



**Submission by Human Rights Watch  
For the 2019 Global Education Monitoring Report  
On Migration and Education  
*May 2017***

Human Rights Watch welcomes the opportunity to submit evidence to the Global Education Monitoring (GEM) Report on migration and education. Human Rights Watch has conducted research on children’s rights, including the right to education of refugees, asylum seekers, internally displaced persons, and migrants, for over two decades.

This submission includes an overview of the international legal framework protecting the right to education, factors contributing to children’s involuntary migration, and systemic barriers affecting education in host countries, as well as our recommendations. Examples included in this submission are based on Human Rights Watch’s interviews with children who find themselves in various countries, including Greece, Jordan, Lebanon, Mexico, Nauru, Nigeria, Pakistan, Sweden, and Turkey.

Children are often forced to move either internally or across international borders because of armed conflict, natural hazards, persecution, and violence. Our research has found that denial of education, often in violent settings, and systemic barriers to education can lead children to leave their home country. Moving involuntarily to a new country can have a devastating impact on the right to education for refugee, asylum-seeking, and migrant children (hereinafter collectively described as “involuntary migrant” children as per [GEM terminology](#)), particularly when host governments fail to take adequate measures to guarantee these children a right to access education on an equal basis with citizens of the host country.

Once in a new community or country, involuntary migrant and displaced children do not automatically have access to education. The office of the United Nations High Commissioner for Refugees estimates that 50 percent of primary school-age refugee children and 75 percent of secondary school-age refugees are out of school. The refugee agency also estimates that girls and women make up 70 percent of the world’s internally displaced population and are most likely to be out of school.

In many cases, governments adhere to policies and regulations that directly or indirectly prevent involuntary migrant and displaced children from going to school. Problematic policies include those that mandate school fees only for non-nationals, or require refugees to obtain government-issued documentation or legal status but in effect prevent many from doing so, as well as those that bar

non-nationals from working. The effect of these policies leaves many children unable to register in school and many impoverished refugees unable to work lawfully. In many cases documented by Human Rights Watch, children often turn to exploitative and harmful forms of child labor to support their families. Many girls are married off before they reach age 18 after facing barriers to go to school.

Other factors also undermine the right to education of millions of involuntary migrant and displaced children around the world. These include: the lack or limited availability of education services in official and unofficial refugee camps; the limited availability of free secondary education and vocational training in host countries; and the lack of inclusive education and accessible services for children with disabilities. Within schools, involuntary migrant children, who often must adjust to school in a different language, and confront stigma and discrimination, will also feel the impact of existing barriers and harmful practices in host schools, including: oversized classes; a lack of adequate classrooms and trained teachers; widespread corporal punishment; and bullying and harassment on the way to school and in the classroom.

Some countries automatically detain children for immigration purposes, denying them their right to education, as well as other fundamental rights. In Mexico, Thailand, and Indonesia, voluntary and involuntary migrant children, both accompanied and unaccompanied, are often arbitrarily detained in unhygienic detention facilities without access to any formal education and are generally not allowed to leave the facilities to attend school. Even for children who avoid detention, the threat of immigration detention or deportations may lead families to avoid registering their children in the official school system.

The overall result of governments' policies and practices, discrimination, and other systemic barriers is that millions of involuntary migrant children are being deprived of their right to education, which is essential for their future and for the development of their host countries and countries of origin. Removing obstacles to education is critical for children to recover from conflict, persecution, and other factors forcing their movement; and to realize their rights to and through education.

### **Legal framework**

All children have the right to education, free from discrimination of any kind.<sup>1</sup> At the primary level, education should be compulsory and available free to all.<sup>2</sup> Secondary education and vocational training should be made generally available and accessible to every child.<sup>3</sup>

The UN Refugee Convention provides that governments hosting refugees must accord them the same treatment accorded to nationals with respect to primary education.<sup>4</sup> The Convention on the Rights of the Child requires that governments adopt appropriate efforts to cater to the special needs

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<sup>1</sup> Convention on the Rights of the Child (CRC), arts. 2, 28. International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 2, 13; United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), arts. 1-4.

<sup>2</sup> CRC, art. 28(1)(a); ICESCR, art. 13(2)(a).

<sup>3</sup> CRC, art. 2, 28(1), (b), (d); ICESCR, art. 13(2)(b).

<sup>4</sup> Convention relating to the Status of Refugees, 189 U.N.T.S. 150, entered into force April 22, 1954, art. 22.

of asylum-seeking and refugee children.<sup>5</sup> The Convention on the Rights of Persons with Disabilities requires governments to ensure equal access to basic services such as education including in emergency situations, such as armed conflict, humanitarian emergencies, and the occurrence of natural disasters,<sup>6</sup> and failure to do so is a form of discrimination.<sup>7</sup> Refugee and asylum-seeking women and girls should be assured the right to education without discrimination.<sup>8</sup>

The Committee on Economic, Social and Cultural Rights has “confirm[ed] that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status.”<sup>9</sup> The Committee on the Elimination of Racial Discrimination also recommends that states “[r]emove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the area of education” and “[e]nsure that public educational institutions are open to non-citizens and children of undocumented immigrants residing in the territory of a state party.”<sup>10</sup> According to the Committee of the Rights of the Child, separated and unaccompanied children should have access to education during all phases of the displacement,<sup>11</sup> including any time they spend in detention.<sup>12</sup>

Deprivation of the right to education or other economic, social, and cultural rights may also give rise to an asylum claim. The United Nations High Commissioner for Refugees has noted that, “Children’s socio-economic needs are often more compelling than those of adults, particularly due to their dependency on adults and unique developmental needs. Deprivation of economic, social and cultural rights, thus, may be as relevant to the assessment of a child’s claim as that of civil and political rights.”<sup>13</sup>

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<sup>5</sup> CRC, art 22(1).

<sup>6</sup> Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res 61/106, U.N. Doc A/RES/61/106, entered into force May 3, 2008, art. 11.

<sup>7</sup> CRPD, arts. 3(b), 4.

<sup>8</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?SymbolNo=CEDAW/C/GC/32](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?SymbolNo=CEDAW/C/GC/32) (accessed May 9, 2017).

<sup>9</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 13: The right to education (article 13) (1999), E/C.12/1999/10, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2f1999%2f10&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2f1999%2f10&Lang=en) (accessed May 17, 2017), para. 34.

<sup>10</sup> Committee on the Elimination of Racial Discrimination, General Recommendation No. 30: Discrimination against Non-Citizens, CERD/C/Misc.11/rev.3 (2004), paras. 29-30. The Committee on the Elimination of Racial Discrimination issues authoritative guidance on the binding content of the obligations set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, adopted December 21, 1965, 660 U.N.T.S. 195 (entered into force January 4, 1969).

<sup>11</sup> “Every unaccompanied and separated child, irrespective of status, shall have full access to education in the country that they have entered in line with articles 28, 29(1)(c), 30 and 32 of the Convention and the general principles developed by the Committee.” Committee on the Rights of the Child, General Comment No. 6, “Treatment of unaccompanied and separated children outside their country of origin,” CRC/GC/2005/6 (2005), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2005%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2005%2f6&Lang=en) (accessed May 9, 2017), para. 41.

<sup>12</sup> See United Nations High Commissioner for Refugees (UNHCR) Detention Guidelines, para. 56 (“During detention, children have a right to education which should optimally take place outside the detention premises in order to facilitate the continuation of their education upon release.”); Committee on the Rights of the Child, General Comment No. 6, para. 63.

<sup>13</sup> UNHCR, Guidelines on Child Asylum Claims, para. 14. See also Committee on Economic, Social and Cultural Rights, General Comment No. 11: Plans of Action for Primary Education, UN Doc. E/1992/23 (May 10, 1999), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2f1999%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2f1999%2f4&Lang=en) (accessed May 17, 2017) para. 4 (“The lack of educational opportunities for children often reinforces their subjection to various other human rights violations.”).

Displaced children, as citizens of their countries, have a right to education and training in their new communities. The UN Guiding Principles on Internal Displacement recommend that “authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.”<sup>14</sup> Moreover, special efforts should be made to ensure the full and equal participation of women and girls in educational programs.<sup>15</sup>

The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families guarantees the basic right of access to education for children of migrant workers on an equal basis with nationals of the states concerned. Migrant workers should also have equal access to educational institutions and services, and vocational guidance and training.<sup>16</sup>

### **Widespread Violence and Conflict as Push Factors**

Human Rights Watch interviews with asylum seekers and migrants in many contexts found that children are fleeing abuses, including recruitment as soldiers, child marriage, and attacks on schools or other effects of armed conflict.

Refugee and migrant children and parents from El Salvador, Guatemala, and Honduras who fled to Mexico told Human Rights Watch that children are at risk of recruitment and other abuses by gangs as they walked to and from school. “To get to school, we had to pass by the place where the gang members were,” said Carlos G., who left San Salvador in 2011, when he was 17.<sup>17</sup> As a result, some children stopped attending classes in order to avoid the gangs as they went to and from school, and some left their countries to live and pursue their education elsewhere. Many of the children Human Rights Watch interviewed in 2015 said that they were pressured to join gangs, often under threat of harm or death to themselves or to family members. Girls face particular risk of sexual violence and assault by gang members. Other children gave accounts of being held for ransom or targeted for extortion.<sup>18</sup>

In Greece, Afghan children interviewed by Human Rights Watch in 2015 had fled Iran, where they first sought asylum, because of police abuse and lack of access to education, and many had been barred from school or were unable to afford fees and had become trapped in exploitative labor situations.<sup>19</sup>

Attacks on schools or other conflict-related barriers to education also cause children and their families to flee. Tarek, a 16-year-old Afghan who fled the fighting in Helmand Province in 2014, and who was seeking asylum in Greece, told Human Rights Watch in 2015:

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<sup>14</sup> UN Economic and Social Council, UN Guiding Principles on Internal Displacement, 11 February 1998, E/Cn.4/1998/53/Add.2, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement> (accessed May 23, 2016), principle 23 (1) and (2).

<sup>15</sup> *Ibid.*, principle 23 (3).

<sup>16</sup> Convention on the protection of the Rights of All Migrant Workers and Members of their families, adopted December 18, 1990, G.A. Res 45/158, U.N. Doc A/RES/45/158, entered into force July 1, 2003, arts. 30, 43, and 45.

<sup>17</sup> Human Rights Watch interview with Carlos G., México, DF, April 30, 2015.

<sup>18</sup> Human Rights Watch, *Closed Doors, Mexico's Failure to Protect Central American Refugee and Migrant Children*, March 2016, <https://www.hrw.org/report/2016/03/31/closed-doors/mexicos-failure-protect-central-american-refugee-and-migrant-children#e2d5cc>.

<sup>19</sup> “EU: Abuses Against Children Fuel Migration,” Human Rights Watch news release, June 22, 2015, <https://www.hrw.org/news/2015/06/22/eu-abuses-against-children-fuel-migration-o>.

There are schools, but not so many students because people are afraid to send their children because of the Taliban. One school is only open one day a week. Children do not go. The Taliban doesn't allow children to go to school. If families let children go, the Taliban will kill them because in the future they may work for foreigners.<sup>20</sup>

Attacks on students and teachers, fear of recruitment, and violence have caused some refugee families to flee again after they tried to go home.<sup>21</sup> In August 2016, Human Rights Watch spoke to Ruun, a 36-year-old Somali mother of nine children, after she had returned to Dadaab camp, Kenya. She said she returned because she was worried her 14-year-old son would be recruited as a fighter if she remained in Somalia, and she couldn't afford to take her children to school. "I came back here to be safe and secure and for my children to go to school," she said.<sup>22</sup>

### **Systemic Barriers: School Fees, Indirect Costs, and Enrollment Restrictions**

In most host countries, primary education is tuition-free and compulsory, and secondary education is usually free and available.<sup>23</sup> However, school fees, other school-related costs, administrative barriers, and the lack of enforcement of compulsory education for non-nationals, prevent children from accessing education.

Human Rights Watch has documented barriers to education facing Syrian refugee children in Jordan, Lebanon, and Turkey.<sup>24</sup> An inability to pay for transportation and education materials often prevents Syrian refugee children from attending school. Syrian families' poverty has also contributed to an increase in child marriage among Syrian girls, who then often drop out of school.<sup>25</sup>

In Lebanon, we found that irregularities in the implementation of policies prevented the enrollment of many Syrian children. In many cases, school directors continued to require Syrian families to

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<sup>20</sup> Ibid.

<sup>21</sup> Human Rights Watch, "Growing Up Without An Education" Barriers to Education for Syrian Refugee Children in Lebanon, July 2016, <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>; *They Set the Classrooms on Fire* Attacks on Education in Northeast Nigeria, April 2016, <https://www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria>; *Studying Under Fire, Attacks on Schools, Military Use of Schools During the Armed Conflict in Eastern Ukraine*, February 2016, <https://www.hrw.org/report/2016/02/11/studying-under-fire/attacks-schools-military-use-schools-during-armed-conflict>.

<sup>22</sup> "Kenya: Involuntary Refugee Returns to Somalia, Camp Closure Threat Triggers Thousands Returning to Danger," Human Rights Watch news release, September 14, 2016, <https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia>. For context on attacks against education in Somalia, see Human Rights Watch, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*, February 2012, <https://www.hrw.org/report/2012/02/20/no-place-children/child-recruitment-forced-marriage-and-attacks-schools-somalia>.

<sup>23</sup> Human Rights Watch, "When I Picture My Future, I See Nothing" Barriers to Education for Syrian Refugee Children in Turkey, November 2015, <https://www.hrw.org/report/2015/11/08/when-i-picture-my-future-i-see-nothing/barriers-education-syrian-refugee-children>; *Seeking Refuge, Unaccompanied Children in Sweden*, June 2016, <https://www.hrw.org/report/2016/06/09/seeking-refuge/unaccompanied-children-sweden#ob7979>; "Growing Up Without An Education" Barriers to Education for Syrian Refugee Children in Lebanon, July 2016, <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>; "We're Afraid for Their Future" Barriers to Education for Syrian Refugee Children in Jordan, August 2016, <https://www.hrw.org/report/2016/08/16/were-afraid-their-future/barriers-education-syrian-refugee-children-jordan>; *Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees*, February 2017, <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>.

<sup>24</sup> Human Rights Watch, "Education for Syrian Refugee Children," undated, <https://www.hrw.org/tag/education-syrian-refugee-children>.

<sup>25</sup> Human Rights Watch, "When I Picture My Future, I See Nothing;" "Growing Up Without An Education;" "We Are Afraid For Our Future."

provide proof of legal residency, UN registration papers, health documents, and local attestation of residency to enroll, in contravention of Lebanon’s enrollment policy.<sup>26</sup> Lebanese authorities has allowed Syrian children to enroll in public schools and waived school enrollment fees. They also announced plans to open up afternoon “second shift” classes in 330 public schools.<sup>27</sup>

In Jordan, school officials have required Syrian children to produce official Syrian school certificates, which many families left behind when they fled, in order to enroll in secondary school, or at the grade level of their age group in primary school.<sup>28</sup> Jordanian authorities have not permitted most Syrians who left the country’s refugee camps after July 2014 to register their non-camp residence with UNHCR, receive humanitarian support, or obtain government-issued identification cards.<sup>29</sup> These cards had been required to enroll in public school, but Jordan’s education minister instructed public schools to allow Syrian children to enroll in the 2016-2017 school year. Jordan also doubled the number of schools operating “double shifts” to create spaces for up to 50,000 more Syrian students, and established a “catch-up” program to reach another 25,000 children ages 8 to 12, who have been out of school for three or more years.<sup>30</sup> Despite these positive steps, Jordan did not meet its enrollment targets: the education ministry implemented an improved enrollment monitoring system, which found that previous estimates had overstated enrollment.<sup>31</sup>

Similarly, Turkey issued a temporary protection regulation in October 2014 that ensured Syrians could remain lawfully in Turkey without official residency permits. Under its temporary protection regime, it has allowed Syrian children to attend public schools free of charge and accredited independent schools that teach a modified Syrian curriculum in Arabic—called “temporary education centers.” In addition, the government has provided avenues for qualified Syrian teachers to be compensated for their work in those centers, developed programs to offer language assistance, teacher training, and better oversight to ensure that schools across the country comply with their directives.<sup>32</sup>

Despite measures to expand enrollment, all three host countries enforce tough labor and immigration restrictions. Economic hardship particularly affects Syrian refugee children’s access to education in the host countries. Families in which the parents cannot work or do not earn a living wage are more likely to depend on child labor to survive, which means children miss school to work, often in hazardous conditions. Children turning 15 in Lebanon face particular challenges in maintaining legal residency because many do not possess the required passport or individual identification card, and are therefore at heightened risk of arrest while travelling to school. Syrians

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<sup>26</sup> Human Rights Watch, “*Growing Up Without An Education.*”

<sup>27</sup> Human Rights Watch, “Education for Syrian Refugee Children: What Donors and Host Countries Should Do,” September 2016, [https://www.hrw.org/sites/default/files/supporting\\_resources/education\\_for\\_syrian\\_refugee\\_children\\_what\\_donors\\_and\\_host\\_countries\\_should\\_do.pdf](https://www.hrw.org/sites/default/files/supporting_resources/education_for_syrian_refugee_children_what_donors_and_host_countries_should_do.pdf); UNHCR, “Lebanon: Inter-Agency Update, August-September 2016,” October 19, 2016, <http://reliefweb.int/report/lebanon/lebanon-inter-agency-update-august-september-2016> (accessed May 11, 2017).

<sup>28</sup> Human Rights Watch, “*We’re Afraid For Their Future.*”

<sup>29</sup> In November 2015, Jordan relaxed requirements for Syrians in host communities to comply with requirements to verify their residences, and reduced costs for them to obtain required health tests.

<sup>30</sup> Human Rights Watch, “Education for Syrian Refugee Children: What Donors and Host Countries Should Do.”

<sup>31</sup> “Remove Barriers to Syrian Refugee Education,” Human Rights Watch press release, April 5, 2017, <https://www.hrw.org/news/2017/04/05/remove-barriers-syrian-refugee-education>.

<sup>32</sup> Human Rights Watch, “Education for Syrian Refugee Children: What Donors and Host Countries Should Do.”

in Jordan who are caught working without work permits, which very few have, have been liable to arrest and transfer to a refugee camp. Thus, a large percentage of Syrian families in host communities depend on their children to work, as children are seen as at less risk of arrest. The government has established and extended grace periods in 2016 during which authorities refrained from arresting Syrians in order to allow them to apply for work permits; nearly 40,000 have been issued. However, Syrian children are still dissuaded from pursuing an education, since schooling will not help them in the only available job market for low-paid, unskilled labor.<sup>33</sup>

In January 2016, Turkey published a regulation that will allow Syrians with temporary protection status to apply for work permits six months after they receive temporary protection status.<sup>34</sup> Enabling Syrians to support themselves should have significant benefits for refugee children's access to education, since child labor is a major cause of drop-outs and non-enrollment. However, by the end of 2016, only 13,298 permits had been issued to Syrian refugees in Turkey, which hosts 2.8 million registered Syrian refugees.<sup>35</sup>

In Pakistan, limited access to education for refugee children is one factor causing Afghan refugees and asylum seekers in Pakistan to return to Afghanistan, according to research conducted by Human Rights Watch in October and November 2016. Many Afghan refugee and asylum seekers in Pakistan cited the closure of Afghan refugee schools and exclusion of Afghan refugee children from Pakistani government schools as one of the key reasons they felt compelled to leave Pakistan. About half of the Afghans interviewed by Human Rights Watch said that from May 2016, their children had been excluded from Pakistani state schools or the authorities had shut down Afghan refugee schools.<sup>36</sup> Upon return, many Afghan children face significant administrative barriers to accessing education. Schools often request identification and transfer documentation, and many school officials apply arbitrary ages of enrollment in primary school. These barriers can be particularly harmful for girls, as discriminatory gender roles may mean that girls are more likely to lack identification, and to seek to enroll late and thus be affected by age restrictions and restrictions when enrolling mid-year. When families face difficulty obtaining the documentation necessary for a child to register or transfer, they may be less likely to go to great efforts to secure these documents for girls.<sup>37</sup>

In Iran, Human Rights Watch also found that a sizeable portion of unregistered Afghans are deprived of education as a result of Iranian policies. Afghan refugees in Iran have to pay school fees and show residency documents to be admitted to school, even though Iranian nationals are not subjected to the same conditions.<sup>38</sup> In 2004, for example, the Iranian government promulgated regulations that introduced mandatory education fees for all Afghan children.<sup>39</sup> Authorities consider

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<sup>33</sup> Human Rights Watch, "Growing Up Without An Education"; "We Are Afraid For Our Future."

<sup>34</sup> "Karak Sayısı: 2016/8375," <http://www.resmigazete.gov.tr/eskiler/2016/01/20160115-23.pdf> (accessed January 27, 2016).

<sup>35</sup> "Turkey issues work permits to over 73,500 foreigners," *Andalou Agency*, January 18, 2017, <http://aa.com.tr/en/economy/turkey-issues-work-permits-to-over-73-500-foreigners/729836>.

<sup>36</sup> Human Rights Watch, *Pakistan Coercion, UN Complicity*.

<sup>37</sup> Based on Human Rights Watch's research on barriers to girls' education in Afghanistan, conducted in 2016.

<sup>38</sup> Human Rights Watch, *Unwelcome Guests: Iran's Violation of Afghan Refugee and Migrant Rights*, November 2013, <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>.

<sup>39</sup> Afghanistan Research and Evaluation Unit, "Second-generation Afghans in Iran: Integration, Identity and Return," April 2008, <http://www.unhcr.org/refworld/pdfid/4846b2062.pdf> (accessed September 4, 2012).

these fees nominal but some Afghans say they are onerous.<sup>40</sup> According to Office of the United Nations High Commissioner for Refugees, in 2012 tuition fees for primary, junior high, and high school were raised as a consequence of the removal of subsidies, affecting both Iranian nationals and refugees.<sup>41</sup> Afghans without legal status or valid refugee documents face many difficulties in obtaining education for their children, with many children going uneducated or attending underground schools as a result.<sup>42</sup> In 2015, Iran reportedly allowed all Afghan children, including undocumented ones, to register for schools after Supreme Leader Ali Khamenei issued a ruling reaffirming the need for universal education.<sup>43</sup> However, some reports indicate that only 10 percent of Afghan children who were left out of school were able to enroll in schools.<sup>44</sup>

Ahmad, a 16-year-old Afghan who was raised in Iran, said:

I went to school, but my parents had to pay for me and my brother and sister because we were not Iranian. Iranian children do not have to pay. Two or three times I did well enough in exams to qualify for a special education program, but could not go, because I was Afghan. Refugees are also not allowed to study in university in Iran, so I decided for my future to go somewhere else. I didn't want to go back to Afghanistan. Every day we heard about suicide bombings and someone or some group of people losing their life, even in Kabul. Every day there is a bomb blast. If I went back there, I imagine a dark future. I just want to have a chance to continue my education, nothing more.<sup>45</sup>

In Sweden, more than 35,000 unaccompanied children applied for asylum in 2015. Unaccompanied children are not detained in Sweden and are entitled by law to equal access to education.<sup>46</sup> However, the arrival of tens of thousands of children in 2015 has put a strain on this system, which has affected their right to education. Human Rights Watch found that delays in appointing guardians impacted children's access to education, information, and support. No national agency has the responsibility to track guardianship appointments, living arrangements, school enrollment, health screenings, or assessments by social workers.<sup>47</sup> Four children reported that they were prevented from enrolling in school because they did not have a guardian.<sup>48</sup> Local officials told Human Rights Watch that, as the rate of arrivals increased and the delay in

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<sup>40</sup> Frances Harrison, "Iran's Afghan refugees feel pressure to leave," *BBC*, November 1, 2004, [http://news.bbc.co.uk/2/hi/middle\\_east/3971711.stm](http://news.bbc.co.uk/2/hi/middle_east/3971711.stm) (accessed December 9, 2015).

<sup>41</sup> UNHCR, "Update on the Solutions Strategy for Afghan Refugees," September 2012, <http://www.refworld.org/docid/511e470e2.html> (accessed December 9, 2015).

<sup>42</sup> Human Rights Watch, *Unwelcome Guests*.

<sup>43</sup> Human Rights Watch, *World Report 2016* (New York: Human Rights Watch, 2016), Iran, <https://www.hrw.org/worldreport/2016/country-chapters/iran>.

<sup>44</sup> "Few Afghan Kids Enroll in Iran Schools," *Financial Tribune*, December 1, 2015, <http://financialtribune.com/articles/people/31406/few-afghan-kids-enroll-iran-schools> (accessed April 4, 2016).

<sup>45</sup> "EU: Abuses Against Children Fuel Migration," Human Rights Watch news release, June 22, 2015, <https://www.hrw.org/news/2015/06/22/eu-abuses-against-children-fuel-migration-o>.

<sup>46</sup> Swedish Education Act, 2010:800, sec. 8; Discrimination Act, 2008:567, sec 1.

<sup>47</sup> Human Rights Watch, *Seeking Refuge, Unaccompanied Children in Sweden*.

<sup>48</sup> Human Rights Watch interview with Isah G., Gothenburg, February 2, 2016.



appointment of guardians began to significantly affect enrollment, informal arrangements were made with local school authorities so that staff from group homes could enroll children.<sup>49</sup>

### **Lack of Quality and Inclusive Education**

Human Rights Watch found that language barriers, a lack of educational materials, such as textbooks, and inattentive or inadequately trained teachers have caused Syrian refugee children to drop out of school in Jordan, Lebanon, and Turkey. Lack of access to private, clean sanitation facilities at schools has also affected girls' ability to manage their hygiene during menstruation and affect school attendance.<sup>50</sup>

Lebanon's public school system struggled before the ongoing refugee crisis, when only 30 percent of Lebanese students attended public schools, which suffer high rates of grade repetition and dropouts.<sup>51</sup> This problem is exacerbated for Syrian children enrolled in newly opened second shift classes, which are run in the afternoon to accommodate additional students. Under the ministry's operating procedures, second shift teachers are drawn from the first shift, and new teachers are only hired if there are an insufficient number of teachers or qualified staff available from the first shift.<sup>52</sup> This leaves many teachers tired and overworked, reducing the quality of both shifts. Underqualified teachers and double shifts also affected quality of education in Jordan.<sup>53</sup>

Human Rights Watch documented that children with disabilities in Jordan and Lebanon have been largely excluded from efforts to provide Syrian children access to education. Lebanese public schools are not inclusive, and many children with disabilities in Lebanon are unable to access quality education, despite a law that guarantees access to education for children with disabilities.<sup>54</sup> Syrians are not eligible for government funding that allows Lebanese children with disabilities to access institutions. Human Rights Watch found that public schools were turning away Syrian children on the basis of their disabilities. In Lebanon, a dozen humanitarian and disabilities organizations told Human Rights Watch that little or nothing had been done to ensure that children with disabilities could enroll in schools. Where Syrian children with disabilities in Jordan and Lebanon were able to enroll in schools, schools did not adequately accommodate the needs of children with disabilities to ensure they receive quality education on an equal basis with other children. This meant some Syrian refugee children with disabilities remain at home.<sup>55</sup>

In Jordan, Lebanon, and Turkey, Human Rights Watch found that widespread corporal punishment of children by teachers, school administrators, and bus drivers; violence, bullying, discrimination, and

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<sup>49</sup> Human Rights Watch interviews with Kristin Lindberg, Nordmaling, HVB Operations, January 31, 2016, and Mats Omgren and Victoria Sundling, January 29, 2016.

<sup>50</sup> Human Rights Watch, *When I Picture My Future, I See Nothing; "Growing Up Without An Education;" "We Are Afraid For Our Future."*

<sup>51</sup> Ministry of Education and Higher Education, "Reaching all Children with Education in Lebanon," June 2014, <http://www.mehe.gov.lb/uploads/file/2015/Feb2015/Projects/RACEfinalEnglish2.pdf> (accessed March 28, 2016), p. 7

<sup>52</sup> Ministry of Education and Higher Education, Decree no. 719/M/2015 Public Schools Afternoon Shift Schedule – Executive procedures for teaching non-Lebanese children 2015/2016, art. 9.

<sup>53</sup> Human Rights Watch, *Growing Up Without An Education;" "We Are Afraid For Our Future."*

<sup>54</sup> Bassam Khawaja (Human Rights Watch), "War is No Excuse for Depriving Children with Disabilities of an Education", May 16, 2016, <https://www.hrw.org/news/2016/05/16/war-no-excuse-depriving-children-disabilities-education>.

<sup>55</sup> Human Rights Watch, *Growing Up Without An Education;" "We Are Afraid For Our Future;"* Based on research to be published in an upcoming report.

harassment on the way to school and in the classroom have caused Syrian refugee children to drop out of school in these three countries.<sup>56</sup> Girls are also particularly affected. Parents are more likely to keep older girls home due to safety concerns and fears of harassment.<sup>57</sup> Discrimination in school can also affect children's ability to learn or motivation to attend. Halima, 30, who now lives in Beirut, told Human Rights Watch:

My kids hate school, they don't want to go. The monitor stands on their feet and pulls their hair. There is no respect for the student or the parent. [Teachers] insult the kids in class, calling them cow or donkey. The way that Syrian children are treated differently makes them close their minds.<sup>58</sup>

In Nauru, where some 1,200 refugees and asylum seekers have been sent for "regional processing" by Australia, Human Rights Watch and Amnesty International found that, in part due to bullying and harassment, many asylum seeker and refugee children have stopped attending school.<sup>59</sup> Save the Children Australia estimates that 85 percent of refugee and asylum seeker children on Nauru are not enrolled in school.<sup>60</sup> A school in the regional processing center closed in mid-2015 and refugee and asylum-seeking children attend local schools.<sup>61</sup> Harassment and violence against refugee and asylum-seeking children in local schools appeared to be prevalent. Parents and children reported that they are regularly called names, shoved, hit, have things thrown at them, and subjected to other forms of bullying and sexualized forms of harassment while at school.<sup>62</sup> Children reported being ignored when they complain of bullying and harassment to their teachers. Similarly, a July 2016 evaluation by Save the Children Australia found that refugee and asylum-seeking children, particularly girls, were subjected to physical violence by Nauruan students.<sup>63</sup>

### Limited Access to Education in Refugee and Displacement Camps

In 2016, Human Rights Watch documented the situation of unaccompanied asylum-seeking and migrant children in northern France, living in the so-called "Jungle" camp in Calais. The only form of education available in the camp was provided by nongovernmental organizations or volunteers in the camp. When the camp in Calais was closed by the French government in late October 2016, children were taken to temporary reception centers across France. Between December 5 and 16, Human Rights Watch interviewed 41 unaccompanied migrant children from Ethiopia, Eritrea, Sudan,

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<sup>56</sup> Human Rights Watch, "Education for Syrian Refugee Children," undated, <https://www.hrw.org/tag/education-syrian-refugee-children>.

<sup>57</sup> Human Rights Watch, *"When I Picture My Future, I see Nothing;" "Growing Up Without An Education;" "We Are Afraid For Our Future."*

<sup>58</sup> Human Rights Watch interview with Halima, Beirut, November 25, 2015.

<sup>59</sup> Human Rights Watch and Amnesty International, "Australia: Appalling Abuse, Neglect of Refugees on Nauru," August 2016, <https://www.hrw.org/news/2016/08/02/australia-appalling-abuse-neglect-refugees-nauru>.

<sup>60</sup> See Nicole Hasham, "'You Are Terrorists, You Make Bombs': Racist Taunts Help Keep Nauru Refugee Kids Out of School," *Sydney Morning Herald*, July 29, 2016, <http://www.smh.com.au/federal-politics/political-news/you-are-terrorists-you-make-bombs-racist-taunts-help-keep-nauru-refugee-kids-out-of-school-20160729-gqglcp.html> (accessed November 2, 2016)

<sup>61</sup> Ben Doherty, "School in Nauru detention centre to be closed," *The Guardian*, March 30, 2015, <https://www.theguardian.com/australia-news/2015/mar/31/asylum-seeker-children-start-campaign-to-save-their-nauru-school-from-closure> (accessed May 3, 2017).

<sup>62</sup> See, for example, Incident Report SCA 15.0583, September 12, 2015, <http://www.theguardian.com/australia-news/ng-interactive/2016/aug/10/the-nauru-files-the-lives-of-asylum-seekers-in-detention-detailed-in-a-unique-database-interactive#incident=sca150583> (accessed November 2, 2016).

<sup>63</sup> See Hasham, "'You Are Terrorists, You Make Bombs.'"

Syria, and Afghanistan and staff in six reception centers. Human Rights Watch found that children had access to limited informal educational and recreational activities in the reception centers.<sup>64</sup>

Like with all children, displacement and migration causes great disruption for children and young people with disabilities including their ability to attend school and receive an education. Unfortunately, while many efforts to support displaced and migrant children include providing them with access to education, Human Rights Watch research suggests that humanitarian needs analysis are most often not inclusive and do not factor in the specific needs of children and young people with disabilities, thereby affecting humanitarian aid allocations for inclusive education programs in camp and non-camp settings, impacting on children's right to inclusive education.<sup>65</sup> In 2015, Human Rights Watch found that very few children with disabilities were enrolled in schools in camps like the M'Poko camp for internally displaced persons (IDPs) in Bangui, Central African Republic.<sup>66</sup> Of the nearly 3,800 children enrolled at the school in M'Poko, only 14 had disabilities. While the school itself was wheelchair-accessible, the route to the school was not. Children with physical disabilities needed a family member to drop them to school and pick them up, and they needed an assistive device. Without an assistive device, such as a wheelchair, children with physical disabilities can find it hard to sit all day on the floor.<sup>67</sup> School staff told Human Rights Watch that some parents were hesitant to send children with physical disabilities to school as they fear that their children will not be able to flee in case of an attack. Children with sensory or intellectual disabilities are unable to attend because the school does not have teachers trained in inclusive methods. The school staff has not actively sought to enroll children with disabilities.<sup>68</sup> The M'Poko camp has since been closed but Human Rights Watch research has not found evidence of children with disabilities getting access to inclusive education in camps for internally displaced people in other parts of the country.

In Greece, Human Rights Watch research conducted in 2017 found that children with disabilities who are refugees, asylum seekers, and migrants are not properly identified and do not enjoy equal access to services, including access to education, in Greek reception centers. One of the people working in Souda camp in Chios, which held 1,150 people when Human Rights Watch visited, said that the lack of access to education affects the mental well-being of migrants and asylum seekers.<sup>69</sup>

Across northern Nigeria, where many have become displaced because of Boko Haram attacks on schools and other targets, Human Rights Watch found that many children have limited schooling in displacement camps or in private homes and communities where they are hosted by friends, families, and others. For about 10 percent of displaced children, who are living in camps, there is

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<sup>64</sup> "France/UK: Lone Children From Calais Left in Limbo, Ensure Fair, Transparent Process for UK Entry," Human Rights Watch news release, December 21, 2016, <https://www.hrw.org/news/2016/12/21/france/uk-lone-children-calais-left-limbo>.

<sup>65</sup> Human Rights Watch, *The Education Deficit: Failures to Protect and Fulfill the Right to Education in Global Development Agendas*, June 2016, <https://www.hrw.org/report/2016/06/10/education-deficit/failures-protect-and-fulfill-right-education-through-global>.

<sup>66</sup> "Central African Republic: People With Disabilities Left Behind, Aid Agencies Should Include Them in Planning; Meet Basic Needs," Human Rights Watch news release, April 28, 2015, <https://www.hrw.org/news/2015/04/28/central-african-republic-people-disabilities-left-behind>.

<sup>67</sup> Human Rights Watch, *"Leave No One Behind,"* pp. 19-20.

<sup>68</sup> *Ibid.*

<sup>69</sup> Greece: Refugees with Disabilities Overlooked, Underserved, Identify People with Disabilities; Ensure Access to Services, Human Rights Watch news release, January 18, 2017, <https://www.hrw.org/news/2017/01/18/greece-refugees-disabilities-overlooked-underserved>.

some access to primary and secondary education, though it is far from adequate. In such camps, schools consist of children grouped according to their age in large rooms or underneath trees for three to four hours of lessons per day, in most cases three times a week. School materials such as paper and pencils are provided in UNICEF-supplied bags, but there are no textbooks for the children, or other teaching aids for teachers. The education programs in camps utilize public school teachers from the same areas as the children they teach.<sup>70</sup>

For parents, the poor quality of teaching at the camp learning spaces evokes nostalgia for what they left behind in their violence-ravished communities. A father of nine children said:

There is no school here. What we have is rubbish. The children go for some hours and come back. They are not learning anything. No books. Only writing paper. It is not worth keeping my children here [in Maiduguri]. When I have chance we will go back to our village.<sup>71</sup>

### **Denial of Education Through Immigration Detention**

International standards provide that the detention of any asylum seeker, whether a child or an adult, should normally be avoided. In countries like Indonesia, Malaysia, Mexico, and Thailand, migrant children are detained in immigration centers, where they often have limited to no access to education.<sup>72</sup>

Human Rights Watch found that Thailand's immigration laws permit the indefinite detention of all refugees, including Rohingya and members of other ethnic groups from Burma, ethnic Uighurs from China, Pakistanis, and Somalis. Migrant children are held in squalid cells without adequate food or opportunity to exercise or receive an education.<sup>73</sup>

In 2015, Human Rights Watch research into the situation of refugee and migrant children from El Salvador, Guatemala, and Honduras in Mexico found that children in detention appeared to be deprived of their right to education. Human Rights Watch heard of no instance in which children had access to regular, appropriate grade-level education in immigration detention centers and National System for Integral Family Development (DIF) shelters, regardless of the length of time they are held. At most, children may take part in activities, run on an ad hoc basis, that have a limited educational component, such as craft sessions and religious discussions.<sup>74</sup>

In mid-2016, Human Rights Watch investigated the situation of unaccompanied asylum-seeking and migrant children in detention in Greece, where children are often detained in so-called protective custody. Human Rights Watch found that unaccompanied children were routinely and arbitrarily

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<sup>70</sup> Human Rights Watch interview with National Emergency Management Agency staff [name withheld], Maiduguri, September 10, 2015.

<sup>71</sup> Human Rights Watch interview with a parent [name withheld], Maiduguri, Nigeria, September 10, 2015.

<sup>72</sup> See Alice Farmer (Human Rights Watch), "The Impact of Immigration Detention on Children," *Forced Migration Review*, 2013, <https://www.hrw.org/news/2013/09/29/impact-immigration-detention-children>; Michael Garcia Bochenek, "Children Behind Bars, The Global Overuse of Detention of Children," Human Rights Watch World Report (January 2017), <https://www.hrw.org/world-report/2016/children-behind-bars>.

<sup>73</sup> Michael Garcia Bochenek, "Children Behind Bars, The Global Overuse of Detention of Children."

<sup>74</sup> Human Rights Watch interview with DIF staff, Tapachula, Chiapas, October 23, 2015.

detained in small, overcrowded, and unhygienic cells for prolonged periods, with little access to basic care and services. Human Rights Watch found no evidence that the unaccompanied children had access to educational opportunities or recreational activities.<sup>75</sup> Some children only had access to educational activities in safe spaces set up by UNHCR and nongovernmental organizations in refugee camps, where on-site staff and volunteers provided support specifically to unaccompanied children.<sup>76</sup>

## Recommendations

Governments should:

- Ensure, under law and in policy and practice, every child’s right to free and compulsory primary education, and ensure secondary education and vocational training is made generally accessible and available to all.
- Revoke any laws or policies that discriminate against children of foreign nationality and deny them the right to education.
- Delink immigration-related requirements from enrollment criteria, including residence permits or school fees that are not regularly applicable to nationals of their countries, particularly where such requirements effectively serve to isolate or discriminate against refugee and asylum-seeking children.
- Ensure that enrollment and education policies are properly implemented at all levels to ensure that all children can access quality education on an equal and inclusive basis, and monitor compliance at the local level.
- Ensure non-nationals have access to quality language support programs in primary and secondary schools, and vocational centers.
- Ensure the provision of education in crises and displacement, and adopt special measures to ensure children can continue to go to school in highly insecure areas, including by reducing the distance to school, offering distance learning programs, and setting up protective spaces for girls and teachers.
- With humanitarian and development agencies:
  - Ensure that internally displaced, asylum-seeking and refugee children and youth are included in national education plans, and collect better data to monitor their situation.
  - Ensure children with disabilities are included in all education efforts. When implementing education programs in the context of migration, organizations and governments should ensure there is no inadvertent discrimination against children with disabilities. An inclusive education program should provide all students with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences, including accessible

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<sup>75</sup> Human Rights Watch, *“Why Are You Keeping Me Here?” Unaccompanied Children Detained in Greece*, September 2016, <https://www.hrw.org/report/2016/09/08/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>.

<sup>76</sup> Human Rights Watch interview with Kaiman T., safe space for unaccompanied children, Diavata refugee camp, Thessaloniki, June 28, 2016.

classrooms, education materials, and teachers trained to adapt to different learning abilities and styles.

- Curtail detention of children for immigration purposes. In the exceptional cases where children are detained they should receive services and care appropriate to their age, including access to compulsory education. Governments should provide access to educational activities designed to provide a measure of continuity and give children the opportunity to reenter the formal education system at a later date. For those children who are in detention settings for longer periods—including applicants for refugee recognition, who may spend months in detention—governments should ensure that they receive access to educational programs that cover at least the curriculum of compulsory education at the primary level, and preferably also at the secondary level.

Humanitarian and bilateral donors, and agencies providing international support should:

- Provide resources and technical cooperation to assist in the continuity of education in planning for emergencies and early recovery.
- Target support to governments struggling to meet the education needs of internally displaced and refugee children, particularly in remote areas. All programs should be inclusive of children with disabilities.