of Education, Research and Religious Affairs and with the support of UNICEF. These efforts are aimed at enrolling as many migrant children as possible “through communication, sensitization and interpretation, teacher training, homework support, early childhood education and non-formal education for children out of school or who are still on the move to relocate to other countries”.<sup>256</sup> Since 1985, domestic law has provided for the establishment of intercultural schools across Greek territory.<sup>257</sup> The programmes and classes offered in such schools are designed to respond to the specific needs of, inter alia, migrants, refugees, asylum-seekers and repatriated Greeks.

In Armenia, the *Kirikian School* was established as a provisional measure and provided courses following the programme of the State of origin. The school closed after one year and children continued their studies in other schools.<sup>258</sup>

## B. Tackling the language issue

Specific and intensive language courses for refugees are necessary at the early stages to facilitate refugees’ integration into society and the host country and/or to allow refugees to resume their education in cases where the language of instruction in the host country is different from their native language. Language needs are different from preschool to higher education. Consolidating the mother tongue is needed in preschools to facilitate learning while children’s exposure to the second language allows smooth transition to that language. Language courses are beneficial for all educational levels, from primary to tertiary education.

Promising practice suggests that intensive language courses at an early stage of displacement significantly improves refugee students’ reading and maths skills.<sup>259</sup> Short-term measures aimed at facilitating the inclusion of refugee students in national systems may also involve innovative models of teaching that allow refugee and host-country teachers to co-teach, using specific methods to support the transition from one language to another, allowing participants to gain literacy skills in both languages.<sup>260</sup>

Additionally, language courses for students’ parents are vital for facilitating their inclusion and enabling them to interact with schools and participate effectively in school life. Improving the ability of refugees to participate in school life and decision-making has been demonstrated to

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- <sup>256</sup> See UNICEF, 2017. *Greece goes back-to-school with more refugee and migrant children getting into the Greek education system than ever*. UNICEF Press Release. Available at <https://reliefweb.int/report/greece/greece-goes-back-school-more-refugee-and-migrant-children-getting-greek-education>.
- <sup>257</sup> See Greek Law No. 1566/1985 (“Structure and operation of primary and secondary education and other provisions”, Government Gazette 167/30.09.1985, Issue A); Law No. 2413/1996 (“Greek education abroad, intercultural education, and other provisions”, Government Gazette 124/14.06.1996, Issue A).
- <sup>258</sup> UNESCO. 2018. *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.
- <sup>259</sup> Save the Children, UNHCR and Pearson, 2017. See as an example “An EIE Research-Practice Partnership: Learning to Improve Academic and Social-Emotional Outcomes”.
- <sup>260</sup> In Chad, as part of the Ministry of Education’s integration efforts, several Sudanese teachers are taking part in a certified two-year teacher-training programme at the national Abeche Bilingual Teacher Training College in eastern Chad to equip them to teach the Chadian curriculum and also to become familiarized with the norms and standards of the Chadian education system. Save the Children, UNHCR and Pearson, 2017.

increase student achievement.<sup>261</sup> The removal of language barriers for refugee children and families would also serve to break down the barriers to their participation. These measures significantly enhance the willingness of both teachers and parents to engage in collective action for improved service provision.<sup>262</sup>

According to UNESCO's Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education, almost all countries reported on national language courses provided to refugees in order to allow them to resume education in their new host countries (Armenia, Bulgaria, Denmark, Georgia, Germany, Norway, Portugal, Sweden). In some cases, refugee students' parents can attend these language courses (Germany), while Spain and Sweden reported on language tuition for adult immigrants. In schools, foreign languages spoken by refugees are sometimes integrated as languages of instruction (Armenia, Germany, Spain).

Based on the Ninth Consultation, it appears that every stage and level of education can be adapted in order to provide education that fits with refugees' contexts and particularities. A large proportion of the countries that reported set up activities and courses that were specifically designed for refugees. More precisely, preschool education with alternative models or specific support is provided in some schools in Armenia (Yerevan) and Bulgaria, while additional and adapted training was designed within vocational education programmes (Denmark, Germany, Norway).

In Italy, the Permanent Territorial Centres (*Centri Territoriali Permanenti*), which replaced the former Provincial Centres for Adult Education (*Centri Provinciali di Istruzione per Adulti*), are specifically designed for foreign minors and young adults who have not completed their compulsory education. These centres offer Italian-language classes and other cultural activities, and focus on designing an educational experience aimed at facilitating integration and access to the labour market.<sup>263</sup>

Refugee and asylum-seeker children are considered children with specific educational needs under Spanish educational laws and are entitled to access specific programmes if they have missed out on education and/or are not proficient in the language of instruction.<sup>264</sup> Each autonomous region's administration is responsible for enacting adequate regulations and policies to address these specific needs. In Catalonia for instance, Law 10/2010 on the welcoming of migrants and returned persons sets out the obligation of the regional and local authorities to take measures to facilitate the welcome process for migrant persons in several areas, including education (among the suggested measures are special classes, school support and Catalan-language training).<sup>265</sup> In Madrid, the regional authorities have put in place the Welcome Schools Programme (*Programa Escuelas de Bienvenida*), aimed at supporting and

<sup>261</sup> Burde et al., 2015.; Compennolle and Hansen-Shearer, 2018.

<sup>262</sup> *Ibidem*

<sup>263</sup> See *Ministero dell'Istruzione dell'Università e della Ricerca* (MIUR) ordinance of 29 July 1997, No. 455, and MIUR decree of 25 October 2007

<sup>264</sup> See Organic Law 8/2013, Article 78 and 79: <https://www.boe.es/buscar/act.php?id=BOE-A-2013-12886>

<sup>265</sup> See Ley 10/2010, de 7 de mayo, de acogida de las personas inmigradas y de las regresadas a Cataluña: [http://noticias.juridicas.com/base\\_datos/Anterior/r0-ca-l10-2010.html](http://noticias.juridicas.com/base_datos/Anterior/r0-ca-l10-2010.html). See also: [http://treballiaferssocials.gencat.cat/ca/ambits\\_tematicos/immigracio/politiques\\_i\\_plans\\_dactuacio/pla\\_2017\\_2020/](http://treballiaferssocials.gencat.cat/ca/ambits_tematicos/immigracio/politiques_i_plans_dactuacio/pla_2017_2020/)

improving migrant children's access to education.<sup>266</sup> In Andalusia, the Integral Plan for Migrants sets out the measures to be taken by the authorities to facilitate the reception and integration of migrant children in the context of education programmes. Specific steps have also been taken to improve the knowledge of Spanish among migrant children (temporary language classes, language support programmes for migrants, virtual Spanish classes, Spanish classes for foreign persons).<sup>267</sup>

In Norway, the University of Oslo developed a massive open online course (MOOC) entitled "Introduction to Norwegian", which started on 16 January 2017. The course is open to anyone interested in learning the basics of the language and it has a specific focus on refugees in reception centres. As the MOOC can be attended by anyone, regardless of location and status, it is helpful for those who have not been granted protection and therefore cannot benefit from any of the governmental programmes facilitating integration.

Through a project funded by a direct grant (300 million euros) from the European Union, the Ministry of Education of Turkey provides Turkish-language as well as Arabic-language courses to, respectively, 390,000 and 10,000 Syrian children.<sup>268</sup>

Finally, in Portugal, the course "Portuguese as a Second Language – PL2", which is taught at the primary and secondary levels, targets newly arrived learners that are non-native Portuguese speakers and aims to support educational success, regardless of the learners' first language, cultural and social background, origin, or age. After reception, newly arrived learners are integrated into a regular class, where their Portuguese level is assessed on the basis of the Common European Framework of Reference for Languages (CEFR).<sup>269</sup> Beginner (A1/A2) and intermediate (B1) learners follow the PL2 curriculum, while advanced learners (B2/C1) follow the Portuguese curriculum. Final PL2 exams are adapted to the students' language level, while migrant learners with a B2/C1 level follow the Portuguese subject syllabus and can receive additional language support classes whenever necessary.<sup>270</sup>

### C. Providing tailored training for teachers and school leaders

The provision of trained teachers is vital.<sup>271</sup> Teachers are central to refugee education and key to ensuring the quality of education.<sup>272</sup> The working conditions of teachers in refugee contexts are challenging; in the majority of the cases, teachers do not possess the necessary experience and skills for dealing with extraordinary conditions, such as crowded classrooms, classes with students of various ages, intensive working hours, multi-language groups of students, and social

<sup>266</sup> See: [http://www.madrid.org/dat\\_este/supe/tecnologias-informacion-comunicaciones/archivos/recursos\\_tic/recursos\\_oeste.htm](http://www.madrid.org/dat_este/supe/tecnologias-informacion-comunicaciones/archivos/recursos_tic/recursos_oeste.htm)

<sup>267</sup> <http://www.juntadeandalucia.es/organismos/justiciaeinterior/areas/politicas-migratorias/planes-inmigracion.html>

<sup>268</sup> Presentation by Ms Ayşenur Bülbül, Ministry of National Education of Turkey, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>269</sup> <https://www.coe.int/en/web/common-european-framework-reference-languages/level-descriptions>

<sup>270</sup> Presentation by Ms Lina Varela, Head of Preschool, Primary and Lower Secondary Education Division of the Directorate-General for Education of Portugal, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>271</sup> Richardson, MacEwen and Naylor, 2018.

<sup>272</sup> Dryden-Peterson, 2011.

and cultural clashes. In challenging educational environments, competent teachers are indispensable to success, and teacher training is vital for improving the quality of teaching.<sup>273</sup><sup>274</sup> For their part, higher education institutions need to pay special attention to the challenges of caring for refugee students that teachers and staff need to face. Among the necessary actions, the information and training of teachers and administrators to be able to design special measures related to the recognition of previous learning; the accompaniment in the first stages of insertion of new students; the generation of extraordinary activities aimed at integration; the work in close collaboration with secondary schools to prepare the students for tertiary education; among others.

Ensuring an adequate supply of trained and motivated teachers is crucial for coping with the challenging conditions generated by displacement.<sup>275</sup> The high numbers of school refugees require appropriate strategies for overcoming shortages of qualified teachers.<sup>276</sup> Such strategies may include hiring refugee teachers and/or unqualified teachers. In the Sudan for instance, the recruitment of refugee teachers to support the response for refugee education has proved to be useful in reducing the shortage of teachers in remote areas<sup>277</sup>; meanwhile, more than 500 refugee teachers have been trained in Chadian teacher-training schools.<sup>278</sup> Immediate measures should: i) ensure that sufficient funds are available to pay and incentivize the new workforce; ii) allow refugee teachers to teach in the host country, recognizing their previous qualifications and ensuring that such teachers who are unable to provide proof of their qualifications are assessed otherwise<sup>279</sup>; and iii) provide appropriate training to qualified and unqualified teachers.<sup>280</sup>

Targeted training in teaching integrated classes with refugees is required for qualified and unqualified teachers and covers subjects including: psychosocial training, teaching multilingual classes, and emergency-related pedagogical techniques. Psychosocial training in refugee contexts is crucial since refugee situations can “harm children’s physical, intellectual, psychological, cultural and social development”.<sup>281</sup> Trauma and disruption have potentially

<sup>273</sup> Richardson, MacEwen and Naylor, 2018.

<sup>274</sup> The Joint Education Needs Assessment Toolkit produced by the Global Education Cluster provides a helpful starting point for determining what quality teaching in refugee education looks like. The Toolkit individuates five spheres of pedagogy that are evident in high-quality classrooms: i) participatory teaching methods; ii) the use of a variety of methods; iii) the use of teaching materials; iv) non-violent discipline; and v) inclusion of all children. Global Education Cluster, 2010 cited in Dryden-Peterson, 2011.

<sup>275</sup> Global Education Monitoring Report /UNHCR, 2016 *No more excuses*.

<sup>276</sup> *Ibidem*

<sup>277</sup> Presentation by Dr Ibtisam Mohamed Hassan, DG of Quality Assurance in Education in the Ministry of Education, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>278</sup> Presentation of Mr. Youssouf Tahir Ahmat, General Director of Administration Planning and Resources, Ministry of Education, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, December 13-14, 2018.

<sup>279</sup> “The Supreme Court of Ontario, Canada, set an important precedent by ruling that the Ontario College of Teachers must find a way to assess the qualification of a resettled refugee who could not produce an original government-certified proof of her academic qualifications”. Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.

<sup>280</sup> *Ibidem*.

<sup>281</sup> Richardson, MacEwen and Naylor, 2018.

long-term impacts and can perpetuate the negative effects of displacement.<sup>282</sup> Experiences in Bosnia and Herzegovina and Croatia showed that basic training addressing the signs of psychological trauma and explaining the resultant behavioural changes in students helped teachers cope in their roles.<sup>283</sup> Teachers also need training in emergency-related pedagogical techniques to handle multi-grade classrooms and classrooms with special-needs learners and/or learners who have missed a significant amount of school.<sup>284</sup> The existing literature suggests that time-on-task and student-centred methods are the most effective pedagogical approaches to improving student performance.<sup>285</sup>

In-service and continuous training are recommended by the existing literature as effective methods of cultivating teacher capacities to enable teaching in emergency contexts.<sup>286</sup> However, the availability of in-service support is dependent on the context. In remote locations, this may not be an option because of the restrictive conditions associated with refugee locations. In such cases, distance education is an option, and the use of new technologies may help in overcoming geographical barriers. Indeed, distance learning represents a cost-effective option for increasing the number of trained teachers and increasing the teaching workforce.<sup>287</sup> Technologies such as radio and computers may enable teachers to access a range of resources in areas where physical training and support are not possible. Mobile phone technology has received attention recently on account of its prevalence, accessibility and potential for improving access to quality teacher training.<sup>288</sup>

Educators, teachers and persons working in educational institutions need additional training and support from governments in order to adapt their methods and to meet the changing needs resulting from the arrival of refugees.

The European Union provided a direct grant (300 million euros) to fund a project through which 15,000 teachers and 2,000 administrators were trained in Turkey.<sup>289</sup> Within the framework of UNESCO's Ninth Consultation on the Implementation of the Convention and Recommendation against Discrimination in Education<sup>290</sup>, a significant number of countries (Armenia, Bulgaria, Estonia, the Islamic Republic of Iran, Malta, Poland) reported that training courses for educators, teachers and school leaders had been put in place in order to improve local competences and capacities. This extra support can sometimes include funding, resources, and expertise for schools that work with refugees (New Zealand), as well as economic support for municipalities (Norway). Norway also seeks to improve local competences through establishing a network for municipalities, with a "school box" providing online learning tools and a "teacher tool" enabling school owners to search in their area for available teachers with the expertise

<sup>282</sup> *Ibidem*; McAleavy, Hall-Chen, Horrocks and Riggall, 2018.

<sup>283</sup> Richardson, MacEwen and Naylor, 2018.

<sup>284</sup> *Ibidem*

<sup>285</sup> Burde et al., 2015; World Bank, 2014.

<sup>286</sup> UNESCO, 2010, *Guidebook for planning education in emergencies and reconstruction*.

<sup>287</sup> Burde et al., 2015.

<sup>288</sup> Burde et al., 2015; Dryden-Peterson, Dahya and Douhaibi, 2017.

<sup>289</sup> Presentation by Ms Ayşenur Bülbül, Ministry of National Education of Turkey, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>290</sup> UNESCO, 2018 *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.



they need locally. Another option is to provide training courses for refugees that used to be teachers in their respective native countries; such training allows these refugees to resume practice of their previous profession (Germany).

#### **D. Involving migrant parents and families in school**

In Greece, at the 132nd Primary School of Athens, two thirds of the student population is of migrant descent, hailing mainly from Albania, the Russian Federation and Ukraine. To improve educational performance, the school developed an action plan addressing the specific learning needs of the students and based on the engagement of students, teachers and parents. It included after-hours national-language tuition for parents and mother-tongue tuition for migrant students. The parents' association embraced the initiative, as its positive results were evident in the improvement of pupils' school performance, as well as in the reduction in racist bullying.<sup>291</sup> On a larger scale in Athens, an open school programme makes use of school buildings on afternoons and weekends to provide a wide range of free recreational, cultural, educational and sports activities, effectively making the schools involved "cultural community centres" for all ages.<sup>292</sup> Vulnerable populations such as refugees and migrants particularly benefit, not only from the provision of language classes for adults and children alike, but also from the sense of social inclusion and integration derived from the mixed participation of migrants and local populations in classes such as robotics, entrepreneurship, dance, cooking and theatre. As at summer 2016, 20 schools in all seven districts of the city of Athens had joined the open school programme, and more than 10 other municipalities in Greece had expressed an interest in adopting the programme.

#### **Ukraine: Establishment of Social Integration Centres**

Ukrainian law provides for the creation of State centres for the social integration of refugees, persons in need of additional protection, and persons in need of temporary protection (known as "Social Integration Centres").<sup>293</sup>

The Social Integration Centre is tasked with the integration of refugees and assisting in ensuring the right to education.

Three Social Integration Centres were established on 27 December 2017 in the following cities: Kyiv, Kharkiv and Odessa.<sup>294</sup> The Social Integration Centres are tasked with providing free language classes and consultations on education services. These centres also carry out, within

<sup>291</sup> Example cited in European Union Agency for Fundamental Rights (FRA), 2017, *Together in the EU Promoting the participation of migrants and their descendants*, p.41. For more information, see Grant, C.A. and Portera, A. (eds.) (2011); Spinthourakis, J.A. et al. (eds.) (2011); and the school's webpage.

<sup>292</sup> Presentation by Ms Maria Iliopoulou, Vice-Mayor for the Child, Municipality of Athens at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>293</sup> The Provision of the Ministry of Internal Affairs of Ukraine "On State Migration Service of Ukraine Centre of Social Integration of Refugees and Persons in Need of Complementary or Temporary Protection" No. 1586 of 17 December 2015

<sup>294</sup> The Order of the Cabinet Ministers of Ukraine "On Establishing State Institution" No. 987-p (the "Provision on Social Integration Centres") of 27 December 2017

their competence, measures to ensure the unimpeded access of refugee children and children in need of complementary protection to preschools and schools.<sup>295</sup>

#### 4. Adaptability

Education must be flexible to adapt to the needs of changing societies. Host countries, supported by the international community, should take all necessary measures to receive refugees and provide them with high-quality and meaningful education in order to uphold the tenets of non-discrimination and equality of opportunity, which are central to the right to education. They should also promote, when necessary, accelerated and flexible education options<sup>296</sup> enabling refugees, over the long term, to rebuild their lives and communities, obtain employment, own businesses or purchase land.

Adaptation measures should have as their goal integration into the mainstream education system.

##### A. Promoting an intersectoral approach

Beyond education, current migration flows require policymakers and governments to adopt an intersectoral and coordinated approach in order to address the multiple challenges faced by countries dealing with the arrival of newcomers: These challenges concern health, psychological support, real estate and housing, urban planning, public transportation, employment, social cohesion and so on. As the fate of children and young people is played out beyond educational establishments, guaranteeing their rights requires integrated social policies.

When targeting refugees, education systems should take into account this multidimensional context and provide educational services adapted to the specific circumstances of refugees, who might have had harmful experiences before reaching their host countries. In this connection, some States have adopted specific measures to help to restore refugees' self-confidence. In Armenia, all refugees have been centralized in several schools, where they have been provided with individual psychological and educational assistance based on a methodical approach. In Ecuador, the State has created the Toolbox Project, an innovative strategy which is based on research and action and which seeks to renew the right to education in real time. It aims to ensure the retention of, the participation of, and school completion by students with special educational needs and vulnerable persons, including migrants and undocumented persons. The methodology involves identifying the most vulnerable children and adolescents through a door-to-door search, determining why they are not in school, and taking action based on the reasons for their exclusion. The project involves social pedagogical techniques and

<sup>295</sup> The Provision on Social Integration Centres.

<sup>296</sup> Overall, "among both internally displaced and refugee populations, there are large numbers of over-age learners who have missed significant periods of schooling" (Global Education Monitoring Report/UNHCR, 2016, *No more excuses: Provide education to all forcibly displaced people*, Policy Paper 26, p. 9). Carefully designed and certified accelerated education programmes are a key way to allow older children and adolescents to access condensed primary education services in conditions appropriate for their age. However, there remain obstacles to reintegration, usually because of the costs involved. This problem could be overcome by waiving fees. Flexible post-primary education can provide youth with skills that they would otherwise lack because of their circumstances. Such education helps resolve unemployment in camps (Global Education Monitoring Report/UNHCR, 2016 *No more excuses*.)

collective efforts to overcome obstacles to education.<sup>297</sup> Canada's Settlement Program funds partnerships with over 500 third-party organizations across Canada that deliver settlement programming. These organizations assist immigrants and refugees in overcoming barriers, receiving language training, finding employment and establishing themselves and their families in Canada. Other orders of government provide complementary integration programs in education, health, and labour-market access.<sup>298</sup>

### **New Zealand – The New Zealand Refugee Resettlement Strategy**

In New Zealand, education is considered part of the wider New Zealand Refugee Resettlement Strategy, which takes a whole-of-government approach to delivering improved refugee resettlement outcomes so that refugees more quickly achieve self-sufficiency, social integration and independence. The Ministry of Education's support programmes include a six-week education orientation at the Refugee Reception Centre, where refugees also receive health check-ups, trauma counselling, and practical information about New Zealand life. There is a dedicated team in the Ministry of Education that is responsible for providing funding and resources to help meet the needs of refugee students, and there is also a team of senior advisors based in the main resettlement regions to provide support to schools on a wide range of refugee initiatives. As a result of these initiatives, the proportion of refugee school-leavers attaining Level 2 in the National Certificate of Educational Achievement rose from 68.5% in 2009 to 90.1% in 2016.<sup>299</sup>

### **Spain – The University of Barcelona support programme for refugees and people from conflict zones**<sup>300</sup>

As part of its mandate, the Solidarity Foundation of the University of Barcelona developed a support programme for refugees and people from conflict zones. The programme aims to facilitate refugees' initial access or return to higher education and to provide global and cross-cutting support. The programme is currently providing support to more than 30 Syrian, Afghan and Russian students, who are participating in academic support activities. In total, more than 100 refugees have benefited from agreements covering accommodation, language courses, legal advice, and so on.

In terms of **academic assistance**, the programme includes:

<sup>297</sup> UNESCO. 2018 *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>298</sup> Canada, 2018. State Report for the UPR (thirtieth session, 3 April 2018) A/HRC/WG.6/30/CAN/1 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/081/95/PDF/G1808195.pdf?OpenElement>

<sup>299</sup> Presentation by Mr Abdirizak Abdi, Ministry of Education, New Zealand, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>300</sup> Presentation by Ms Cati Jerez, Coordinator of the Support Programme of the University of Barcelona for refugees and people from conflict zones, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

- Support for transition-to-university courses: Language training (in Spanish and Catalan) and human rights courses, jointly organized by the University of Barcelona and the Barcelona City Council
- Protocol of Recognition of Prior Learning: A protocol which was approved in May 2018 by the University of Barcelona and which allows the recognition of prior learning for refugee students without documents or with incomplete documents
- Tutorial Action Plan: Once the students have initiated their studies, the Tutorial Action Plan is activated by means of regular appointments with teachers and mentors.
- Spanish for foreign learners: Hispanic Studies offers four places for study throughout the entire academic year.

**Other aspects of the programme** include:

- Psychosocial support: Final-year students from the Faculty of Psychology at the University of Barcelona provide psychological support to refugees.
- Accommodation: The scholarship offered to the participants includes full board accommodation at the residences on the university campus to promote participants' social integration.
- Legal advice: Students receive comprehensive legal assistance for free.
- Awareness-raising campaigns and participation in discussion forums: The programme focuses on good practices at the local level and on participation in local, Catalan and State forums.
- Labour integration: Recently launched, this aspect of the programme aims to promote participants' integration into the labour market, through partnerships with companies (agreement with Nestlé).

### **Switzerland – The Integration Agenda**<sup>301</sup>

The Integration Agenda aims to enable refugee adolescents and young adults to learn one of Switzerland's national languages faster and to be prepared to carry out a professional activity. The Integration Agenda follows several steps:

- 1) **Initial individual information:** Refugees are provided with guidance and individual information regarding rules applying in Switzerland, cultural customs and offers of support.
- 2) **Assessment of potential:** Systematic assessment of individual potential enables specific, more targeted support for refugees.

<sup>301</sup> Switzerland, State Secretary for Migrations  
<https://www.sem.admin.ch/sem/fr/home/themen/integration/integrationsagenda.html>

- 3) On a case-by-case basis, depending on individual capacities:
- Young refugees are prepared to follow **post-compulsory education**
  - Adults able to work acquire the necessary skills for integration into working life, for instance through qualifications programmes or employment missions

Post-compulsory education:

- **Professional training:** Admission into professional training is dependent on the fulfilment of several requirements assessed by the educational institution; such requirements include schooling requirements (basic knowledge of the language of instruction and maths) and motivation requirements. The professional training institution offers a preparation programme for initial professional training (generally around one year), in order to prepare young people to enter the apprenticeship market and to facilitate their access to vocational training. Initial professional training may be extended, if necessary, for one year. Support coaching during the apprenticeship may be also provided.
- **Other post-compulsory education opportunities:** Other pathways at the secondary or tertiary levels may be accessed by young refugees, depending on their abilities and potential.

Throughout the integration process:

- **Early language learning:** Shortly after their arrival, refugees follow language courses enabling them to learn one of the national language as early as possible.
- **Targeted support:** Upon arrival and until there is full integration, refugees are supported by specialists.
- **Familiarization with the Swiss lifestyle:** Exchanges with local communities are actively encouraged.

## B. Finding flexible and alternative approaches to lifelong learning

Access to lifelong learning opportunities is crucial to increasing refugees' access to more relevant educational opportunities, enhancing their opportunities to secure jobs, and ensuring inclusion in host societies. Vocational and life-skills training programmes are beneficial for older out-of-school youth and refugee adults. These programmes offer refugees practical training with the aim of improving employability and earnings.

Since 2004, newly arrived refugees to Norway between 18 and 55 years of age have a statutory right and obligation to undergo full-time training for basic qualifications through an introductory program. In 2015, nearly 18,000 immigrants participated in such courses. Language training and social studies form a vital part of the programme, which involves a

minimum of 300 hours of language training (if needed, this can go up to 3,000 hours). Various forms of working-life practice are included in the programme.<sup>302</sup>

In Germany, “in October 2015, the government decided to make vocational language tuition a core element of integration policy and introduced the new programme “Vocational Language Training” (*berufsbezogene Deutschsprachförderung*) as a follow-up to the Integration Course. Both courses are open to asylum seekers from countries with high recognition rates. [...] The content of the training module depends on the course provider as well as the individual skills profiles of participants, but they are supposed to include three components: specialized classes, an internship and site visits. Specialised classes can include, for instance, job application training, information about different occupations in Germany and IT training. There is also the possibility for course providers to offer classes only for certain occupational fields, e.g. in health care.”<sup>303</sup>

In Austria, a “youth college” (*Judencollege*) with about 1,200 places provides basic education courses for asylum-seekers, persons granted international protection, and disadvantaged migrants aged between 15 and 20 years.<sup>304</sup> Following a phase of needs-oriented assessment aimed at evaluating their interests and previous qualifications, these young people are prepared for school-based education or a vocational training programme. The periods of study in these colleges, which are open to new entrants every month, differ depending on the learner’s previous qualifications. Career guidance and periods of work placement are also provided as part of the programme.<sup>305</sup>

### **Portugal – Programmes developed by the Alto Comissariado para as Migrações (ACM – High Commission for Migration) to combat unemployment**<sup>306</sup>

To combat rising unemployment among immigrants, the ACM created and reinforced several employment programmes.

- 1) **The Intervention Programme for Unemployed Immigrants** strives to facilitate the social, cultural and professional integration of the immigrant population legally residing in Portugal through special vocational training, adult education and training courses, occupational programmes, and access to job centre services.
- 2) **National Immigrant Support Centres** seek to provide assistance regarding job offers and professional training in respect of immigrants.
- 3) **A support programme for immigrant entrepreneurship** values the potential entrepreneurship of many immigrants and makes training courses and technical support available. The support it provides includes assistance with the definition of business plans

<sup>302</sup> UNESCO. 2018 *Ensuring the right to equitable and inclusive quality education: Results of the ninth consultation on the implementation of the UNESCO Convention and Recommendation against Discrimination in Education*.

<sup>303</sup> OECD, 2017. *Finding their way: Labour market integration of refugees in Germany*, p.41

<sup>304</sup> Eckhardt, K., Jungblut, J., Pietkiewicz, K., Steinhardt, I., Vukasovic, M. and Santa, R. 2017. P.17

<sup>305</sup> European Centre for the Development of Vocational Training (CEDEFOP), 2016.

<sup>306</sup> Calado, 2016.



and access to microcredit for migrants who want to create their own jobs and/or an alternative to unemployment.

### **Afghanistan – Building solutions to promote reintegration and employment opportunities for returnees**

Since 2002, millions of Afghans have returned home, many under the UNHCR’s facilitated return programme. Various programmes have arisen to aid reintegration and offer employment opportunities to returnees:

- **The Afghanistan Rural Enterprise Development Programme (AREDP)** is led by the Ministry of Rural Rehabilitation and Development (MRRD) and seeks to enhance economic activities among rural communities.
- **The Women’s Economic Empowerment Rural Development Project** follows on from AREDP and has a woman-centric approach.
- **The Returnees Enterprise Development Programme (RED)** aims to reintegrate returnees by strengthening the carpet-sector value chain. The project will strengthen entrepreneurial competencies and build the capacities of 5,000 returnee entrepreneurs in the carpet sector and other potential sectors. Specific skills training will be offered in carpet-weaving and business management.<sup>307</sup>

Another approach is to combine vocational education with employment and language training services in a “skills centre” (*Stadin Osaamiskeskus*), as was created in Helsinki, Finland, in 2016. Its services mainly target refugees over the age of 17 years and those migrants whose language skills are not yet at the level needed for employment and vocational training.<sup>308</sup> Language modules are combined with a diverse range of other activities, including on-the-job learning and work experience.<sup>309</sup> Along the same lines, in Bulgaria, the State Agency for Refugees (SAR) organizes vocational training after participants have successfully completed Bulgarian-language courses in order to obtain a professional qualification degree; the SAR also organizes information meetings concerning mediation services and holds specialized job fairs relevant to direct marketing and negotiating jobs between employers and refugees.<sup>310</sup>

### **Sweden – Programme for the Introduction of New Arrivals in Sweden (the “Introduction Plan”)**

<sup>307</sup> Afghanistan, Ministry of Rural Rehabilitation and Development <http://mrrd.gov.af/en/page/69/returnees-enterprises-development-program-red/summary-report-on-returnees-enterprises-development-program-red>

<sup>308</sup> Eckhardt, K., Jungblut, J., Pietkiewicz, K., Steinhardt, I., Vukasovic, M. and Santa, R. 2017. P.17. See also Eurocities, 2017, *Cities’ actions for the education of refugees and asylum seekers*. Available at: [http://nws.eurocities.eu/MediaShell/media/Education%20report\\_Final%20Version.pdf](http://nws.eurocities.eu/MediaShell/media/Education%20report_Final%20Version.pdf)

<sup>309</sup> OECD, 2018. *Working Together: Skills and Labour Market Integration of Immigrants and their Children in Finland*, p.15

<sup>310</sup> Bulgaria, 2015, State Report for the UPR (twenty-second session, 13 February 2015) A/HRC/WG.6/22/BGR <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/024/42/PDF/G1502442.pdf?OpenElement>

The Introduction Plan is run by Sweden's Public Employment Service. It assesses refugees' labour-market readiness and provides guidance on life in Sweden, language training and specific vocational training, if necessary.<sup>311</sup>

The Programme is based on three activities occupying participants on a full-time basis (40 hours):

- 1) **Swedish for Immigrants** (*see below*)
- 2) **Employment preparation** includes activities such as the gaining of work experience and the validation of educational and professional experience.
- 3) **Social studies** aim to provide a basic knowledge of Swedish society.<sup>312</sup>

**Swedish for Immigrants** (SFI) is the national language-learning course offered for a minimum of two years to all immigrants in Sweden. The programme is compulsory for resettled refugees, whose financial benefits can depend on attendance. In 2009, SFI added a vocational training component to the language training. The **Labour Market Training** courses amount to 25 hours per week and are taken in addition to the required 15 hours of Swedish. Labour Market Training courses last from 20 to 60 weeks, depending on the profession concerned. Courses include welding, bus driving, personal assistance/care, gardening and cleaning. A language teacher is present during vocational training to provide work-related language instruction and classroom communication skills. Unemployed refugees who have been in Sweden for less than three years and are registered at the employment office may apply for the Labour Market Training Programme. Generally, refugees participating in the vocational training component have an intermediate to advanced level of Swedish; however, two new training groups (cleaning and gardening) have been added for refugees with beginner-level Swedish and low literacy skills. Upon completion of vocational training, refugees receive an official certificate of their professional, accredited training. The employment office liaises with employers in order to introduce both the programme and the refugees looking for vocational placements.<sup>313</sup>

### C. Fighting school segregation

Swedish policy-makers have made efforts to integrate refugee and asylum-seeker children into mainstream education as soon as possible. Students can be partly educated in introductory classes for a maximum period of two years; thereafter, schools must provide students with special education support while they attend regular class. It is recommended that introductory classes should be physically located close to regular classes in order to facilitate cooperation and transition, and to avoid segregation. In January 2017, the Swedish Government announced a large and long-term investment in capacity-building for municipalities and free-school owners with a view to providing refugee children with education of high quality.<sup>314</sup> Similarly, the goal in

<sup>311</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*. p 154

<sup>312</sup> OECD, 2014. *Finding the Way: A discussion of the Swedish Migrant Integration System*, p. 26.

<sup>313</sup> Resettlement EU. "Labour market training programme and Swedish for Immigrants – Swedish Ministry of Labour, Swedish for Immigrants and Gävleborg County Administrative Board". <https://www.resettlement.eu/good-practice/labour-market-training-programme-and-swedish-immigrants-swedish-ministry-labour>

<sup>314</sup> Nihad Bunar, 2017 *Migration and Education in Sweden*.

Greece is to integrate children into the mainstream education system after a preparatory transitional period. Reception school facilities (D.Y.E.P) are the setting for the preparatory period and are located in existing primary and secondary schools, providing regularity in the lives of refugee children and integration and contact between Greek students and refugees.<sup>315</sup>

Research by the European Union Agency for Fundamental Rights (FRA)<sup>316</sup> has identified efforts to tackle school segregation in some European States. Denmark has taken measures to distribute migrant children across districts by operating bus services; the city of Copenhagen, meanwhile, provides extra funding to improve schools in disadvantaged areas in order to encourage non-migrant parents to enrol their children. Italy has also attempted to redistribute pupils without Italian citizenship both among schools and among the classes established within each school; it has done this so as not to exceed the 30% limit established for the number of foreign students in each class.<sup>317</sup> In Austria, small-scale projects to counteract school segregation at the local level include, for example, an innovative project in Graz (“Flying Classroom”) that allows pupils to become acquainted with other cultures. Classes in primary schools with high numbers of children from migrant families move for one day to primary classes in schools with mainly native children and vice versa.<sup>318</sup>

## V. Policy recommendations

Drawing on the fundamental principles of the international agreements and treaties and the analysis of the policy avenues, and taking into account that countries are facing very different situations and challenges in ensuring equal access to good quality education for refugees, this section provides a set of policy recommendations for public authorities. These recommendations are intended to address the key challenges they face when attempting to enforce the right to education of refugees, and adhere to the “4 As”: accessibility, availability, acceptability and adaptability.

The overarching principle is that public authorities should roll out the appropriate policy levers which aim to ensure the right to inclusive, equitable and quality education for refugees in application of the international normative frameworks. Sustainable Development Goal 4, the World Humanitarian Summit’s Commitment to Action, the New York Declaration and the pursuant Comprehensive Refugee Response Framework and the Global Compact on Refugees should be accelerated at the regional, national and local levels in line with public authorities’ legal obligations under the international normative framework on the right to education.

<sup>315</sup> Presentation by Ms Lina Pantazi, Member of the Department of Coordination and Monitoring of Refugee Education, Hellenic Ministry of Education, Research and Religious Affairs, at the International Expert Meeting on Public Policies Supporting the Right to Education of Refugees in Barcelona, 13-14 December 2018.

<sup>316</sup> European Union Agency for Fundamental Rights (FRA), 2017, *Together in the EU: Promoting the participation of migrants and their descendants*.

<sup>317</sup> Italy, Ministry of Education, Universities and Research, 2010. Cited in European Union Agency for Fundamental Rights (FRA), 2017, *Together in the EU: Promoting the participation of migrants and their descendants*. FRA.

<sup>318</sup> Austrian Broadcasting Corporation, Regional Studio Styria (2014). Cited in European Union Agency for Fundamental Rights (FRA), 2017 *Together in the EU: Promoting the participation of migrants and their descendants*. FRA.

## **1. States should perform their duty to enforce the right to education of all**

Children, youth and adults forced to leave their homes do not relinquish their right to quality education. The enforcement of the right to education is a fundamental obligation of States that should not be addressed in isolation from other refugees' rights. States should embrace a holistic human rights approach to the rights and needs of refugees, involving a range of multisectoral and multilevel measures.

## **2. Legislation should be used as a policy lever**

National legislative frameworks should be used as a lever for a more conducive policy environment to protect the right to education. Therefore, States must embed their international commitments to the right of education into national legislative frameworks. To safeguard the right to education, in particular for refugees, in the long-term, States should make a commitment to its respect, protection, and fulfilment both through ratifying key international conventions and treaties and through translating into national legal systems the norms, standards, and obligations under these instruments to bring them into adherence with international legal commitments for efficient guarantees.

Accordingly, States should do the following:

- Adhere and ratify international conventions and treaties enshrining refugees' right to education and take measures to incorporate the international legal obligations into the domestic legal order.
- Enshrine and uphold refugees' right to education in national laws, policies and programmes.
- Adopt concrete measures to ensure explicitly in the national legislation refugees' equal right to education (as it is acknowledged that legislation enshrining the right to education broadly speaking without further precision regarding refugees can make more concrete enforcement more difficult).
- Explicitly prohibit discrimination against refugees in education within the national legislation (in terms of access and more generally, regarding educational opportunities). Positive measures may enhance the integration of refugees and other vulnerable groups in the national education system, including specific funding, scholarships or reduced-fees to ensure there is no discrimination in practice.
- Ensure access to courts, ombudspersons, equality bodies, administrative mechanisms, recourses, remedies and other human rights mechanisms for refugees in case of discriminatory practices, notably within the education system.

- Ensure that existing regulations do not have loopholes or grey areas left open to interpretation by individual local or school-level officers, as recommended by the 2019 Global Education Monitoring Report.<sup>319</sup>

### **3. Dedicated funding is essential and increased international cooperation is a requirement.**

To guarantee the right to education for all, funding commitments are required. Under Article 2 of the International Covenant on Economic, Social and Cultural Rights, States have the obligation to use the maximum of their available resources in order to progressively realize the right to education for all. States have also an obligation to seek international assistance and cooperation, while States in a position to do so have a duty to provide such international assistance and cooperation.

While the public duty of enforcing the right to education lies with public authorities, only a “whole-of-society” approach that fosters collaborative partnerships, promotes development and economic and social inclusion, as well as accelerated financial and technical support will work. Partnerships can bring together business, civil society, educational centers and universities, educational experts and policymakers to facilitate joint projects, aiming to increase access and quality for all, in accordance with the right to education and human rights law. Both humanitarian and development donors need to increase their funding for education in emergencies, including by setting targets. A “whole of society” approach will need to include refugees in the decision-making process.

To be efficient, funding needs to be more predictable. In a long-term and sustainable perspective, donors should prioritize multi-year financing instead of emergency and project-based support, as well as favor un-earmarked funding to allow more flexibility.

Refugee education remains underfunded. The 2019 Global Education Monitoring Report estimates that \$800 million was spent on refugee education in 2016, split roughly equally between humanitarian and development aid. That is only about one-third of the most recently estimated funding gap.<sup>320</sup> Yet refugees’ crises are a global concern and should be tackled as such. As the majority of the world’s refugees remain in low- and middle-income countries, global and regional cooperation efforts are required. Improving refugee education funding requires bringing humanitarian and development aid in line with commitments in the New York Declaration. The Comprehensive Refugee Response Framework and Global Compact on Refugees require States to link humanitarian and development aid from the early stages of a crisis in order to provide more sustainable solutions. They also support governments to harness humanitarian funding for system strengthening so that refugees can be included and all benefit. This also provides a framework for accelerating commitments to the Global Compact on Refugees, such as the Framework for Commitments that emerged from the September 2018 High-level Meeting on Action for Refugee Education. Moreover, organizations endorsing the Charter at this meeting publicly made and shared practical commitments to accelerate the expansion of quality learning opportunities for refugees and host communities through a framework for commitments. The framework for commitments includes pledges from the

<sup>319</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*.

<sup>320</sup> *Ibidem*.

recently created global partnership Education Cannot Wait and the World Bank. Education Cannot Wait has committed to a \$1.84 billion resource mobilization target for its ongoing strategic plan to reach 8.9 million children (2018-2021) of which a large majority are refugee children or children of internally displaced populations in 25 crisis-affected countries. At the same meeting, the World Bank committed to providing \$2 billion to support refugees under the IDA18 Refugee Sub-Window for Refugees and Host Communities (July 2017 to June 2020), with 20 percent of the Refugee Sub-Window - about \$400 million - supporting education programmes. Moreover, the World Bank expects the commitment to refugees under IDA19 to expand.<sup>321</sup>

Nevertheless, the need to mobilize the funding necessary to scale up access to quality learning opportunities for refugees and host communities cannot be overstated. While there are some promising levers for this, the issue of financing requires the mobilization of national governments (and maximum allocation of their available resources) hand-in-hand with humanitarian, development and the private sector funders to ensure that both refugees and their host communities have a sustainable and resilient future. Donors, development organizations, humanitarian agencies, civil society, the private sector and other financial actors should support States in meeting these responsibilities, including through predictable, long-term financial assistance and technical support and by establishing clear links between humanitarian and development funding and programming. The New York Declaration for Refugees and Migrants (2016) acknowledged that the support of host countries is a shared international responsibility and calls for a comprehensive “whole-of-society” approach.<sup>322</sup> Technical and financial assistance should be provided from a wide range of actors and States over a multi-year timeframe to alleviate pressure on host countries and share the burden. Governments and global education partners need to ensure predictable, long-term financing for refugee education through education planning. While the ultimate responsibility for the inclusion of refugees in national education plans is attributed to States, there is a shared responsibility of donors such as the Global Partnership for Education, Education Cannot Wait, the World Bank and other refugee partners, to rapidly increase technical and material support to hosting countries.

Accordingly, States should do the following:

- Increase or maintain the level of their national education budget, in order to ensure full access to quality education for all, by using the maximum of their available resources and, if necessary, by seeking international assistance and cooperation.
- In line with the New York Declaration, the Comprehensive Refugee Response Framework and the Global Compact on Refugees, strengthen financial support from non-host countries to host countries.
- Strengthen the efficiency of financial support provided through international cooperation, by prioritizing predictable funding, multi-year financing and un-earmarked and flexible funding mechanisms.
- Drawing on and reaffirming the commitments set out in the Grand Bargain agreement, ensure that financial support provided through international cooperation must tend to

<sup>321</sup> World Bank, 2018.

<sup>322</sup> UNHCR, 2017 *Working Paper*.



greater transparency and accountability in order to monitor funding and reduce duplication and management costs.

#### **4. Sector-wide policy and planning are key to long-term success in guaranteeing the right to education based on equality of opportunities principle**

Public authorities must ensure and facilitate the inclusion of refugee children, young people and adults in national education systems through education sector planning and gender sector planning.<sup>323</sup> This is the primary way that governments are able to assume their responsibility for refugee protection and rights under the 1951 Convention relating to Refugees, the Convention on the Rights of the Child, the Convention against Discrimination in Education, Article 13 of the International Covenant on Economic, Social and Cultural Rights and Sustainable Development Goal 4 to ensure inclusive, equitable, quality education for all.

Refugees' educational needs must go beyond humanitarian considerations and ultimately be integrated into the long-term visions, goals, strategies and financing for national education, through education sector planning.<sup>324</sup> As highlighted above, the Education 2030 Framework for Action makes explicit reference to the need for education sector plans that anticipate risks, include measures to respond to the educational needs of children and adults in crisis situations, and promote safety, resilience and social cohesion. At the national level, education ministries lead in the development of national education sector planning in the light of SDG 4 and its targets, which span the full education cycle from early childhood to higher education. This presents an opportunity for United Nations agencies, donors and other partners, including civil society, NGOs and other organizations from the private sector, to engage government and partners in ensuring that refugee and host community children and youth are accounted for in the development, implementation and financing of national education sector plans. Doing so will also help to ensure complementarity and alignment across the humanitarian development nexus through coordinated planning and the identification of collective outcomes.

The participation of UNHCR and refugee groups in the Local Education Group, the body that often develops an education sector plan, is critical to ensuring that refugee and host community children are included in education sector planning and transitional education planning. This includes developing specific provisions on education for refugees at the national level, the inclusion of refugee children in education management information systems, and planning for refugee education in national and sub-national sector plans, such as the expansion of infrastructure, teacher training and accelerated education.<sup>325</sup> It also should include cross-border agreements on the recognition of student and teacher certification.

Public authorities need to adopt a “whole-of-government” and system-wide approach, fostering cooperation between departments, divisions and ministries addressing the issues of displacement and migration. Beyond education, current migration flows require policy makers and governments to adopt an inter-sectoral and coordinated approach to address the multiple challenges faced by countries dealing with the arrival of newcomers in terms of health,

<sup>323</sup> United Nations, 2018 *Report of the Special Rapporteur on the Right to Education: The Right to Education of refugees*.

<sup>324</sup> States can integrate refugees' educational needs within their general education policies.

<sup>325</sup> UNHCR, 2015 *Sustainable Development Goal 4 and refugee education*.

psychological support, real estate and housing, city urban planning, public transportation, employment and social cohesion, inter alia.

Accordingly, States should consider the following:

- Planning for refugee education in national, regional and local sector plans and budgets, including risk and capacity assessment; inclusion of refugee children in education management information systems to address the lack of available and disaggregated data; expansion of infrastructure and facilities, including within the reach of informal settlements; teacher recruitment, training and certification; language classes, accelerated education and flexible education.
- Integrating refugees in national schools, universities, educational institutions and any other learning facilities, including technical and vocational education and training programmes, monitoring their inclusion and eliminating barriers that block access to education, such as language, school certificates, lack of knowledge about school registration processes among families and lack of teacher capacity.
- Establishing, disseminating and building capacity for the use of standard operational procedures and collective outcomes to guide overall refugee education policy implementation. United Nations agencies, donors and other partners, including civil society, NGOs and other organizations from the private sector, should support governments in these efforts.
- Collecting disaggregated data within the national education system based on sex, age, socio economic situation, health status and disability, to enable the development of process and outcome indicators for refugee education.
- Developing contingency plans that encourage coordination and planning across different actors for the provision of formal and non-formal education for refugees in the event of refugee inflows. Contingency plans should include information about curricula, teacher training, government monitoring and evaluation, the role of civil society, equivalency programmes and qualifications, funding, and coordination that prepares all actors in advance of a crisis. United Nations agencies, donors and other partners, including civil society, NGOs and other organizations from the private sector, should support governments in these efforts.

**5. The right to education of refugees must be guaranteed during all phases of the displacement, notably in protracted situations.**

This entails both the provision of accessible, high quality education in the short term, where displacement is very recent, and also the existence of long-term policy frameworks that tailor education programmes to the particular precariousness and lack of stability faced by refugees. Given that refugee situations often last for decades, it is imperative that “refugee education should not be considered only from a short-term perspective; instead, medium- to long-term

practical solutions should be considered”.<sup>326</sup> These two approaches necessarily overlap, as short-term action paves the way for long-term education strategies.

At the very start of displacements, education in emergencies can provide quality learning in chaotic situations, which in itself provides “physical, psychosocial and cognitive protection that can sustain and save lives”.<sup>327</sup> For children who are forced to flee their homes, access to education in the short term can be the “first peaceful and reliable environment they encounter, providing them with a reassuring routine”.<sup>328</sup> Equally important is providing refugee children and youth with life-saving skills and information – such as how to avoid danger, how to prevent disease and where to find help.<sup>329</sup>

Short-term strategies might include the provision of intensive language classes and bridging programmes to support entry into the national school and tertiary systems, increasing capacity in schools and tertiary education institutions by training and hiring more teachers or implementing a “double shift” system, using technology and mobile learning to maximize access to resources or providing financial support to families. Refugee-exclusive schools and temporary education centres can meet short-term educational needs but are not sustainable and should only be used as a gateway to a more permanent solution.<sup>330</sup>

The assessment of refugees’ prior learning achievements and, when appropriate, the recognition of their prior qualifications is the best way to ensure a good start and placement. Recognition of qualifications, in particular professional qualifications, and prior learning can ease entry into labour markets. However, less than one-quarter of global migrants are covered by a bilateral qualifications recognition agreement. Existing mechanisms are also often fragmented or too complex to meet refugees’ needs and end up underutilized.<sup>331</sup> In 2016, the report on *Monitoring the Implementation of the Lisbon Recognition Convention* showed that some 70% of States Parties to the Lisbon Recognition Convention (Convention on the Recognition of Qualifications concerning Higher Education in the European Region, UNESCO and the Council of Europe) had taken few or no measures to implement the article of the Convention that refers to the recognition of qualifications held by refugees that cannot be fully documented, thus blocking refugee integration into European society. One initiative seeking to overcome the challenge of lack of certification is the European Qualifications Passport for Refugees. Following a successful pilot project in 2017, the Council of Europe is launching a new phase (2018-2020) of the European Qualifications Passport for Refugees: a document providing an assessment of refugees’ education level, work experience and language proficiency, even for those who cannot fully document their qualifications, based on available documentation and a structured interview. The European Qualifications Passport for Refugees describes the qualifications in a format that should facilitate the use of the assessment for integration and progression towards employment and admission to further studies both within and beyond the

<sup>326</sup> United Nations, 2018 *Report of the Special Rapporteur on the Right to Education: The Right to Education of refugees*.

<sup>327</sup> See more on the website of the International Network for Education in Emergencies. <http://www.ineesite.org/en/education-in-emergencies>.

<sup>328</sup> UNHCR, 2016 *Left Behind*.

<sup>329</sup> *Ibidem*.

<sup>330</sup> UNHCR, 2015 *Education and Protection Issue Brief 1*.

<sup>331</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*.

refugees' host country. Therefore, if refugees move to another country in Europe, their qualifications do not need to be assessed again.<sup>332</sup> Adopting a global convention on the recognition of higher education qualifications, expected in 2019, which text was already finalized and agreed by UNESCO Member States, will also be key in this respect.

Accordingly, States should consider the following:

- Cooperating with one another to produce cross-border agreements on the recognition of student certification and assessment of qualifications. At the local level, assessment agencies, licensing bodies and academic institutions should harmonize requirements and procedures at the bilateral, regional and global levels, working with governments and regional and international organizations.<sup>333</sup>
  - Establishing alternative certification procedures to ensure access to further learning and employment.
- 6. The ability of an education system to respond to refugees' needs and to provide an education of good quality depends on the capacities of its educational workforce and on the improved and integrated public policies to support them and the system in general.**

In urban contexts in particular, the integration of learners into already stretched education systems may often result not only in reinforcing the structural challenges of overcrowded classrooms, but is also a drain on teachers, educators and other education personnel. Educational staff may not be equipped to support refugee learners who must adapt to a new curriculum and often language of instruction and classroom expectations. Thus, teacher training and professional development are critical, as well as skills to deal with multicultural settings. There is a strong need for national governments and partner organizations to support pre- and in-service teacher training, particularly on second language, host country curricula, and psychosocial well-being, so that teachers can meet the distinct learning needs of the refugees in their classrooms.<sup>334</sup> One innovative model developed by Teachers 4 Teachers, a collaboration of Teachers College, Columbia University, and Finn Church Aid in partnership with UNHCR and the Lutheran World Federation, provides professional development through in-service teacher training, peer-to-peer coaching and mobile mentoring in Kenya's Kakuma Refugee Camp. In another example, the Ethiopian government has committed to integrating refugees in its national education system as well as expanding tertiary education opportunities. At the Dollo Ado's refugee camps, a new teacher training college started in early 2018 is teaching both Ethiopian and refugee students, with the first graduates expected in 2020.<sup>335</sup>

Accordingly, States should consider the following:

- Ensuring educational staff readiness by supporting pre- and in-service training – particularly on second language, adapting host country curricula and fostering

<sup>332</sup> UNHCR, 2018 *European Qualifications Passport for Refugees*.

<sup>333</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*.

<sup>334</sup> Mendenhall, Garnett Russell & Buckner, 2017.

<sup>335</sup> UNHCR, 2017 *Turn the Tide*.

psychosocial well-being, so that they are well prepared to manage classrooms with students from diverse backgrounds and can meet the distinct learning needs of the different learners.

- Ensuring that teachers, educators and other education personnel are well prepared to provide psychosocial support to refugees attending their class.
- Strengthening existing supervision and support systems for educational staff working with refugees, both at the State and school level. School leaders and administration should be prepared to provide teachers, educators and other education personnel with the support needed.
- Ensuring an adequate supply of trained, prepared, motivated and supported teachers, educators and other education personnel that are able to deal with the specific learning, psychological and cultural needs of refugee children, youth and adults.
- Mobilizing more strenuously refugee educational staff and benefitting from the support they can provide to the education systems of the host country. They need to be provided with adequate training, including language training and in relation to the curriculum, in order to resume their previous profession. States should consider therefore adopting the necessary legal and policy reforms in relation to labour law, in order to enable them to work and to be included in the education system.
- Mobilizing more strenuously retired educational staff as a temporary measure to cope with shortages of qualified teachers.

## **7. Changes introduced into the education system towards more inclusive and equitable quality education for refugees have to benefit to all learners from the host communities.**

Contrary to popular misconceptions, only 30% of refugees reside in camps.<sup>336</sup> The vast majority of the world's refugees are to be found in villages, towns and cities, private homes or unofficial settlements.<sup>337</sup> Accordingly, public authorities should invest in the improvement of existing education systems that benefit not only refugees, but also the host populations in countries where the educational infrastructure is already overstretched, thus capitalizing on the opportunities brought by refugees. Fundamentally, the national education sector should work towards the planning, programming and funding of education that can properly cope with refugees' special needs.<sup>338</sup> Using an inclusive and integrated approach to education can promote social cohesion between refugees and host learners, and foster sustainable livelihoods for refugees in their host countries - or their own States if they are able to return.

Efforts to enhance social cohesion, combat xenophobia, racism and discrimination against refugees and to build tolerance among the host society should be pursued through formal and non-formal education, including sports and the arts. One example of an initiative to strengthen social cohesion and a culture of peace amongst refugees and host communities is the GIZ

<sup>336</sup> UNHCR, 2017 *Turn the Tide*.

<sup>337</sup> *Ibidem*.

<sup>338</sup> UNESCO, 2017 *Working Paper*.

Rwanda Civil Peace Service programme, which focuses on peace education, capacity building, conflict resolution and psychosocial support in Rwanda. The initiative is a multi-stakeholder partnership between the German Agency for International Cooperation (GIZ), the Rwandan Ministry of Disaster Management and Refugee Affairs, UNHCR and others. Through the use of creative and interactive methods, such as conflict-sensitive media production, theatre and sports, youth practise constructive ways of dealing with conflicts, engage in dialogue and build mutual understanding. Additionally, local refugee leaders and service providers are trained in conflict resolution techniques and mechanisms. This capacity development for local leaders and community members contributes to long-term sustainability and peaceful coexistence.<sup>339</sup>

Another mechanism for enhancing social cohesion and combating xenophobia is through the inclusion of refugees themselves into national schools, which builds cultural diversity in host community schools. The theory holds that integrating refugees into national education systems not only benefits refugees, but it also makes long-lasting, positive differences for host communities such that refugees' presence is perceived as an advantage rather than a drain on resources.<sup>340</sup> However, the reality in many contexts is that refugee integration into national education systems often strains already overcrowded and under-resourced government schools, requiring double or triple shifting in some high-density areas where refugees live, such as in Lebanon and Jordan. Thus, while initially welcomed as a practical solution, the separate shifts also risk entrenching difference between refugee and host-community children<sup>341</sup> and can increase discrimination of refugee children.<sup>342</sup> For instance, research within Kenya's Kakuma refugee camp has found that while a policy of integration can foster structural integration in the form of access to national education systems, socio-cultural integration - which is connected to protection, belonging, and future opportunities - is limited. National authority leadership and improved communication and coordination with host communities who are expected to integrate refugee populations are required. Preparing communities for the arrival of refugee populations helps to ease the integration process for both host and refugee populations while simultaneously supporting the identification of additional support and services that may be needed.<sup>343</sup>

There are also clear implications for textbooks. Social cohesion implies relevant curricula and textbooks, which still include often outdated depictions of migrations and displacement. By not addressing diversity in education, countries ignore its power to promote social inclusion and cohesion.<sup>344</sup>

Accordingly, States should do the following:

- Build tolerance in the host community and combat discrimination against refugees. In the context of education, at all the educational levels, this should be pursued through the promotion of cultural diversity, including through schooling content, curricula and textbooks that need to be reviewed in order to highlight the contribution and legacy

<sup>339</sup> German Corporation for International Cooperation, 2017.

<sup>340</sup> UNHCR, 2017 *Turn the Tide*.

<sup>341</sup> Dryden-Peterson, 2016.

<sup>342</sup> Overseas Development Institute, 2018.

<sup>343</sup> Mendenhall, Garnett Russell & Buckner, 2017.

<sup>344</sup> Global Education Monitoring Report/UNESCO, 2018. *Global Education Monitoring Report 2019: Migration, displacement and education*.



of migrants and foster the values of living together, challenge prejudices and negative media portrayals, recognize the causes of tension and conflict and develop critical thinking skills.

- Consider integrating host communities, notably parents associations and civil society, in the education response towards the inclusion of refugees in the education system and the host community. In this regard, opportunities for these organizations to work closely with education authorities should be strengthened and promoted.
- Undertake measures to tackle school segregation and wider social segregation and integrate refugees as early as possible into the mainstream education system.
- Consider establishing transport subsidies and random school assignment to ensure residential segregation does not result in school segregation, as recommended by the 2019 Global Education Monitoring Report.<sup>345</sup>
- Increase capacity of the existing infrastructure and programmes to ensure the economic, social and cultural integration of refugees so as not to overburden the local community.

## 8. Flexible and alternative education models hold lots of potential

All stages and levels of education should be adapted to respond to refugees' context and particularities as learners, including the use of alternative models and additional or adapted training. The needs of refugees are often neglected. Non-formal education programmes can be critical for strengthening a sense of belonging and much rests on municipal initiatives.<sup>346</sup> One example of this is the work of the Accelerated Education Working Group (AEWG), led by UNHCR, which is advancing recognition of alternative flexible options to ensure access to education for overage out-of-school refugees and support a more harmonized, standardized and certified approach to accelerated education. The Working Group's 10 Principles for Effective Practice and accompanying Guide to the Principles are being used to engage with national policymakers and donors to shape the structural conditions within which accelerated and alternative education programmes operate.<sup>347</sup> UNHCR, in its role as chair of the Accelerated Education Working Group, has been working with the Government of Uganda and other partners to recognize accelerated education as an important strategy for out-of-school children and youth, including refugees.<sup>348</sup>

Another example of a flexible education initiative that has shown promise in expanding learning with cost-efficiency in higher education is connected learning. "Connected learning courses gather students in a centre to learn together using online content and tutoring support to complement face-to-face teaching in a way that keeps distance learners engaged".<sup>349</sup> Lectures can be delivered remotely, and are also given on location. Since 2012, over 7,000 refugee and host community students have enrolled in connected learning courses in 12 different countries,

<sup>345</sup> *Ibidem.*

<sup>346</sup> *Ibidem.*

<sup>347</sup> Accelerated Education Working Group, 2018.

<sup>348</sup> UNHCR, 2017 *Turn the Tide*.

<sup>349</sup> *Ibidem.*

from France and Germany to Afghanistan, Thailand, Malawi and Iraq.<sup>350</sup> This work is supported by the Connected Learning in Crisis Consortium, which is co-led by UNHCR and the University of Geneva, and leverages a broad network consortium of 16 partners, including universities, NGOs, UNHCR and foundations.

Accordingly, States should do the following:

- Consider the provision of accelerated learning programmes and ensure that fundamental education is available to migrant children, youth and adults, so that all refugees have the opportunity to obtain basic qualifications or vocational training.
- Consider how to use technology and mobile learning to subsidize formal education in difficult-to-reach areas.
- Consider the design of programs that link tertiary education institutions with school-based educational establishments to accompany and support students' trajectories to higher university and technical professional education.

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<sup>350</sup> *Ibidem.*

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## Annex – List of participants to the International Expert Meeting on Public policies Supporting the Right to Education of Refugees

### Country expert representatives

<b>Armenia</b>	Ms. Anahit Karapetyan	Program Specialist for Education and Science	Armenian National Commission for UNESCO
	Ms. Lusine Arakelyan	Deputy Minister	Ministry of Education and Science
<b>Bangladesh</b>	Mr. Javed Ahmed	Additional Secretary Secondary and Higher Education Division	Ministry of Education
<b>Cameroon</b>	Mr. Charles Nanga		Ministry of Basic Education
<b>Chad</b>	Mr. Youssouf Tahir Ahmat	Directeur	Agence pour la promotion des initiatives communautaires en Education
<b>Denmark</b>	Ms. Helle Gudmandsen	Member of UNESCO National Commission Head of Education & Youth Unit	Denmark Also representing Save the Children
<b>Finland</b>	Ms. Kirsi Kangaspunta	Director	Ministry of Education
<b>Greece</b>	Ms. Stavroula Pantazi	Department of Coordination and Monitoring of the Refugee Education	Ministry of Education
<b>Islamic Republic of Iran</b>	Mr. Gholamreza Karimi	Head of international affairs	Ministry of Education
<b>Jordan</b>	Ms. Zainab Al-shawabkeh	Director	Education Department
<b>Netherlands</b>	Ms. Eva Firet	Policy Officer	Ministry of Education, Culture and Science
	Ms. Sabine Roorda-van Westen	Policy Officer for Secondary Education	Ministry of Education, Culture and Science
<b>New Zealand</b>	Mr. Abdirizak Abdi	Lead Adviser on Refugee and Migrant Education	Ministry of Education
<b>Portugal</b>	Ms. Lina Varela	Chef de Division	Direction Générale de l'Education
<b>Sudan</b>	Ms. Ibtisam Mohamed Hassan	DG of Quality Assurance in Education	Ministry of Education
<b>Spain</b>	Ms. Azucena Corredera González	Asesora Subdirección General de Cooperación	Ministry of Education

		Internacional y Promoción Exterior Educativa	
<b>Sweden</b>	Ms. Åsa Källén	Deputy Director Division for Schools	Ministry of Education and Research
<b>Switzerland</b>	Mr. An-Lac Truong Dinh	Responsable de projet Département fédéral de l'économie, de la formation et de la recherche (DEFR)	Secrétariat d'Etat à la formation, à la recherche et à l'innovation (SEFRI)
<b>Turkey</b>	Ms. Ayşenur Bülbül	Teacher	Ministry of National Education of Turkey
<b>Uganda</b>	Mr. Aggrey David Kibenge	Under Secretary	Ministry of Education and Sports
<b>Municipality of Athens</b>	Ms. Maria Iliopoulou	Vice Mayor for the Child	Municipality of Athens
	Mr. Lefteris Papagiannakis	Vice Mayor for Migrants and Refugees	Municipality of Athens

### International experts

<b>Ms. Koumbou Boly Barry</b>	UN Special Rapporteur on the Right to Education	United Nations
<b>Ms. Maria Virginia Bras Gomes</b>	President	UN Committee on Economic, Social and Cultural Rights
<b>Ms. Moushira Khattab</b>	Former Member	UN Committee on the Rights of the Child
<b>Ms. Anna Cristina D'Addio</b>	Senior Policy Analyst	Global Education Monitoring Report Team
<b>Mr. Benoit d'Ansembourg</b>	Senior Education Officer	UNHCR
<b>Mr. Graham Lang</b>	Senior Education Advisor	Education Cannot Wait
<b>Ms. Helena Barroco</b>	Secretary-General	Global Platform for Syrian Students
<b>Ms. Delphine Dorsi</b>	Executive Coordinator	Right to Education Initiative
<b>Mr. Bill Van Esveld</b>	Senior Researcher	Children's rights Division - Human Rights Watch
<b>Ms. Serena Rossignoli</b>	Senior Research Officer	Education Development Trust
<b>Ms. Anna Riggall</b>	Head of Research	Education Development Trust
<b>Ms. Ruth Naylor</b>	Senior International Adviser	Education Development Trust
<b>Ms. Katia Perez</b>	University of Barcelona	Policy Network on Migration Education - SIRUIS
<b>Ms. Emmanuelle Gardan</b>	Head of Sector	Higher Education and Research Division Secretariat of the Union for the Mediterranean

<b>Mr. Imad Sabi</b>	Senior Program Officer	Education Support Program Open Society Foundation
<b>Mr. Stepan Zelinger</b>	Program Officer	Education Support Program Open Society Foundation
<b>Mr. Patrick Taran</b>	President	Global Migration Policy Associates
<b>Ms. Aliya Fakhroo</b>	Global Law and Policy Advocacy	Education above all Foundation
<b>Mr. Francesco Cavallari</b>	Founder and President	Videogames without borders
<b>Ms. Montse Villar</b>	Founder and Vice-President	Videogames without borders
<b>Mr. Josep Oriol Lopez Plana</b>	Co-leader	Techfugees Barcelona
<b>Ms. Susan Garnett-Russell</b>	Asst Professor in Int'l and Comparative Education	Director of the George Clement Bond Center for African Education - Teachers college Columbia University
<b>Ms. Dallal Stevens</b>	Reader	School of Law – Warwick University
<b>Ms. Elizabeth Buckner</b>	Assistant Professor of Higher Education	Ontario Institute for Studies in Education (OISE) - University of Toronto
<b>Ms. Cati Jerez</b>	Coordinator	University of Barcelona Solidarity Foundation (Fundació Solidaritat UB)
<b>Mr. Ricard Zapata-Barrero</b>	Professor	GRITIM - Interdisciplinary Research Group on Immigration Universitat Pompeu Fabra (Barcelona) EuroMedMig member
<b>Mr. Abdelrahman Alamarah Tamimi</b>	Director General	Palestinian Hydrology group for Water and Environmental Resources Development Ramallah EuroMedMig member
<b>Ms. Alexandra Ricard-Guat</b>	Research Associate	Robert Schuman Center for Advanced Studies - European University Institute EuroMedMig member
<b>Mr. Mohammed Khachani</b>	Professor	Université Mohammed V - Agdal Rabat EuroMedMig member
<b>Mr. Hassan Boubakri</b>	Professor of Geography at University of Sousse (Tunisia)	Migration & CS Forum Expert Chairman of the Centre of Tunis for Migration and Asylum EuroMedMig member
<b>Ms. Adriana Kemp</b>	Head, Dept. Dept. Sociology and Anthropology	School of Social and Policy Studies Gordon Faculty of Social Sciences Tel Aviv University EuroMedMig member
<b>Ms. Lucinda Fonseca</b>	Director	Instituto de Geografia e Ordenamento do Território Universidade de Lisboa



		EuroMedMig member
<b>Mr. Ivan Martin</b>	Researcher	GRITIM - Interdisciplinary Research Group on Immigration - Universitat Pompeu Fabra (Barcelona) EuroMedMig member
<b>Ms. Lorenzo Gabrielli</b>	Senior Researcher	GRITIM - Interdisciplinary Research Group on Immigration Universitat Pompeu Fabra (Barcelona) EuroMedMig member

## UNESCO Institutes and Field offices

<b>UIL</b>	Mr. David Atchoarena	Director	UNESCO Institute for Lifelong Learning (UIL)
<b>Santiago de Chile</b>	Ms. Claudia Uribe	Director	Regional Bureau for Education in Latin America and the Caribbean
<b>Yaoundé</b>	Mr. Hilaire Mputu	Chief, Education Sector	Multisectoral Regional Office for Central Africa
<b>Beirut</b>	Ms. Yayoi Segi-Vltchek	Senior Education Advisor	Regional Bureau for Education in the Arab States
<b>Bangkok</b>	Ms. Kristy Kyungah Bang	Project Officer	Regional Office for Education in Asia and the Pacific

## Organizers

<b>Barcelona City Council</b>	Ms. Laia Ortiz	Segona Tinenta d'Alcaldia de l'Ajuntament de Barcelona
	Mr. Miquel Àngel Essomba	Comissionat d'Educació, Infància i Joventut de l'Ajuntament de Barcelona
	Mr. Ignasi Calbó	Coordinador del Pla de Ciutat Refugi de Barcelona
	Mr. David Llistar	Director de Justícia Global i Cooperació Internacional a l'Ajuntament de Barcelona
	Ms. Emília Andreu	Gerent de l'Institut Municipal d'Educació de Barcelona
	Mr. Joffre Villanueva	Assessor del Comissionat d'Educació, Infància i Joventut de l'Ajuntament de Barcelona
<b>Generalitat de Catalunya</b>	Mr. Alfred Bosch	Minister for Foreign Action, Institutional Relations and Transparency, Government of Catalonia
	Ms. Natàlia Mas	Secretary for Foreign Action and EU, Government of Catalonia
	Mr. Isidre Sala Queralt	Director General for Multilateral and European Affairs, Government of Catalonia
	Ms. Elisabet Guillemat Marrugat	Directorate-General for Multilateral and European Affairs, Government of Catalonia

	Mr. Oriol Amorós	Secretary of Equality, Migration and Citizenship, Government of Catalonia
	Mr. Josep Vallcorba	Director general for Secondary and High School, Government of Catalonia
	Ms. Imma Reguant	Assistant Director general for Sub-direcció general of Educational Ordination and Attention to the Diversity, Government of Catalonia
	Mr. Àngel Miret	Coordinator of the Catalan Refugee Assistance Operating Committee, Government of Catalonia
	Ms. Marlen Niubo	Catalan Refugee Assistance Operating Committee, Government of Catalonia
<b>UNESCOCAT</b>	Mr. Eduard Vallory	President, UNESCOCAT
	Mr. Gerard Segú	Director, UNESCOCAT
	Ms. Sandra Rodriguez Garcia	Project Manager
	Ms. Eva Doya	Project Manager
	Ms. Laia Segura	Project Officer
<b>UNESCO</b>	Mr. Francesc Pedró	Chief, Section of Education Policy
	Ms. Rolla Mounné	Programme specialist, Right to Education Programme Section of Education Policy
	Mr. Melen Bouëtard	Associate Project Officer, Right to Education Programme, Section of Education Policy



United Nations  
Educational, Scientific and  
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Education  
Sector

# Enforcing the right to Education of refugees

## A policy perspective

The Education Sector of UNESCO produced a working paper in 2017 to provide an overview of the international legal framework protecting refugees worldwide, including the obligations of States, and some of the main issues at stake.

This policy paper has been developed as a follow up to the previous working paper and aims to provide analysis and insights as to how the right to education for refugees could be enforced in national education systems. It presents a set of basic policy recommendations that are intended to offer guidance to Member States for the fulfilment of refugees' right to education, responding to the ambition of inclusive and equitable quality education for all by 2030.

