

**AGENDA ITEM 10: AS ADOPTED****47<sup>th</sup> Executive Board meeting, 16-19 November 2015****REALIZING THE RIGHT TO EDUCATION OF REFUGEES AND MIGRANT CHILDREN AND THEIR FAMILIES****Discussion Paper**

Education International (EI) is the voice of the education sector worldwide, representing teachers and education employees at all levels of education – from early childhood education to higher education. As the world's largest Global Union Federation, and the only one representing education employees, EI unites all teachers<sup>1</sup> and education employees and gives expression to their collective views on education policy, the profession, terms and conditions of employment, right-based issues and related matters.

At its core, EI is guided by the principles of human rights, democracy and social justice. EI recognises that education is a human right and a public good in its own right, enabling people at all stages in their lives to achieve their maximum potential. EI has a natural role to play in promoting the right to education for refugees and migrants, especially those who find themselves for extended periods of time.

The growing refugee and displaced persons crisis in Europe and around the world has surpassed sixty million and continues to stun in its magnitude. According to the statistical data compiled by the Office of the United Nations High Commissioner for Refugees (UNHCR) half of these displaced persons (refugees and migrants) are under 18 years old. Displaced children are disproportionately at risk of forced labour, trafficking, child marriage, sexual exploitation, recruitment in armed conflict and violence.

This displacement can last for months, years or a lifetime, resulting in a whole generation of children sometimes denied access to the most basic levels of education. The UNHCR estimates that among the displaced youth in medium- to longer-term settlements, only half attend primary school and a quarter secondary school.

For refugees and displaced persons who are newly arrived and require that basic needs be met, these needs can include non-formal education, counselling, initial language and activities that are enjoyable and practical. In areas where refugees will be staying for longer periods of time, their human rights include quality education, education provided by public authorities<sup>2</sup> and available freely to all, inclusive education and equality in education and society, and high professional status for teachers.

Displaced persons and refugees also include teachers, researchers or education support personnel who can participate in the delivery of the right to education in transit and destination countries. EI also promotes and protects the rights of these teachers, researchers and education employees. If and when such educators are requested to participate in the delivery of education or seek employment in their transit or destination country, their rights should be known and respected.

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<sup>1</sup> For the purposes of this paper, the term 'teachers' will be used to refer to a broad category of educators, teachers, education support personnel, trainers, academic staff and researchers that are represented by EI affiliates. The term 'teaching' in this paper should be understood to include research, in the context of teaching in higher education.

<sup>2</sup> The term 'public authorities' will be used to refer to the relevant level of authority at which education policy is made, whether at local, national or regional level.

EI has encouraged ratification and implementation of international norms that pertain to the right to education and standards that are relevant for displaced persons, refugees, migrants and stateless children.<sup>3</sup> In its 2015 Congress, EI adopted a Resolution on the *Right to Education for Displaced Persons, Refugees and Stateless Children* as well as Rights Policy Paper stating that governments have the responsibility to provide the same right to education to all children on the basis of equal opportunity, with special attention to vulnerable children, including migrant, internally displaced, orphaned, asylum seeking or refugee children.

Education suffers when circumstances force peoples to be on the move and away from their homes and countries. An individual's vulnerability and difficulty in accessing education will depend upon their age, gender, and whether they are refugees, migrants, asylum seekers, displaced persons or stateless children. Education is a human right and a strategy for survival in crisis. It is also a prerequisite for participation in society.

EI has decided to develop a comprehensive position on displaced persons, refugees, migrants and stateless children and their families. This position is underpinned by concepts that are central to EI's principles and which represent the core values and demands of the education union movement as stated in the EI Unite for Quality Education campaign and EI's *Education Policy Paper* (July 2011), in EI's Rights Policy Paper (2015) as well as other policy documents.

### **Focus area 1: Ensure the Right to Education for Displaced Persons, Refugees and Stateless Children**

It is the responsibility of public authorities to ensure that all citizens have access to high quality education appropriate to their needs. This right also applies for refugees and migrants living in a transit or destination country for indefinite periods of time. Education International maintains that all barriers to education must be removed in order to make it accessible for all persons. EI promotes the concept of equal opportunity and access to all levels of education. This principle applies to all children and youth of school-going age, irrespective of the child's legal status in the country of residence, national, ethnic or social origin, or other status.

EI supports a human rights-based approach to education, promoting knowledge, attitudes and practices reflective of democracy and human rights; meaningful participation of learners in the life of the school or educational setting; democratic governance and accountability; and links with families and community. These goals are especially relevant for the successful participation into the life of schools and host communities.

Respecting, protecting and fulfilling the right to education includes education access as well as quality. Quality education is defined by its *inputs* (including students' background, teachers' qualifications, working conditions, class-size and investment in education); by *the education process* (including teaching, parenting and related processes of learning) and by *projected outcomes* (including individual, social, cultural, economic and environmental needs).

Public authorities should promote conditions for the successful delivery of education to all students, including the necessary resources, special language programs and the right of ethnic minorities to learn and use their mother tongue.

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<sup>3</sup> These norms include the *Universal Declaration of Human Rights*, *International Covenant on Social, Economic and Cultural Rights*, *Convention on the Rights of the Child*, *Convention on the Elimination of All Forms of Racial Discrimination*, the *1951 Convention relating to the Status of Refugees*, the *UN Convention on the Rights of Persons with Disabilities*, the *International Convention on the Rights of Migrant Workers and their Families* and ILO Conventions 143 and Recommendation 151 on Migrant Workers and Their Families, ILO Convention 111 on Discrimination in Respect of Employment and Occupation, and ILO Convention 169 on Indigenous and Tribal Peoples.

National governments and international institutions should prioritize financial assistance for the education of all displaced persons, especially in states having a common border with a country in conflict and welcoming a large number of them. However, this financial assistance should not reduce other financial commitments that the country may have made in educational aid to other countries. Trade unions should advocate for humanitarian assistance frameworks and programs to include an adequate educational component for displaced persons, refugees and migrant children, youth and adults.

Pre-service and in-service teacher education and training is central to equipping teachers with the knowledge and skills to provide appropriate services for students from different backgrounds, with different skills and orientations. Such teacher education and training and professional development should be fully funded by public authorities and targeted to help teachers embrace diversity and use it to enhance the learning experience, including through the use of new information and communication technologies in the classroom. Well-designed induction programmes are important for the retention of new entrants in the profession and to enable all teachers to carry out their responsibilities.

Adequate numbers of qualified support staff are necessary within learning environments, to cater for students with special needs. Partnership and teamwork ensure that teachers, education employees and students are supported.

**In light of the above, EI proposes developing tools and supports that will assist its members in evaluating the extent to which government policies and practices are, or are not, meeting the educational needs and rights of refugees, migrants and displaced learners and to advocate for the realization of their rights.**

## Focus Area 2: Education for Equality, Inclusion and Tolerance

The fight against discrimination and intolerance is an integral part of the development of citizenship and a fundamental role of education. It is a special responsibility of the teaching profession and all workers in education to practice and teach respect and tolerance for cultural, ethnic and religious differences.

Inclusive education means that all students should be educated together, to the same high standards, in so far as possible in the same education institution, irrespective of their gender, faith, ethnic, cultural or economic background or physical or intellectual capacities.

Inclusive education is as crucial for developing countries as it is for developed countries. Complex processes of exclusion exacerbate inequalities in education worldwide. These inequalities are replicated in other areas of society. In an inclusive education setting, students are directly confronted by the challenges of diversity and learn how to be more caring and responsible citizens at an early age.

Real inclusive education is challenging and demands a pro-active stance on the part of public authorities, teachers and education employees, students, parents and civil society to include students from different backgrounds and with different learning and physical abilities in the same educational facility.

Education International believes that issues relating to gender are a central aspect of inclusive education, as these affect all participants in education. From the earliest stage possible, all forms of gender stereotyping should be challenged and eliminated from education.

In order to promote the concept of inclusive educational settings, leadership and governance of education institutions should be inclusive and should also involve an active role for teachers, in cooperation with parents and students.

**In light of the above, EI will create a repository of materials and resources from member organizations and partners on practices supporting inclusive education. In addition, EI will hold periodic events for sharing and evaluating which educational interventions are having the greatest positive impact on tolerance, inclusion and equality. Trade unions should identify, condemn and deter any form of discrimination and impunity for crimes motivated by populists, racist and xenophobic attitudes that take place in educational settings and society at large.**

### **Focus Area 3: The Rights of Refugee and Migrant Teachers, Researchers and Education Support Personnel**

Educators, education support personnel and researchers from among the refugee or migrant populations may be called upon or interested to practice their professional skills. National governments should recognize the skills and experiences that refugee and migrant teachers and education support personnel bring and find avenues for involving them in education and training, without discrimination or exploitation. Efforts should be made to recognize their qualifications and special status.

In general, entry into the teaching profession and related roles must be inclusive without discrimination. Public authorities should support and monitor employment practices to ensure that discrimination does not occur.

EI has supported the rights of migrants and migrant teachers with the *Resolution of Teacher Migration and Mobility* (July 2011), the Teacher Migration Task Force (2012-2015), the establishment and maintenance of the portal [www.migrantteacherights.org](http://www.migrantteacherights.org), the fostering of a Virtual Global Network of Migrant Teachers and the conduction of a study in 2010 on education for refugee and asylum seeking children with case studies from Australia, Spain, Sweden and the United Kingdom. A resolution was passed in the 2015 Congress – *Migration, professional diversity and racism* – stating that migrant teachers should enjoy the right to dignity at work, free from any form of discrimination.

**EI will work to expand its tools and reach, specifically incorporating the needs of refugee teachers, education support personnel and researchers. EI tools will provide information about qualifications, legal support and labor rights to refugee and migrant teachers as well as MOs working to organize and provide services to them.**

### **Conclusion: If not us, then who?**

Education unions have a special role to play in safeguarding the human and trade union rights of persons, whatever their status, particularly those who are teachers, education support personnel, researchers, students or education unionists. As proposed in this discussion paper, EI and member organizations have an important role to play in helping to ensure that the right to education is delivered to displaced persons, that this education is inclusive, and that the roles of all education personnel amongst displaced persons are recognized, valued and rewarded. Key activities include:

- analysing policies and practices of educational authorities in destination countries in providing education to these children and youth;
- advocating for policies and practices to deliver the right to education and the rights of educational personnel; and
- strategizing with teachers and school-based personnel – including those from the refugee or migrant communities – to fulfil the right to education, including school-wide human rights-based approaches.

As outlined in this Discussion Paper, EI is well positioned to support these proactive actions through the development of tools and supports, drawing on the experiences of member organizations and partners.