

To
participants of the *UN Summit on for Refugees and Migrants, 19. September 2016, UN, New York*

**Information concerning
the human right to education of CESC Art 13
of the Afghan refugees children and young parents**

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**Perpetuated Lack of Access to the Human Right to Education
for Afghan Child Refugees and Young Parents**

1) As a refugee child and young adult: Denial of school & education access in the Islamic Republic of Iran *especially girls/women.*

Recommendation: *The Islamic Republic of Iran shall end the exclusion of Afghan and all refugees from the Right to Education and secure basic school enrollment according to international standards and Treaties within a month after entering the country for all refugee girls/boys and women/ men.*

2) As a refugee child from Afghanistan coming via Iran to Germany and other countries, partly with families, partly unaccompanied, the school enrollment takes often 6 to 9 months due to administrative lacks (no places in schools). Afghan adults are not admitted for 'Integration Courses' like other refugees and so are discriminated by administration/state¹ since Afghanistan is defined as "a safe country" to which they will be deported after a while. This is unacceptable. There are

- lacks of facilities to learn in refugee camps for children, parents, esp. girls/women.
- lacks of "specific" basic preparation for how to learn for young adults- -often mothers/fathers- who mostly cannot cope with high standard of integration classes due to lifelong inter-generational exclusion from education (a lasting violation of human rights)
- Specific basic preparation courses for Afghans are urgently needed in order to enable them to have access to the right of education and adopt the educational system (except the Land of Hamburg which offers basic courses)
- Perpetuated exclusion of the Afghan community from education causes further discrimination and creates lifelong inter-generational obstacles to the enjoyment of their human rights and integration.

Recommendation:

Germany shall implement gender equal standards on all federal levels for equal access to education according to the binding Human Rights Treaties CRC, CESC, CEDAW, CERD, CRPD and recommendations of UNICEF, UNHCR and relevant NGOs. Related to international standards Germany shall enroll Afghan children within a month to school. Germany shall provide special measures to balance Afghan children and adults obstacles to access education by special basic training to empower them to enter the educational system without any discrimination on grounds of their status.

¹The general lacks of adequate standards for refugee children in Germany has been reported by **Plan International, Save the Children** and UNICEF („[Lagebericht zur Situation der Flüchtlingskinder in Deutschland](#)“ June 2016); for Afghan children and person the situation is much worse and needs to be addressed by specific measures to equalize the effects of their discrimination by the multiple exclusion from the right of education

1) Afghan refugees and migrants have been living in Iran either legally or 'illegalized' for years. In addition to the exclusion and denial of Afghans from their human rights as residents or citizens of Iran, there is the grave human rights issue in Iran of the exclusion of Afghan children from the 'Right to Education'. This has been a known subject of the international human rights dialogues for decades. Afghan children are prevented to attend Public Schools in Iran, which means that they are withheld their Right to Education also Iran is since long state party of the International Covenant on Economical, Cultural and Social Rights which provides the **right of everyone to education**.

Although many of them were born and raised in Iran, they are not recognized as legal residents or citizens in Iran because their parents once moved to Iran 'illegally'. Some of them, never even obtain any IDs. Although this issue has been debated for years, the critical and legal comments of the United Nations and NGOs has still not succeeded in giving these children their human rights fully back.

The Right to Education as a basic human right, has been ignored in Iran for years. Starting a few years ago some Blue Cards have been distributed from the Ministry of Education of Iran among Afghan kids under certain circumstances, which allows them to attend the public schools. Unlike any other students in Iran who are enrolled in public schools, Afghan students still have to pay considerable fees to grant them to go to the normal/ public schools. However, there have been many cases where after two or three years, children were again prevented to go to school because these cards have had no validations anymore. This **lifelong and intergenerational exclusion from education harms the Afghan community and gravely and systematically violates their human rights**. Even if Afghan people look for refuge in other countries, the effect of exclusion from education travels with them and often is perpetuated.

2) Today, Germany welcomed nearly 2 millions of refugees from Syria, Iraq, Lebanon, Afghanistan, Turkey, Iran, etc. A considerable number of them are from Afghanistan, who mostly fled from Iran to Europe. Because of the education discrimination the majority of Afghan refugees in Europe or Germany have serious literacy weaknesses, including complete illiteracy. Many of them are not able to read and write properly in their mother tongue. Lack of educational issues are more highlighted among girls and women, since many of them are already mothers at the very young age.

Germany and Europe extensively face particular integration crises among this community. They are a considerable number of refugees, and they need to be integrated like any other communities in Germany. However, the normal integration and language course in Germany offered by the BAMF (Federal Office for Migration and Refugees) is not always equally applicable to them because the literacy level is so low. They are not able to cope with other participants who had visited schools before. Most Afghan refugees cannot start from the same level and should have courses to start from the scratch.

Unfortunately, not only another integration plan is considered for this community; in spite of that Afghan community is discriminated once more in Germany among the other refugees. Afghans are not allowed to attend the integration course offers by BAMF. They are the last people who will receive a status of residence, mainly a temporary status, in Germany/Berlin, and most of them are not welcome to stay and would be deported either to Iran or Afghanistan. Hence, it takes a very long time, till they will be entitled to go to a integration course, sometimes after nearly two years.

Many Afghan children and minors, who with or without their families moved to Europe, have difficulties at school. Because, they had not been used to go to kindergarten and preschool and spend so long in the classrooms, or they were not placed at the school here in Germany for months, therefore they lost their motivation. Many of them live in an inappropriate condition at the refugees' shelter in a room with many other people for about a year. They have no proper bed and enough space to sleep,

there is no privacy and they have no peaceful place to study and do their homework at home. Considering the fact, that the illiteracy issue among Afghans is not only a community issue, but moreover a global issue of the international community in the framework of the implementation of human rights and within the Agenda 2030 as an issue of social, political and economical development, we should take an insensitive to this our responsibility for this global impact and stand up for principles of UN and the human rights of Afghan people. We should keep it in mind that the refugees and migrants are part of the mutual created globalization and their tremendous role to development is undeniable.

CESCR:

Iran has ratified 1975 and so is State Party since

Germany has ratified 1973 and as such is State Party

International Convention on Economical, Cultural and Social Rights (CESCR)

Article 13

1. The States Parties to the present Covenant recognize **the right of everyone to education**. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The **States Parties to the present Covenant recognize** that, with a view to achieving the full realization of this right:

(a) **Primary education shall be compulsory and available free to all;**

(b) **Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all** by every appropriate means, and in particular by the progressive introduction of free education;

(c) **Higher education shall be made equally accessible to all**, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3

This Article is echoed by the CRC and CEDAW:

Iran is state party of CRC by ratification since 1994.
Germany ratified CRC in 1990.

Convention on the Rights of the Child (CRC)

Art 23.3.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

Art 23.4

States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Art 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

further: Art 29, 32

Iran is not state party of CEDAW. CEDAW is in force since 1981 and so is of meaning for non-member states;

Germany is state party since 1985;

Convention on the Elimination of all Forms of Discrimination Against women (CEDAW)

Introduction: "women's rights to non-discrimination in education" (...) and

Art 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.