

## **Questionnaire on the right to education for migrants, refugees and asylum seekers addressed to States, international organisations, including United Nations agencies and other interested parties**

(Human Rights Council resolution 8/4)

The annual report of the Special Rapporteur on the right to education to be presented to the Human Rights Council in 2010 will focus on the right to education of migrants, refugees and asylum-seekers. The purpose of this questionnaire therefore is to solicit cooperation from all relevant and interested parties to assist in the preparation of the report by providing relevant information, materials and comment.

More specifically, the Special Rapporteur wishes to hear from all concerned parties about their experiences, challenges and successes in the provision of education for migrants, refugees and asylum seekers by responding to the questionnaire as fully as possible.

For the purposes of this report the focus will be on persons who are living outside the territory of the country of which they are nationals or citizens, irrespective of their age. It includes migrants in regular or irregular situations, and refugees and/or asylum seekers regardless of their legal status.

In responding to this questionnaire, particular attention should be paid to the principle of non-discrimination, in conjunction with the four essential features previously identified as critical components of the right to education, namely, availability, accessibility, acceptability and adaptability<sup>1</sup>. When answering the questions, please consider issues such as gender, ages (children, adolescents and youth, adults), cultural background, socio-economic status or persons with disabilities and health concerns (HIV AIDS, pregnancy, etc). It is also imperative that when considering and responding to the questionnaire, each specific group of persons referred to (migrant or refugee or asylum seeker) is clearly distinguished from the other.

The Special Rapporteur would be particularly grateful to have the participation of all interested persons and/or organisations in the gathering of information sought in this questionnaire. More specifically, he would welcome the participation of migrants, refugees and asylum seekers in this process.

It is strongly encouraged that submissions be made in a UN working language due to limited capacity for translation and transmitted electronically to the Office of the High Commissioner for Human Rights at the following address:

Office of the High Commissioner for Human Rights  
(Attn: Special Rapporteur on the right to education)  
Palais des Nations, CH-1211 Geneva, Switzerland  
Fax: + 41 22 917 90 06; E-mail: [sreducation@ohchr.org](mailto:sreducation@ohchr.org)

In order for the information received to be used for the report of the Special Rapporteur, submission of responses is encouraged as soon as possible and no later than 20 January 2010.

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<sup>1</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 13, article 6, E/C.12/1999/10 and Preliminary Report of the Special Rapporteur on the right to education, E/CN.4/1999/49

## Questionnaire

### Country profile – statistics

1. The Special Rapporteur would appreciate receiving background information on the demographic and sociological characteristics of **migrants and refugees and/or asylum seekers** present in the country and indicate to what extent is your country considered one of origin, transit or destination.

In this context, information regarding numbers and proportion of the population that comprised of **migrants, refugees and asylum-seekers**, as well as details by groups of ages (children (0-18), youth (19-25), adults (26-59) seniors (+ 60)), gender and disabilities, the context where the majority of these populations live (urban/rural areas, refugee camps/settlements, etc.), and any other relevant information regarding demographic, cultural and sociological background of migrants and refugees and asylum seekers living in your country would be highly appreciated.

### Legal framework

2. Please provide information on how the national legislation recognises the right to education for **migrants, refugees and asylum seekers**.

In this context, information on agreements of cooperation and/or partnerships with other States or institutions in the provision of education to **migrants, refugees and asylum seekers** would be particularly helpful.

### Education concerns and challenges

The Special Rapporteur would be interested in understanding how the presence of migrants, refugees and asylum seekers impacts education services and more specifically the needs and challenges faced by refugees, asylum seekers and migrants in securing their right to education. In answering the questions in this section, please pay particular attention to education programmes from early childhood to younger adulthood. Where possible please specify which educational levels (primary, secondary, post-secondary (university, tertiary, etc) and type of programmes (formal and non-formal education) are related to your answer)

3. How do **migrants, refugees and asylum-seekers** in your country affect the national (public and private) education system? What specific adaptation has their presence required in the education system?

4. What specific formal requirements must **migrants, refugees and asylum seekers** meet to ensure their inclusion within education systems? For example, what sort of documentation, if any, must they provide concerning age, previous schooling or presence in the country? (Please indicate for which level of education those factors and conditions apply)

5. Which institutional and organisational actors are responsible and/or involved in providing and guaranteeing the right to education **to migrants, refugees and asylum seekers**?

6. How are the diverse background and specific needs of **migrants, refugees and asylum seekers** addressed within the country's educational policy? Is there a monitoring system aimed at evaluating progress in the attendance and learning outcomes of **migrants, refugees and asylum seekers**? If so, how does it operate?

7. Do teachers and other educational personnel receive specific training on the inclusion of **migrants, refugees and/or asylum seekers**?

8. Do **migrants, refugees and asylum seekers** have access to non-formal education programmes<sup>2</sup> such as informal vocational training, life skills courses, learning/recreational centres, etc...? (If yes, please provide details of specific programmes and the extent to which **migrants, refugees and/or asylum seekers** are included).

9. Are **migrants, refugees and/or asylum seekers** attending schools or educational programmes other than those recognised by the Ministry of Education? (If yes, please describe these schools, and any form of collaboration between these schools/programmes and the Educational authorities)

10. What do you consider to be the most important needs of **migrant, refugees and asylum seekers** populations with regards to education?

11. Please identify specific barriers faced by **migrants, refugees and asylum seekers** in education. Please give examples and indicate what steps have been taken to address these barriers, including the ones mentioned below and any others that apply in your country. For each type of barrier, please indicate how they constrain access to education and, separately, how they constrain achievement of learning outcomes equal to those of nationals.

11(a). Please indicate what specific language needs **migrants, refugees and asylum-seekers** have in obtaining access to and quality education. What specific steps have been taken to address these needs?

11(b). Please indicate what specific financial constraints that **migrants, refugees and asylum-seekers** face in access to and quality education. What specific steps have been taken to address these constraints?

11(c). What are the constraints faced by **migrants, refugees and asylum-seekers** in order to have their diplomas and certificates issued in their country of origin or in other States be recognized and accredited or those obtained in

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<sup>2</sup> "Non-formal education programmes are typically run outside the formal, structured school system and do not necessarily lead to certification or accreditation. However, they may in some cases be attached to schools or included under Ministry of Education supervision, and learners may use non-formal education programmes as a springboard for later entry into formal education programmes. Such programmes have a plan of action that outline learning objectives, learning content and instructional materials and are characterised by their variety, flexibility, relevance to specific groups of learners and ability to respond quickly to new educational needs of children or adults. Their curricula range from derivatives of ministry curricula, sometimes delivered in accelerated courses, to entirely new curricula and new approaches to learning." (INEE, Minimum Standards for Education in Emergencies Handbook)

their country of residence recognized in case of return to their home country? Please specify what specific steps have been taken in order to facilitate the accreditation process.

12. Which specific factors, if any, impact gender parity in access to and quality education of **migrants, refugees and asylum seekers**? Please provide examples where possible.

13. Which specific factors impact access to and quality education of **migrants, refugees and asylum seekers** with disabilities? Please provide examples where possible.

14. Which specific factors impact access to and quality education of adult **migrants, refugees and asylum seekers**? Please provide examples where possible.

15. Please indicate examples of practices that have proven successful to facilitate the inclusion of **migrants, refugees and asylum seekers** into the national education system.

The Special Rapporteur extends his grateful thanks to all who take the time to respond to this questionnaire