Study Guide

on topic area:

**Council of Europe Member States;
Integrating refugees in formal education**

for **the Council of Europe** committee

for its simulation during

Rhodes Model Regional Co-operation 2022

High School Edition

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1. Welcoming Letter

Esteemed Ministers,

We are more than thrilled to welcome you all to the Council of Europe – Education of Rhodes MRC 2022 the High School Edition. First and foremost, we hope that your decision to participate in this year's simulation will be a great opportunity to interact with other young people and get a brighter view of a policy-making process. From our part, we will be alert at any time to facilitate your effort and help you have a fruitful debate and a great experience overall!

Our committee will examine the **integration of refugees in formal education**, a matter which is highly critical today more than ever, affecting deeply many young people's lives worldwide. Therefore, it is undoubtedly a challenging concept, which requires your well-thought proposals and ideas.

The present Study Guide[1] has been conducted as a roadmap for understanding and tackling the topic and we hope it will be a great hand concerning your preparation. We expect your next step to be the conduction of an examination of your country's policy and to get well informed concerning the status of refugees' education in your country.

Apart from our expectations for a productive debate, we encourage you to get actively involved in the committee, as it is your chance to broaden your knowledge on worldwide problems.

Do not be afraid to stand up and support your arguments and get prepared for the real debate! We thank you in advance for your cooperation and highly anticipate meeting you all in Rhodes and create some memories! May any inquiry of yours arise, do not hesitate to contact us.

Yours sincerely,

The Board of the Council of Europe
Michaela Fournarakou, Chairperson
Efthimis Kounalakis, Secretary General

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[1] *The present Study Guide was originally drafted by the Board Members of the RhodesMRC 2019 High School Edition, ms. Aikaterini Toskou and mr. Dimitris Fitsilis, and updated for the purposes of RhodesMRC 2022 High School Edition by the Members of the Secretariat.*

2. Introduction to the Committee

The Council of Europe is a regional intergovernmental organization which constitutes one of the largest political organizations in history. Council of Europe was founded on May 5th, 1949 after the end of Second World War, with the Treaty of London as its official document, and the main aspiration to *"achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles that are their common heritage and facilitating their economic and social progress[2]".* Nowadays, the Council of Europe has forty-six (46) member states and it focuses on three core values that determine its action. These values are:

a) The enjoyment of **human rights** and fundamental freedoms by every person within the jurisdiction of its member states,

b) The consolidation of the **rule of law** and,

c) The existence of a genuine pluralistic **democracy** based on the spiritual and moral values which are the common European heritage[3].

One of the most crucial achievements of the CoE was the adoption of the European Convention for the Protection of Human Rights (ECHR) in 1950, a document that gave momentum towards a new era of human rights' protection.

The Council's two statuary bodies are the **Committee of Ministers** and the Parliamentary Assembly. The first body, the Committee of Ministers, is the one that we are going to simulate during Rhodes MRC 2022 – High School Edition. The missions and functions of the Committee of Ministers are analytically described in the 4th Chapter of the Statute. Briefly, each member state is in principle represented in the Committee by its Minister of Foreign Affairs who is entitled to one vote.

Issues of common political interest are being examined within the Committee, which in the end is called to decide upon the Council's policy on them. These are all matters whose solutions require concerted pan-European dialogue and cooperation. Finally, the Committee cooperates with the Parliamentary Assembly with the view to preserve the Council's fundamental values and ensure member States' compliance with their responsibilities.

3. Introduction to the Topic

Mobility has been a defining feature of human history. War, exile, and refugees have been documented features of history since the Greek and Roman classical eras. In fact, every region of the world's history records the movement of people as a result of conflict and persecution. People have been forcibly displaced and forced to flee their homes throughout human history as a result of political, ethnic, and religious persecution, as well as wars. The practice of offering some form of protection, political belonging and rights for the displaced by receiving societies and religious institutions has an equally long history. Every major world religion contains teachings on the

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[2] The Council of Europe Treaty Office.(n.d.).*Statute of the Council of Europe.* [online] Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/001 [Accessed on 5 July 2019]

[3] Parliamentary Assembly of the Council of Europe (PACE). (2007). *Resolution 1547 (2007) - State of human rights and democracyin Europe.* [online] Available at: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17531&lang=en [Accessed on 5 July 2019]

importance of providing protection to those in need. And that's also an aspect of the Council's core values since its very creation, meaning the protection of vulnerable people and their integration to the member states' societies.

Forced migration is consistently a significant aspect of global politics, especially during the last decades. Although there have been significant refugee crises in the past, the key concern right now is how poorly governments, the UN Security Council, UNHCR, and other international actors are managing the current global refugee situation and what should be done about it. Millions of civilians are caught up in brutal civil wars and refugee crises in Eritrea, the Central African Republic, Somalia, Sudan, the Democratic Republic of Congo, Afghanistan, Syria, and, of course, our closest example, Ukraine.

Huge numbers of people have been forcibly displaced throughout the world in recent decades as a result of political or religious persecution, widespread discrimination based on gender identity or sexual orientation, ethnicity, never-ending wars, and violent crimes committed by both state and non-state actors. The number of refugees has increased as a result of authoritarian regimes, violations of human rights, and the actions of radical militant non-state actors. In addition, the rapid increase in number and frequency of environmental crises and natural disasters causes additional mass migrations of vulnerable people throughout the world in the near future.

Europe has been one of the main recipients of refugees this last decade, due to its proximity to aeras of conflict, as well as due to its high-quality life and protection of human rights. As refugees are individuals who have fled their home country and no longer enjoy the protection afforded to citizens of a state, the 1951 Refugee Convention sets out the rights to which all refugees are entitled, namely that refugees should have access to national courts, the right to employment and education, and other social, economic, and civil rights.

4. Definition of key-terms

Refugees: According to the United Nations High Commissioner for Refugees (UNHCR), refugees are "*persons who are outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and as a result require international protection*[4]".

Immigrants: According to the International Organization of Migration, an immigrant -from the perspective of the country of arrival- is "*the person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence*[5]."

Formal Education: Formal education is "the educational model that delivers a pre-defined curriculum and takes place generally in schools"[6]. More specifically, *"the formal education of a*

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[4] Refugees and Migrants. (n.d.). *Definitions*. [online] Available at: https://refugeesmigrants.un.org/definitions [Accessed 24 Sep. 2019].

[5] International Organization for Migration. (n.d.). *Key Migration Terms*. [online] Available at: https://www.iom.int/key-migration-terms [Accessed 24 Sep. 2019].

[6] Yildiz, M. and Keengwe, J. (2016). Handbook of research on media literacy in the digital age. pp.351-373.

person begins from elementary school and continues with secondary school"[7]. By the successful end of secondary education, students are holders of nationally recognized school diplomas.

Unaccompanied Minors: An unaccompanied minor (also seen as "unaccompanied child" or "separated child") is a child without the presence of a legal guardian. The UN Committee on the Rights of the Child defines unaccompanied minors and unaccompanied children as those "*who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so*[8]".

5. Legal Framework

5.1. Recommendation CM/Rec(2019)4 – Supporting Young Refugees in Transition to Adulthood

On 24 April 2019 the Committee of Ministers of the Council of Europe adopted a new recommendation on supporting young refugees in their transition to adulthood. The text was proposed in the framework of the Action Plan on Protecting Refugee and Migrant Children in Europe and the "Youth for Democracy Programme." This recommendation was made necessary by the fact that young refugees are facing the continuing risk of violation of their human rights and fundamental freedoms, and this complex situation is exacerbated by the separation from their families that many young people have to cope with. Reaching the age of majority, young refugees are no longer under the protection of the United Nations Convention on the Rights of the Child and therefore no longer have access to the rights and opportunities they enjoyed as children.

In this context, the recommendation will ensure that the Council of Europe member States should provide additional temporary support to young refugees after the age of 18, taking into consideration the specific needs of young people. The aim is to ensure assistance in different fields: **education**, accommodation, employment and healthcare, including psychological support[9].

5.2. Charter on Education for Democratic Citizenship and Human Rights Education

The Council of Europe recognises education as an explicit countermeasure to the rise of violence, racism, extremism, xenophobia and intolerance. The implementation of the Charter of the Council of Europe on Education for Democratic Citizenship and Human Rights Education, which was adopted by all Member States via Recommendation CM/Rec(2010)7, reflects this principle. The Charter provides Member States with reasons to ensure democratic citizenship for all age and

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[7] Yousaf, M. (n.d.). *Types of Education: Formal, in-Formal and Non-Formal Education*. [online] ScholarshipFellow. Available at: https://scholarshipfellow.com/types-of-education-formal-in-formal-and-non-formal-education/ [Accessed 24 Sep. 2019].

[8] Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. (2019). [ebook] Available at: https://www.unhcr.org/3d4f91cf4.pdf [Accessed 30 Sep. 2019].

[9] Office, ERYICA. "Recommendation of the Committee of Ministers on Young Refugees in the Transition to Adulthood - ERYICA - the European Youth Information and Counselling Agency." ERYICA. ERYICA – The European Youth Information and Counselling Agency, May 2019. https://www.eryica.org/news/2019/5/3/recommendation-of-the-committee-of-ministers-on-young refugees-in-the-transition-to-adulthood.

demographic groups within their populations, as well as human rights education. The primary objective is to spread best practises and raise global standards, not just in Europe[10].

5.3. Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

The Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms entered into force in 1952, only two years after the initial Convention, with the purpose to add fundamental rights to those already protected by the latter. Article 2 of the Protocol recognizes the right to education[11]. More specifically, the Ministers of the CoE, have agreed that "*No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions*"[12].

5.4. The 1951 Refugee Convention

The 1951 Refugee Convention is a fundamental legal document, as it defines the term 'refugee' and outlines the rights of the displaced, as well as the legal obligations of States to protect them[13]. The core principle of the Convention is non-refoulment, which supports that a refugee should not in any case return to a country where he was exposed to serious threats to his life or freedom. The 1951 Refugee Convention is today considered as rule of customary international law, while the UN Refugee Agency (UNCHR) serves as the monitoring agency of the Convention's implementation and the 1967 additional Protocol[14].

5.5. Council of Europe and the Sustainable Development Goal 4

The Council of Europe contributes to the achievement of the United Nations' 2030 Agenda, and it has adopted its own goals and policies for Sustainable Development Goal number 4, "Quality Education." Target 4.5 specifically aims to "*eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations*"[15].

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[10] Education for Democratic Citizenship and Human Rights Education (EDC/HRE). (2019). *Charter on Education for Democratic Citizenship and Human Rights Education*. [online] Available at: https://www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education [Accessed 30 Sep. 2019].

[11] Treaty Office. (2019). *Conventions*. [online] Available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/009 [Accessed 30 Sep. 2019].

[12] CETS 009 - Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms. (1952). [ebook] Available at: https://rm.coe.int/168006377c [Accessed 30 Sep. 2019].

[13] Refugees, U. (n.d.). *The 1951 Refugee Convention*. [online] UNHCR. Available at: https://www.unhcr.org/1951-refugee-convention.html [Accessed 25 Sep. 2019].

[14] Refugees, U. UNHCR ibid.

[15] Education. (n.d.). 4.5 Gender equality and inclusion. [online] Available at: https://www.coe.int/en/web/education/4.5-gender-equality-and-inclusion [Accessed 25 Sep. 2019].

6. Analysis of the Topic Area

6.1. Key-areas affecting the education of refugees within CoE member states

It is undeniable that the minimum educational requirements for social inclusion of refugees have significantly risen with time and now demand a holistic and productive access to educational experiences for people to acquire the essential skills to live and work in today's societies[16]. The following section of the Study Guide aims to present the main factors that obstruct the right of migrant and refugee children to quality education.

6.1.1. Delay on the part of the hosting nation

First and foremost, one can understand that it is an explicit obligation of the country that is hosting a refugee wave to keep up with the primary needs and wishes of that wave. With the right to education consisting of a fundamental human right recognized and guaranteed under international human rights law, the lack or delay of national governments' response to actions and decisions upon mainstream education is not justified by any means. A concrete example is the absence of clear and specific state regulations and policies addressing the admissions of refugees to primary and secondary education[17].

6.1.2. Improper assessment of educational needs

Lack of a concrete and proper assessment of the refugee needs has been noticed in many educational systems of the member states. Thus, resulting to educational instability and improper distribution of students at schools, as they are not allocated according to their needs and educational levels. It is obvious that students may present different potential and difficulties in the schooling process, while there are also students with special education needs, making the evaluation and assessment process more than essential to achieve inclusive education[18].

6.1.3. The impact of discrimination

Discrimination, which is the result of prejudice, stereotypes, and rejection towards ethnic minorities, is a vital factor affecting the proper integration of children to schools. National or local authorities remain idle towards the guarantee of a discrimination-free school environment. It is even often that local school administrators, teachers, public figures and families stand hesitating towards diversity, which results to the social exclusion and stigmatization of refugee children, who are then naturally discouraged to pursue their goal for education within their host-country[19].

6.1.4. School segregation

The most vital term when addressing the education of refugee and migrant children, is school segregation. Segregation is defined as the denial of access to mainstream education due to the

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[16] Rm.coe.int. (2017). [online] Available at: https://rm.coe.int/fighting-school-segregationin-europe-throughinclusive-education-a-posi/168073fb65 [Accessed 26 Sep. 2019].

[17] ibid

[18] ibid

[19] ibid

financial or educational problems that a host-country may face, which results to the marginalization of these children. Decisive factors linked with school segregation are related to the lack of teachers, pedagogues, psychologists, and related experts within Member States' schools, also reduced funding, support and academic/technological means for the educating process and finally the lack of a monitoring procedure that will report and guide the refugee children's progress and social integration[20].

6.1.5. Additional language and cultural mediation support

Language and cultural mediation support are scarce, yet essential to address language barriers and communication challenges, as refugee and migrant children often do not have sufficient knowledge of the language of instruction or there is a low interest in learning the language of the host country. For instance, in the case of Greece, Serbia or Bulgaria, from where refugee and migrant families often wish to move onwards, or children are waiting for family reunification and transfer to another EU country, there is a slight neglect, from all parts, when it comes to learning the basics of the language[21].

6.2. Addressing early school leaving and disengagement from education

Improving school attendance and reducing early school leaving are major issues for national education systems, affecting both native-born and foreign-born children. Early school leaving or disengagement from education often relates to the socio-economic inequalities, which affect many refugee and migrant children, but also children's and their parents' education expectations, the school environment and relations with teachers and peers. In addition, language barriers and difficulties with concentration and learning resulting from painful personal experiences can also be significant contributing factors. Even more, poverty is a particularly important factor that may affect children and young people's engagement in education. Ultimately, early school leaving may have a significant impact on adolescents' and young people's transition from education to work. Therefore, when monitoring young people's disengagement from both the education and labour market it is apparent that in the absence of appropriate interventions foreign-born young people (aged 15-24) are overall much more likely to be neither in employment, nor in education or training than their native-born peers[22].

7. Actions already taken

Despite the difficulties that are common amongst Member States hosting refugees and holding responsibility to their education, significant actions have taken place both on an international and European level.

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[20] ibid

[21] Access to education - unhcr.org (no date). Available at:
https://www.unhcr.org/neu/wpcontent/uploads/sites/15/2019/09/Access-to-education-europe
19.pdf

[22] ibid

7.1. "Competences for Democratic Culture and intercultural Dialogue"

This project was an initiative from Andorra during her presidentship in the Committee of Ministers and now is being developed by an international and interdisciplinary expert group. The goal is to provide Member States with guidelines to enhance competence for democratic culture and intercultural dialogue that national authorities and education institutions can use and adapt according to their needs. In that way, all social groups, including refugees, can embrace active participation in public space and solve common conflicts by peaceful means[23].

7.2. "Free to Speak - Safe to Learn" - Democratic schools for all

In 2018 the CoE in collaboration with the European Wergeland Centre, which is a resource center on education for intercultural understanding, human rights and democratic citizenship, launched a new campaign titled "Free to Speak-Safe to Learn"[24]. The main aim is to reinforce the foundation of a democratic culture across schools and tackle any sort of discrimination, hate speech or bullying against students. The campaign is divided in six individual main themes and is scheduled to run until 2022 at national, regional and European level. Notably, this vision involves all Member States of the Council of Europe as well as Belarus, the Holy See and Kazakhstan[25].

7.3. The Commissioner for Human Rights

The Commissioner for Human Rights plays a vital role in human rights promotion and protection. It is within the mandate of the Commissioner to visit the CoE Member States in order to evaluate their status quo and encourage further changes. The elected in 2018 Commissioner Dunja Mijatović states that "The system of human rights protection in Europe is one of the most advanced in the world"[26]. She highlights the need of a collaboration of varied stakeholders to support inclusive education by desegregation policies and innovative strategies[27].

8. Conclusion

As the main analysis proves, numerous problems remain unsolved for refugees and their integration in formal education. Discrimination, school segregation and governmental procrastination, make the current situation even more complex. For all the above reasons, we call for all Ministers of the Committee to debate and discuss upon new ideas, frameworks and initiatives, all aiming to safeguard refugees' children most fundamental right, the right to be educated.

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[23] Culture, C., Dialogue, A. and Europe, C. (n.d.). About the project Competences for Democratic Culture and Intercultural Dialogue. [online] Education. Available at: https://www.coe.int/en/web/education/about-the-project-competences-for-democratic-culture-and-intercultural-dialogue [Accessed 30 Sep. 2019].

[24] All, N. and Europe, C. (2018). Nov 2018 - Free to Speak – Safe to Learn – Democratic Schools for All. [online] Education. Available at: https://www.coe.int/en/web/education/free-to-speak-safe-to-learn-democratic-schools-for-all [Accessed 30 Sep. 2019].

[25] Rm.coe.int. (n.d.). [online] Available at: https://rm.coe.int/leaflet-of-the-campaign-free-to-speak-safe-to-learn-democratic-schools/16808e86b6 [Accessed 30 Sep. 2019].

[26] Rights, C., Commissioner, T. and Europe, C. (n.d.). The Commissioner for Human Rights. [online] Commissioner for Human Rights. Available at: https://www.coe.int/en/web/commissioner/the-commissioner [Accessed 30 Sep. 2019].

[27] ibid

9. Points to be addressed

1. How can the CoE further mobilise its member states upon its main principles regarding inclusive education?
2. How can member states address the legal barriers affecting refugees' access to education?
3. What are necessary means to guarantee quality education for refugees? What could be an effective response towards school segregation?
4. How can member states address issue of discrimination? What is the role of the civil society?
5. How can host-countries enhance the additional language and cultural mediation support?
6. How can we guarantee a proper assessment process when integrating students to formal education, as well as an evaluation procedure of the educating institutions?
7. What can be done to eliminate the phenomenon of early school leaving?

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