THE FORGOTTEN RIGHT:

EDUCATION OF REFUGEE CHILDREN IN HUNGARY'S REFUGEE CENTERS

by Izidora Skračić

MA HUMAN RIGHTS THESIS
PROFESSOR: Agnes Ambrus
Central European University
1051 Budapest, Nador utca 9.
Hungary

Table of Contents

Executive Summary

Although European Union directives call for same or similar access to education as nationals, currently there exists no effective implementation of education for refugee children in Hungary. While some refugee children currently attend school or other educational programs, most children living in Hungarian refugee centers are not engaged in any educational activity. This is alarming because education performs a multiplicity of functions for refugee children: (a) education; (b) integration; (c) socialization; (d) emotional support; (e) sense of normalcy. Refugee children who do not go to school forego all of the above.

Although the government has instituted a number of financial measures meant to facilitate the admission of refugee children to local school, this has not translated into success. The current difficulties in accessing compulsory education by refugee children are analyzed in the thesis, and analysis results indicate that xenophobic attitudes of the local population and lack of political resolve are the primary culprits. Locals are resistant to the integration of refugee children in classrooms, schools do nothing to counter this resistance, while the government establishes policy after policy without following through with implementation.

A number of measures can be taken to facilitate the entry of refugee children into mainstream education. Some of the recommendations address the problem of xenophobia and the lack of political resolve, while others do not. The goal of presenting a variety of measures is to demonstrate that the implementation of refugee education can be facilitated by various simultaneous means, and that political resolve, while important, can be circumvented with NGO activities and adequate resources. Rather than an instant solution, the recommendations should be seen as a first step in integration and in improving the educational situation of refugee children living in Hungary's reception centers.

Acknowledgments

This thesis would not have been possible without the assistance of a number of people and entities.

Foremost, I would like to thank my supervisor, Professor Agnes Ambrus for her guidance and continuous patience through the writing of this thesis.

I must also thank those who took time out of their busy schedules to talk to me and answer my questions: Hungarian Interchurch Aid, Hungarian Reformed Church, and Menedek—Hungarian Association for Migrants, and the Welfare and Integration Department of the Office of Immigration and Nationality.

I would also like to thank Boldizsar Nagy for successfully teaching me Refugee Law and distributing his useful PowerPoint presentations.

I owe a debt of gratitude to [in alphabetical order]: Eda Dogan, Eman Omer El-Sayed Taha, Petra Gyongyi, Eszter Polgari, and the rest of my CEU peeps for their writing advice, translating assistance, good humor, and emotional support during this crazy thesis time.

I am also grateful to my family for their continuous support and belief in me and my neverending thesis.

Last but not least, I would like to extend my thanks to the entities that were with me burning the midnight oil every step of the way: Google Translate—for translating incomprehensible webpages in Hungarian, Wikipedia—for making everything sound so simple; Microsoft Word's synonym dictionary—for helping me not to plagiarize; YouTube—for its endless supply of much needed entertainment; and Google Chat—for connecting me to my equally stressed colleagues at every hour of the day.

List of Abbreviations

Asylum Act	Act LXXX of 2007 on Asylum (Hungary)
CRC	Convention on the Rights of the Child
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms or European Convention on Human Right
ECRE	European Council on Refugees and Exiles
ERF	European Refugee Fund
ERRC	European Roma Rights Centre
ESC	The European Social Charter
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
IOM	International Organization for Migration
MDG	Millennium Development Goals
Menedek	Menedék--Hungarian Association for Migrants
NGO	Non-Governmental Organization
OIN	Office of Immigration and Nationality (Hungary)
Refugees Convention	1951 Convention Relating to the Status of Refugees
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
WB	World Bank

Introduction

Today, compulsory formal education is a cornerstone of human society, aimed at the development and socialization of new generations. Considered as an entitlement, it is enshrined in numerous international documents.[1] As widely accessible as education may have become in the developed world, some groups are still deprived of their right to education. One such group is refugee children.

While some refugee children are currently attending school or other educational programs, most children living in Hungarian refugee centers are not engaged in any educational activity. The Hungarian government, still trying to cope with the country becoming a final destination for refugees,[2] fails to see education as a right of refugee children. While financial assistance is provided for school supplies and travel expenses, this support is immaterial to children who cannot access education. The central and local government, however, is not taking any significant measures to provide refugee children with access to the educational system. In Hungary, refugee education is considered as an additional benefit, rather than a fundamental entitlement. Therefore, the education of refugee children in reception camps is essentially a forgotten right.

The severity of the problem lies in the fact that education performs a multiplicity of functions for refugee children: (a) education; (b) integration; (c) socialization; (d) emotional support; (e) sense of normalcy. Refugee children who do not go to school forego all of the above. Due to its prevalence in the whole Central European region,[3] the issue of education of refugee children has consistently been highlighted by the United Nations High Commissioner

[1] Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention relating to the Status of Refugees, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

[2] Sunjic, M. (2005). Hungary sees need for better integration as more refugees stay. *UNHCR*, http://www.unhcr-budapest.org/index.php/news/72-hungary-sees-need-for-better-integration-as-more-refugees-stay

[3] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education

for Refugees and local and regional non-governmental organizations.[4] While education of refugee children has been researched by British and American scholars, there appears to be no academic work on the topic in Central Europe. The majority of information about the region is found in informatory articles and reports from the UNHCR, NGOs, and EU institutions.[5] This thesis seeks to fill a part of that theoretical gap by focusing on the issue in Hungary.

Thesis Statement

As a result of the numerous benefits of education, international conventions, European Union legislation, and Hungarian legislation clearly call for access to education for all children, including refugee children. With that end in mind, the Hungarian government has adopted certain policies, such as financial support and guidelines on multicultural education. However, despite its importance in theory, the education of refugee children continuously fails to be implemented in a consistent and effective manner for all.

The purpose of this thesis is to demonstrate the importance of implementing education for refugee children staying in Hungary. The thesis aims to establish that Hungary's failure to implement refugee education arises mainly as a result of the lack of political resolve in the Hungarian government, combined with the xenophobic attitudes of the host community. Subsequently, the thesis seeks to identify a variety of potential solutions for the Hungarian problem, some of which address the lack of political resolve and xenophobic attitudes, and

[4] As evidenced by the number of articles and reports.

[5] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education; Szobolits, A. (2007). Going to school is the best thing that can happen to a refugee child, http://www.unhcr-budapest.org/index.php/news/78-going-to-school-is-the-best; Kosowicz, A. (2007). Access to Quality Education by Asylum-Seeking and Refugee Children: Poland Country Report. Executive Summary, http://www.forummigracyjne.org/files/80/ExecutiveSummary.pdf; QeC-ERAN (2008). Mapping Report. Theme 2: Education and access to Housing and Health, http://www.kopintalapitvany.hu/futoprojekt/Education%20and%20access%20to%20Housing%20and%20Health.pdf; European Refugee Fund (2007). Country Report: Hungary, http://pomocprawna.home.pl/dosciagniecia/ICF/4Hungary200705.pdf; UNHCR (2009). AGDM Report 2008: How Refugees and Asylum Seekers Experience Life in Central Europe

others that do not. The goal of presenting a variety of recommendations is to demonstrate that the implementation of refugee education can be facilitated by various simultaneous means.

Refugee education is broadly defined as all types of educational programs offered to refugee adults and children. Additionally, different sources define the scope of the term "refugee" broadly or narrowly, hence, broadening or narrowing the scope of refugee education. The scope of this thesis extends to any form of educational activity, with an emphasis on formal integrated education, provided to children of compulsory school age living in Hungarian reception centers in Debrecen and Bicske. The thesis applies a broad definition of "refugee." Education received by refugee children living outside the reception centers, as well as education for adults and young adults, is beyond the scope of this study.[6]

The term "refugee," unless a distinction is made in the text, refers to all persons in a third-country who are seeking some kind of protection, as well as those who have already been given protection. This includes, but is not limited to: (a) person who enjoys any level of protection (Convention protection, subsidiary protection, temporary protection, protection from *non-refoulement*); (b) asylum seeker (before and during procedure); and (c) stateless person. Such a broad definition is also applied to the adjective "refugee" in the term "refugee child/ren" and "refugee education." However, the phrase "protection status" refers only to Convention and subsidiary protection. The term "child," used interchangeably with the term "minor," refers to all individuals under the age of 18. The phrase "education of refugee children (or minors)" refers to education within the compulsory school age (in Hungary, this is ages 5-6 to 18), unless otherwise noted.

The thesis consists of four chapters. The first chapter defines education, explains the goal of education, and elaborates on the benefits that education provides. It also explores the right to education through the legislative framework of the United Nations, the Council of

[6] Although research conducted of that group has been used to ascertain the benefits and difficulties in implementing refugee education.

Europe, and the European Union, in addition to the global policy framework. The second chapter provides a brief overview of refugee and child protection, with an emphasis on the legislative framework of the European Union since Hungary is a member state. It elaborates on the role of education in integration, and the factors influencing it. The essence of the chapter explores education in the context of refugee children: the benefits that education provides, the relevant legislative framework, and the difficulties encountered in implementing it. The third chapter provides a brief overview of Hungary's educational and refugee protection systems. It explores the education of refugee children living in Hungarian refugee centers through legislation, current practice, and current issues. The final chapter presents recommendations that may facilitate the implementation of refugee education in Hungary and minimize the tendency of refugee children to fall through the cracks of well-intentioned policies. Recommendations range from minor, easily applied methods of facilitating the implementation of refugee education to more elaborate strategies, which require substantial policy changes.

This thesis relies on the analysis of primary and secondary sources, as well as reports, informatory articles, internal documents, and legislation. Secondary academic sources relied on books and journal articles in the general area of education and children's rights. Information on the situation of refugee education in Central Europe was mostly obtained from NGO reports and articles from the regional UNHCR webpage. International, regional, and national legislation was used to establish the compatibility of documents that Hungary was bound by[7] and right of refugees to education. Gaps in information and more extensive insight was obtained through primary research, which consisted of interviews were conducted with NGO staff working in the area of education of refugee minors. The NGOs interviewed were the Hungarian Interchurch Aid, Hungarian Reformed Church, and Menedek—

[7] All the international and regional instruments mentioned in this thesis have been ratified by Hungary.

Hungarian Association for Migrants. Personal communications also took place with the UNHCR National Protection Officer and employee of the Welfare and Integration Department of the Office of Immigration and Nationality. Additionally, an interview was conducted with a teacher from "Marco Polo," an Italian primary school with a high percentage of migrant students.

A significant problem encountered during research was the lack of comprehensive data regarding refugee education. The Office of Immigration and Nationality keeps data of all migrant children attending school.[8] On the one hand, refugee data is not segregated, while on the other hand there is unsystematic data available.[9] For instance, the statistics on the reimbursements of financial support for school supplies are done according to the fiscal year, not the scholastic year, which makes use of the data in the area of education difficult.

[8] European Migration Network (2009). The Organization of Asylum and Migration Policies in Hungary, HU EMN NCP Study 2009, p.39

[9] Pollak, A. (2008). Discrimination and good practice activities in education: trends and developments in the 27 EU Member States. *Intercultural Education*, Vol. 19, No. 5, October 2008, pp.395–406, p.398

Education

In the broad sense, education or socialization has existed since the dawn of mankind. Today, formalized education is a cornerstone of human society, aimed at the development of new generations. First, this chapter defines education and explains the goal of education. Subsequently, it delves into the benefits that education provides, both monetary and non-monetary, in addition to identifying next generation benefits. The chapter explores in detail the right to education through the legislative framework of the United Nations, the Council of Europe, and the European Union. Lastly, global lending trends for educational purposes are discussed under the policy framework as indicators of global policy on education.

1.1 Defining Education

Merriam-Webster Online Dictionary defines "education" as (1) "the action or process of educating or of being educated," and (2) "the knowledge and development resulting from an educational process."[10] In turn, the broadest definition of the verb "to educate" is "to develop mentally, morally, or aesthetically especially by instruction."[11] More narrowly, the verb is defined as "to train by formal instruction and supervise practice especially in a skill, trade, or profession."[12]

In line with dictionary definitions, encyclopedias broadly define education as the process of transmitting the knowledge, skills, culture, and values of a society.[13] All members

[10] Merriam-Webster Online Dictionary (2009). Education, http://www.merriam-webster.com/dictionary/education
[11] Merriam-Webster Online Dictionary (2009). Educate, http://www.merriam-webster.com/dictionary/educating
[12] Merriam-Webster Online Dictionary (2009). Education, *supra.*
[13] Funk & Wagnalls New World Encyclopedia (2009). History of education; Encyclopaedia Britanica (2009). Education, http://www.britannica.com/EBchecked/topic/179408/education

of a society contribute in some form to this understanding of education. Hence, it is also referred to as "socialization" or "enculturation."[14]

In the narrow sense, however, education pertains primarily to formal education. Formal education is usually conducted in schools and carried out by specialists—teachers[15]—through structured and certified programs.[16] The main components of formal education are: (a) primary (or elementary) education; (b) secondary education; (c) higher education; and (d) adult education. Recent trends indicate that preprimary education is also becoming more common, and hence more formalized.[17]

Today, the vast majority of countries hold primary education as compulsory.[18] In developed countries, formal education is widely accessible, with compulsory primary and secondary education as the norm. However, while primary education may be compulsory in most developing countries, it is usually not accessible to the entire population.

1.2 The Goal of Education

The main goal of education is to develop individuals capable of leading productive lives and contributing to society.[19] By looking at education through the work of various social scientific traditions, A. H. Adnan and E. Smith dissect the role of education into seven main functions:[20]

(1) developmental function: to ensure the development of cognitive potential towards an elevated state of living and modernity;

(2) political function: to sustain the current political system and maintain the status quo by ensuring loyalty to it;

[14] Encyclopaedia Britanica (2009). Education, *supra.*
[15] Encyclopaedia Britanica (2009). Education, http://www.britannica.com/EBchecked/topic/179408/education
[16] SIL International (1999). What is formal education? http://www.sil.org/lingualinks/literacy/referencematerials/glossaryofliteracyterms/WhatIsFormalEducation.htm
[17] Encyclopaedia Britanica (2009). Other developments in formal education. *Global trends in education.*
[18] Funk & Wagnalls New World Encyclopedia (2009). History of education.
[19] Mayers, S. (2008). Contemplating education's purpose. *The Educational Forum, Vol. 72, Iss. 1; pg. 93, 2 pgs*
[20] Adnan, A. H., Smith, E. (2001). The social functions of education in a developing country: the case of Malaysian schools and the role of Malaysian teachers. *Intercultural Education; Nov2001, Vol. 12 Issue 3, p325-337, 13p.*

(3) value function: to act as a medium of transmission for a particular society's norms and value;

(4) identity function: to create social solidarity towards nation-building by developing a sense of national identity;

(5) stratification function: to select the more able from the population as a whole, based on meritocratic principles;

(6) economic function: to prepare an educated workforce that can spur economic growth and bring wealth to the nation; and

(7) socialisation function: to become the main socialising agency, since parent(s) tend to work[21]

While functions might overlap in characterization and implementation, some functions are given a higher priority over others—depending on the educational policy of a society. Changes in educational policies occur along with changes of the socio-cultural context, reflecting the dynamic character of human societies.[22]

More progressive scholars argue that education should be more than creating productive individuals for societal benefit.[23] They argue that education should aim to enable individuals to lead fulfilling lives.[24] One way to achieve this goal is for education to foster personal autonomy because "autonomy plays an important role in enabling people to live flourishing lives."[25] While it is pointed out that the economic function of education should not be prioritized over the long-term interests of the student,[26] it should be noted that it is unlikely that an individual can be autonomous without possessing knowledge and skills to support oneself. This suggests that while the economic function should remain pertinent, priority should be given to the point of view of the individual rather than that of the society.

Looking at education from the perspective of an individual's most basic needs, functions (1) and (6) should perhaps be given the highest priority. Developmental function is

[21] Adnan, A. H., Smith, E. (2001). The social functions of education in a developing country: the case of Malaysian schools and the role of Malaysian teachers. *Intercultural Education; Nov2001, Vol. 12 Issue 3, pp325-337, p.327.*
[22] *Ibid.*, p.327
[23] Lang, P. (1999). Affective education in Europe. Continuum International Publishing, p.16; Brighouse, H. (2006). On Education: Thinking in Action, New York: Routledge, p.15
[24] Lang, *supra.*, p16
[25] Brighouse, *supra.,* p.15
[26] Brighouse, *supra.,* p.15

necessary to develop cognitive and motoric skills required to function in the world on an equal basis with others. The economic function is vital for an individual to be able to support oneself and therefore be self-sustaining.

Functions (2), (3), (4), and (5) focus on maintaining the societal status quo as a means of preserving the foundations of the society. These four functions, aided particularly by function (3)—the value function—can inspire strong belief in many features of a society, such as patriotism, democracy, the market system, charity, social assistance, etc. Consequently, individuals, as adults, may find that a significant part of their personal satisfaction derives from these beliefs.

However, function (7)—socialization—is a goal in and of itself. As social animals, human beings interact in variety of ways, such as "form[ing] simple aggregations, cooperat[ing] in sexual or parental behavior, engage[ing] in disputes over territory and access to mates, or simply communicat[ing] across space.[27] Therefore, socialization is an inherent need of human beings.

In formal education, socialization takes on a specific role. Through interaction with peers and teachers, children are exposed to a variety of "cues—attitudes, behaviors, verbal and non-verbal communications,"[28] as well as different situations (ex. individual studying, group studying, test-taking, playing), which require them to adapt to a changing environment.[29] In this way, children learn how to behave in a social setting[30] characteristic of their society. Accordingly, the scope of socialization logically corresponds with the aforementioned broad definition of education.[31]

[27] Encyclopaedia Britannica Online. (2009). Social behaviour, animal, http://search.eb.com/eb/article-9110427
[28] McMahon, M. (2009). Function of Education: Socialization. *Research Starters Sociology; 2009, p1-7, p1*
[29] *Ibid.,* p.1
[30] Merriam-Webster Online Dictionary (2009). Socialize. Retrieved October 12, 2009 from http://www.merriam-webster.com/dictionary/socialization
[31] See page 9

Soviet psychologist, Lev Vygotsky (1896-1934), went a step further, proposing that social interactions are significantly influential in a child's intellectual development.[32] One such development is the acquisition of language. According to Vygotsky, young children require speech in order to solve a problem because talking about the problem and solving it are part of the same *complex psychological function*.[33] Contemporary research supports the theory that social interaction is a foundation for linguistic and cognitive proficiency.[34]

In an educational setting conducted in person (as opposed to distance-learning[35]), the act of socialization takes place at every aspect of formal education. When considering Adnan and Smith's seven functions of education, it is relevant to point out that socialization is an inherent byproduct of realizing the other six functions. Therefore, socialization can be considered both as a subsidiary and an all-encompassing function.

1.3 The Benefits of Education

The goals of education demonstrate why education is important. However, the mere awareness of these goals has not been a successful enough motivator for governments to ensure universal education at all levels. As a result, economists were the first to attempt to calculate the returns of modern education by calculating how much additional income an individual gained for each additional year of schooling.[36] Since then, numerous studies have

[32] Encyclopaedia Britannica. (2009). Human intelligence; the environmental viewpoint, http://www.britannica.com/EBchecked/topic/289766/human-intelligence/13352/The-environmental-viewpoint#ref82708

[33] Vygotsky, L. S. (1978). Mind in Society: the development of higher psychological processes. Harvard University Press, p.25

[34] John-Steiner, V., Mahn, H. (1996). Sociocultural approaches to learning and development: A Vygotskian framework. *Educational Psychologist*; Summer/Fall96, Vol. 31 Issue 3/4, p191-207, p192

[35] Although an argument can be made for group-based distance learning, in which students learn to socialization in a different medium than the traditional in person education, such as individual correspondence, group correspondence, message boards, audio- or video-communication and conferencing.

[36] Card, D. (2008). Returns to schooling. The New Palgrave Dictionary of Economics (2nd ed.) http://www.dictionaryofeconomics.com/article?id=pde2008_R000240&q=returns%20to%20schooling&topicid=&result_number=1

been conducted to verify whether education results in positive benefits and to what extent.[37] As a general rule, communities with higher average educational levels provide better material and non-material living conditions than those with a less educated population.[38]

While education is not to be seen as the answer to every problem, it does provide for a number of beneficial outcomes.[39] Education is considered such a fundamental right because it is "essential for the exercise of all other human rights."[40] Research has consistently shown that education carries a variety of individual and societal benefits.[41] Analyses are typically the result of comparing rates of success in a number of life areas according to an individual's or society's level of education and determining relevant links between the two (ex. infant mortality rates decrease as the parents' level of education increases).

Benefits of education can be characterized as: (a) monetary or non-monetary; and (b) private (internal/individual) or social (external/group).[42] However, this grouping is not clear-cut: some non-monetary benefits may be a result of the monetary benefits, while other

[37] Luis E. Vila, in his article "The non-monetary benefits of education," cites fifty-one scholarly works discussing and researching the benefits of education; Barbara Wolfe and Samuel Zuvekas, in their article "Nonmarket outcomes of schooling," review the results of sixty-three studies on the benefits of education; the Institute for Higher Education Policy, in its report "Reaping the Benefits: Defining the Public and Private Value of Going to College," cites thirty sources of statistics, discussion, and studies on the benefits of education. Due the studies' years of publication and the author's resource constraints, the author was not able to obtain the original content of all the studies. Therefore, all information in this section is obtained from studies cited in Vila (2000), Wolfe & Zuvekas' (1995), and the Institute for Higher Education Policy (1998), unless otherwise noted. Additionally, as stated in the introduction, the scope of this thesis is not to evaluate the merits of the studies or to provide a comprehensive overview of the research conducted on the topic, but rather use the studies to exemplify the benefits of education known today.

[38] Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, pp21-32, p.21

[39] Eisemon, T. O. (1987). Benefiting from basic education*:* A review of research on the outcomes of primary schooling in developing countries. New York: Comparative Education Center, State University of New York at Buffalo, cited in Abu-Laban, B, Abu-Laban, S. M. (1992). Primary education and national development: The case of Arab society. *Arab Studies Quarterly*; Spring/Summer92, Vol. 14 Issue 2 /3, pp19-38, p19

[40] UNESCO (2009). Right to education. Retrieved October 12, 2009 from http://www.unesco.org/en/right-to-education ; UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10

[41] Vila, *supra.* p.21; Psacharopoulos, G., Patrinos, H. A. (2004). Returns to investment in education: A further update. *Education Economics,* Vol. 12, No. 2, August 2004, pp111-133, p111; Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, p8. http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf

[42] Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, p13 http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/15/89/53.pdf ; Vila, *supra.,* p21

benefits may have both a private and social effect.[43] Therefore, these groupings are to be considered merely as a guide.

1.3.1 Monetary Benefits

When viewed as an investment in human capital, the value of education is perceived through monetary benefits. Monetary benefits provide economic returns for the individual (a private benefit) or for the society (a social benefit).[44] They are determined by comparing the financial costs of education with its economic returns; the most commonly calculated monetary benefit of education--how much individuals earn in relation to their educational level—is calculated in such a way.[45]

Studies consistently show that there is a strong proportional correlation between higher educational levels and better and higher-paid jobs.[46] This is a private monetary benefit. However, it is also a societal monetary benefit because individuals with higher income pay more taxes.[47] Additionally, people with higher educational levels are less likely to become dependent on welfare, and thus, the cost to the tax-payer is reduced.[48] Higher levels of education have also been linked to increased professional mobility,[49] higher employee productivity,[50] and lower welfare-dependency rates.[51] It is relevant to note that

[43] Institute for Higher Education Policy, *supra.,* p13

[44] Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, pp.21-32, p.22

[45] Cohn, E., Addison, J.T. (1998) The economic returns to lifelong learning in OECD countries, *Education Economics*, 6, pp.253-307, p.254

[46] Chronicle of Higher Education. (2009). The nation students: Benefits of Higher Education. *Chronicle of Higher Education*; 8/28/2009, Vol. 56 Issue 1, p17-17, p17; Porter, K. (2002). The value of a college degree. *ERIC Digest.* ERIC Clearinghouse on Higher Education Washington DC. http://www.ericdigests.org/2003-3/value.htm ; Sanchez, J. R., Laanan, F. S. (1997). ERIC review--the economic returns of a community college education. *Community College Review*; Winter97, Vol. 25 Issue 3, p73-89, p74

[47] Levin, H., Belfield, C., Muennig, P., Rouse, C. (2007). The Costs and Benefits of an Excellent Education for All of America's Children, p14, http://www.ofy.org/uploaded/library/leeds_report_final_jan2007.pdf

[48] *Ibid.*, p.3

[49] Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, p16 http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/15/89/53.pdf

[50] Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf , Table 1

discussions in public fora continuously and disproportionately emphasize the private monetary benefits of education, largely disregarding the goals of education and the public non-monetary benefits it provides.[52]

1.3.2 Non-monetary Benefits

Non-monetary benefits are those "whose full economic impacts escape pecuniary measurement,"[53] but they are "important to the quality of human life and to the broader aspects of economic development, or to society's overall well-being."[54] Private non-monetary benefits have a positive effect on personal happiness, such as satisfaction with the development of a professional career.[55] This is also an example of a long-term benefit, which does not manifest until after graduation.[56] Because some non-monetary benefits are difficult to quantify, they may be hard to measure,[57] but this does should not deter research for these benefits provide added value to both the individual and society.

An important educational benefit is better health and longer life expectancy rates.[58] It is commonly labeled as a private non-monetary benefit, perhaps because health and longevity are of vital value when considering one's quality of life, in addition to the often cited maxim: "good health is priceless." However, better health can also be considered a social non-

---

[51] Institute for Higher Education Policy, *supra.,* p.14

[52] Labaree, D. F. (1997). How to succeed in school without really learning. New Haven: Yale University Press, cited in Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, p9 http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/15/89/53.pdf

[53] Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, pp21-32, p22

[54] McMahon, W. W. (1998). Conceptual framework for the analysis of the social benefits of lifelong learning. *Education Economics*, Dec98, Vol. 6 Issue 3, pp309-347, p309

[55] Vila, *supra.*, p.25

[56] Vila, *supra.* p.25

[57] Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, p13 http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/15/89/53.pdf ;

[58] Reasons for this may include choice of occupation, choice of living location, better information on how to lead a healthy lifestyle, improved nutrition, lower rates of health-compromising behavior (ex. smoking) and/or more effective use of medical care.
Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, p8. http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf ;

monetary benefit because a healthier workforce means a more efficient workforce. On the other hand, better health carries with it an economic aspect: making wise life choices which contribute to better health decrease costs: (a) the cost of medical care; and/or (b) the cost of loss of earnings. Decreasing costs under (a) and (b) benefit both the individual and the society.[59]

Societies benefit from higher levels of education in multiple ways. Firstly, education fosters economic growth and development through the increased quality of research and development, innovations, and technology adaptation, in addition to increased awareness of the environment.[60] Secondly, education has the potential to reduce inequalities in wealth distribution.[61] Education has been linked to poverty reduction by means of better job options[62] and lower probability of resorting to welfare.[63] Moreover, educated individuals tend to do more volunteer work and donate to charity, thus, contributing to lowering social inequalities.[64] Lastly, education contributes to the stability of social structures.[65] In school children learn about norms and values accepted in their societies. Consequently, more educated societies are more likely to remain stable and avoid violent social conflicts, therefore, adding to a society's efficiency.[66] Additionally, a higher level of education reduces criminal behavior,[67] saving tax-payer money and the losses incurred by the crime, as well as contributing to a sense of safety. [68] Education also leads to increased political participation,[69]

[59] The economic benefit of better health is divided between the individual and the society. If the system of health care and social services in the society favor the individual, then society reaps the bigger economic return of improved health of its population. On the other hand, if individuals are responsible for their own health care costs and get no social assistance for loss of earnings due to illness, then the individual benefits more from better health, and therefore, from better education.

[60] Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, pp21-32, p26

[61] *Ibid.*, p26-27

[62] Assuming there are enough jobs for more educated employees.

[63] Vila, *supra.*, p27

[64] Vila, *supra.*, p27

[65] Vila, *supra.*, p27

[66] Vila, *supra.*, p27

[67] Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf, p9

[68] Vila, *supra.*, p27

which in turn leads to better protection of political human rights.[70] Features of society which contribute to stable structures (ex. less crime, political participation) increase social cohesion.[71]

1.3.3 Next Generation Benefits[72]

While it may be difficult to exactly identify and measure next generation benefits due to their cumulative effect over a longer period of time, they must be considered in order to obtain a complete picture of the impact of education. It has been shown that children of educated parents experience a higher quality of life than those of less educated parents.[73] For instance, the education of children is proportionally linked to the education of the parents.[74] Furthermore, infants of more educated mothers show improved health, measured by a lower infant mortality rate and lower low-birth weight rate.[75] Additionally, those children tend to have healthier teeth with lower rates of anemia and obesity.[76] With more educated mothers, children are less likely to end up on welfare as adults[77] or become teenage parents out of wedlock.[78]

[69] Wolfe & Zuvekas, *supra.,* Table 1
[70] Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, p21, p28
[71] Vila, *supra.*, p28
[72] Next generation benefits can easily be identified by monetary/non-monetary and private/social characteristics and grouped as such, as was done by L. E. Vila (2000) and the Institute for Higher Education Policy (1998). However, the author categorizes them separately due to their long-term generational impacts on family (private) and society (social).
[73] Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, p19
[74] Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf , Table 1
[75] Vila, *supra.*, p25
[76] Vila, *supra.*, p25
[77] Wolfe & Zuvekas, *supra.,* p9
[78] Wolfe & Zuvekas, *supra.,* p6

1.4 The Right to Education

1.4.1 Legislative Framework

1.4.1.1 Global Framework: United Nations

The right to education has been floating around the global agenda since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. While not a treaty and therefore not legally binding, some scholars argue that rights within the UDHR have become customary law.[79] Furthermore, in 1968, in Teheran, Iran, the United Nations International Conference on Human Rights decided that the UDHR "constitutes an obligation for the members of the international community" to protect the inalienable and inviolable rights of each human being.[80] Irrespective of its legal force, the UDHR was the first document to establish an internationally agreed definition of education.[81] Article 26 of the UDHR states:

> (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
>
> (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
>
> (3) Parents have a prior right to choose the kind of education that shall be given to their children.[82]

[79] While there is disagreement over this point, it is a fact that references to the UDHR are found in national constitutions, legislation, and court decisions. Additionally, the UDHR has been invoked by the International Court of Justice as evidence that universal human rights exist (ICJ, *United States v. Iran*, ICJ Reports, 1980, para. 42.), and it continues to regularly be invoked in international fora.
Hannum, H. in Joyner, C. C. (Ed.) (1997). The United Nations and International Law. Cambridge University Press, p149;**;** Dimitrijevic, V. (2006). Customary law as an instrument for the protection of human rights. ISPI Working Papers, p8-9, http://www.ispionline.it/it/documents/wp_7_2006.pdf

[80] Proclamation of Teheran, Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968, par.8

[81] Tooley, J. (2004). The Right to Education. *Economic Affairs*; Sep2004, Vol. 24 Issue 3, p75-75, p75, Blackwell Publishing, Oxford

[82] Universal Declaration of Human Rights, adopted by General Assembly on 10 December 1948.

All subsequent provisions of the right to education in United Nations instruments are based on this formulation.

In 1966, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) gave the right to education official legal force. Article 13[83] of the ICESCR builds on the UDHR's "right of everyone to education." Along with compulsory elementary education being free, the ICESCR calls for the progressive introduction/realization of free secondary and higher education. The ICESCR also states that those who have not completed or received primary education have a right to it under "fundamental education."[84] The higher aims of education enumerated in ICESCR's Article 13(1) are almost identically mirrored from UDHR's Article 26(2).

Components of the right to education are further expanded in the Convention on the Rights of the Child (CRC), adopted in 1989. Adding on to the basic rights to education, Article 28 calls for "educational and vocational information and guidance available and accessible to all children," as well as to take steps to encourage regular school attendance and decrease drop-out rates.[85] The CRC also stipulates that school discipline must be in harmony with the human dignity of the child.[86] Furthermore, the elimination of illiteracy and ignorance around the world is a particular reason to promote international cooperation in

[83] International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, Article 13

[84] *Ibid*, Article 13(d).
In General Comment 13, "fundamental education" is equated to "basic education," which, in turn, is defined by the characteristics of "basic learning needs" specified in Article 1 of the World Declaration on Education for All: "essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning." It is relevant to note that Paragraph 23 and 24 of General Comment 13 further elaborate on fundamental education as not being limited to merely primary education; rather it includes all who have not satisfied their "basic learning needs." Hence, the right to fundamental education cannot be limited by age or gender, making it a central component of life-long learning and adult education.
UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10, Paragraph

[85] Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989, Article 28(1)(d),(e)

[86] *Ibid.*, Article 28(2)

education.[87] Article 29 expands on the higher aims of education by including the development of a child's talents, in addition to the development of respect for one's parents, one's cultural identity and language, as well as respect for the values of one's country and all other countries and civilizations, and respect for the natural environment.[88] Article 29 calls for the "preparation of the child for responsible life in a free society."[89]

While numerous benefits of education, states' international binding legal obligations, and many states' inability or unwillingness to provide education for all are more than good reasons for the international community to find ways to address the problem of 75 million primary school age children currently not attending school,[90] it is education's promise to be the catalyst for addressing the global challenges of economic stagnation and decline, economic disparities, marginalized populations, environmental degradation, and rapid population growth that prompted the international community to take more concrete actions to fulfill this responsibility.[91] In 1990, delegates of 155 countries convened for the World Conference on Education for All in Jomtien, Thailand, and adopted the World Declaration on Education for All.[92] Its goal was to significantly reduce literacy and for all the world's children to gain access to primary education by 2000.[93] However, Jomtien's Education for All (EFA) goals failed.[94] As a result, in April 2000, participants of the World Education Forum in Dakar, Senegal, including delegates from 180 countries,[95] reaffirmed their

[87] Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989, Article 28(3)
[88] *Ibid.*, Article 29(1)(a),(c),(e)
[89] *Ibid.*, Article 29(1)(d)
[90] UNESCO (2009). Overcoming inequality: why governance matters. EFA Global Monitoring Report. Oxford University Press, p25, http://www.unesco.org/en/efareport/reports/2009-governance/
[91] World Conference on Education for All (1990). Meeting Basic Learning Needs: A Vision for the 1990s. Background Document. New York, p7-11, http://unesdoc.unesco.org/images/0009/000975/097552e.pdf
[92] UNESCO (2009). Education. EFA International Coordination. The EFA Movement. Jomtien 1990, http://www.unesco.org/en/efa-international-coordination/the-efa-movement/jomtien-1990/
[93] *Ibid.*
[94] *Ibid.*
[95] Sperling, G. B. (2001). Toward Universal Education. *Foreign Affairs*; Sep/Oct2001, Vol. 80 Issue 5, p7-13, p8

commitment to achieving Education for All by 2015.[96] Mere months later, in September 2000, the adoption of the United Nations Millennium Declaration,[97] signed by all the world's leaders,[98] reinforced the importance of education by identifying universal primary education as one of its eight Millennium Development Goals (MDGs).[99] The target is to "ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling."[100] Although the phrasing in the MDGs is much narrower than the goal set in Dakar, it is should still be seen as reinforcement of the international community's commitment to Education for All. Furthermore, in 2002, the United Nations held a Special Session on Children which resulted in the General Assembly resolution A World Fit for Children[101]; one of the four identified priorities was quality education for all.[102]

1.4.1.2 Regional Framework: Council of Europe and EU

Unlike United Nations instruments, European instruments are more conservative when it comes to espousing the right to education. Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the "European Convention on Human Rights" or "ECHR")[103] of 1950 did not even include the right to education. However, this omission was soon rectified with the first protocol to the ECHR in 1952. Article 2 of the protocol briefly asserts that (a) "no person shall be denied the right to

[96] UNESCO (2009). Education. EFA International Coordination. The EFA Movement. Dakar 2000. http://www.unesco.org/en/efa-international-coordination/the-efa-movement/dakar-2000/

[97] United Nations Millennium Declaration, General Assembly Resolution 55/2 of 18 September 2000.

[98] UN (2009). United Nations Millennium Development Goals. Background. http://www.un.org/millenniumgoals/bkgd.shtml

[99] The eight Millennium Development Goals are: (1) eradicate extreme hunger and poverty; (2) achieve universal primary education; (3) promote ender equality and empower women; (4)reduce child mortality; (5) improve maternal health; (6) combat HIV/AIDS, malaria and other diseases; (7) ensure environmental sustainability; and (8) develop a global partnership for development. Each MDG has measurable targets meant to be achieved by 2015.For more information visit http://www.mdgmonitor.org

[100] MDG Monitor. (2009). Browse by goal. http://www.mdgmonitor.org/browse_goal.cfm

[101] A World Fit for Children, adopted by General Assembly resolution S-27/2 on 10 May 2002

[102] UNICEF (2002). A World Fit For Children: An agenda both visionary and concrete, http://www.unicef.org/specialsession/wffc/index.html

[103] Full name: Convention for the Protection of Human Rights and Fundamental Freedoms.

education" and (b) the religious and philosophical beliefs of the parents will be respected by the state in all matters of education and teaching.[104]

The European Social Charter (ESC), another Council of Europe treaty, adopted 1961 and revised in 1996, contains a number of provisions pertaining to education. Article 17(2) calls for free primary and secondary education for children and young people, in addition to encouraging regular school attendance.[105] Article 9 provides the right to vocational guidance meant to "solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity."[106] This guidance should be free and available to children, young people, and adults. Article 10 offers a detailed provision of the right to vocational training by specifying a need for "the technical and vocational training of all persons," as well as "promot[ing] a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments."[107] The ESC also states that children and young persons have the right to "grow up in an environment which encourages the full development of their personality and of their physical and mental capacities."[108] One aspect of "environment" is certainly education, the aim of which is similar to that in the UDHR.

The Charter of Fundamental Rights of the European Union of 2000[109] appears to combine the provisions of the UDHR, the ECHR, and the ESC. Article 14 states that "[e]veryone has the right to education and to have access to vocational and continuing

[104] Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe, Paris, 20.III.1952, Article 2

[105] European Social Charter (revised) adopted by the Council of Europe, Strasbourg, 3.V.1996, Article 17(2)

[106] *Ibid.*, Article 9

[107] *Ibid.*, Article 10(1),(2)

Article 10 also calls for measures and facilities to retrain adults—both the perpetually unemployed and those who require the training as a result of technological developments or new employment trends (Article 10(3),(4)).

[108] *Ibid.*, Article 17

[109] Scheduled to come into force on December 1st, 2009, as part of the Treaty of Lisbon [European Commission (2009). The Lisbon Treaty and Ireland. Ireland: Lisbon Treaty Progress, http://ec.europa.eu/ireland/lisbon_treaty/lisbon_treaty_progress/index_en.htm].

training."[110] "This right includes the possibility to receive free compulsory education."[111] Educational establishments may be founded insofar as they respect democratic principles and the parents' right to choose their children's education consistent with their religious, philosophical, and pedagogical beliefs.[112]

1.4.2 Policy Framework[113]

Despite the recent show of good will towards development and education by the international communities through the MDGs, critics are skeptical of whether all the declarations and goals will indeed translate to effective action. One criticism is the lack of international methods to evaluate the effectiveness of national education plans.[114] Another is the lack of guarantees that developing countries will receive enough aid to implement the plan.[115] Furthermore, although the World Bank is "the world's largest source of external financing to the developing world for education,"[116] it can be criticized for its disparities in yearly lending amounts during the last decade.[117]

There have been many critiques of the World Bank's and the International Monetary Fund's policies for hindering rather than assisting in the goal of universal education. For instance, after the World Bank published its report *An Unfinished Agenda* in 2006, it was criticized for concluding that more emphasis should be given to learning outcomes instead of

[110] Charter of Fundamental Rights of the European Union – Chapter II – Freedoms - Article 14 - Right to education, 2000, European Parliament, Council, European Commission, Article 14(1)
[111] *Ibid.*, Article 14(2)
[112] *Ibid.*, Article 14(3)
[113] Due to the fact that states are responsible for implementing Education for All on their own, this section focuses on IMF and WB lending for education as an indicator of the global policy on education. The section is meant to provide a brief overview of the situation, not a comprehensive one.
[114] Sperling, G. B. (2001). Toward Universal Education. *Foreign Affairs*; Sep/Oct2001, Vol. 80 Issue 5, p7-13, p10
[115] *Ibid.*, p11
[116] The World Bank. (2009). Education. At a glance. http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20040939~menuPK:282393~pagePK:148956~piPK:216618~theSitePK:282386,00.html
[117] Sperling, *supra.*, p9; The World Bank (2009): Education lending in FY 2009, Table 1, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:21510149~menuPK:489657~pagePK:210058~piPK:210062~theSitePK:282386,00.html

the overwhelming focus given to access to education. While it claimed that focusing on the former would not affect the latter, shifting focus from access to education while 75 million primary school age children still do not attend school is clearly not equitable.[118] Furthermore, the World Bank suggests countries spend 20% of their funding on education, yet it only spend 7% of its budget on education (as of 2006).[119] The impact of the International Monetary Fund (IMF) on education may be concealed but its consequences are far-reaching. By focusing on short-term stability, IMF's restrictive macro-economic lending policies and its influence over states' Ministries of Finance result in developing countries cutting down on basic spending, such as education, in order to meet the conditions set.[120] Based on such budgets, Ministries of Finance are forced to limit the number of new teachers hired,[121] which is often in direct contradiction to education needs in light of population growth and the push for achieving the MDGs.

On the other hand, a recent report issued jointly by the World Bank and the IMF concluded that some countries are so far off track that the MDGs are unlikely to be met by 2015.[122] With regard to education, the report cites a number of factors which hinder the educational interventions: (1) inadequate nutrition and cognitive stimulation in the first six years of life; (2) public education spending benefiting the rich; (3) school fees (formal and informal).[123] It is interesting to note that the aforementioned concerns such as lack of teachers are not mentioned in the report, and quality is emphasized.[124]

[118] Archer, D. (2006). The impact of the World Bank and the International Monetary Fund (IMF) on education rights. *Convergence*; 2006, Vol. 39 Issue 2/3, p7-18, p11
[119] *Ibid.*, p13
[120] *Ibid.*, p16
[121] Marphatia, A. A., Moussié, R., Ainger, A-M, Archer, D. (2007). Confronting the contraditions: The IMF, wage bill caps and the case for teachers. ActionAid, pV, http://www.actionaid.org/assets/pdf%5CAAConf_Contradictions_Final2.pdf
[122] World Bank-IMF (2008). Global Monitoring Report 2008, p59, http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTGLOBALMONITOR/EXTGLOMONREP2008/0,,menuPK:4738069~pagePK:64168427~piPK:64168435~theSitePK:4738057,00.html#Complete_report
[123] *Ibid.*, p61, p67
[124] *Ibid.*, p72, Box 2.3

While many policies regarding education are criticized, some positive steps are being taken. The Managing Director of the IMF, Dominique Strauss-Kahn has called for a reform and has promised to reassess the loan restrictions imposed on states.[125] Changes in IMF practice are slow to be seen, although in 2008, Strauss-Kahn stated that the IMF "was trying to limit the conditions attached to its loans to terms that were essential for resolving the country's immediate economic difficulty."[126] World Bank lending, although inconsistent, amounted to a record high of US$ 3.4 billion in 2009.[127] Additionally, the majority of countries have made significant progress in primary education enrollment rates: the number of children out of school has been reduced from 103 million in 1999 to 75 million in 2006, in spite of population growth of that age group.[128] While these promising steps can be seen as a renewed commitment to the quickly approaching MDGs deadline, there is still much more to be done.

1.5 Summary

Although comparative educators espouse myriad of educational approaches, consensus exists that education has a transformative character.[129] Numerous studies have shown the variety of benefits that education can provide, both for the individual and the society. International conventions have confirmed the importance of education by including the right to education and thus, binding state parties. Other legislative initiatives, such as the Millennium Development Goals, emphasize the need for Education for All and illustrate the

[125] Global Campaign for Education. (2009). Will the IMF's new lease on life ease or block progress towards education goals?, p5, http://www.actionaid.org/assets/pdf/EDUCATION%20ON%20THE%20BRINK.pdf
[126] Schrader, M. (2008). Terms for IMF loans: IMF Watching Out for Poor in Crisis Loan Talks. November 25, 2008, http://www.imf.org/external/pubs/ft/survey/so/2008/POL112508A.htm
[127] The World Bank (2009): Education lending in FY 2009, Table 1, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:21510149~menuPK:489657~pagePK:210058~piPK:210062~theSitePK:282386,00.html
[128] United Nations (2008). Millennium Development Goals Report, p13, http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf
[129] Arnove, R. F., Altbach, P. G., Kelly, G. P. (Eds.) (1992). Emergent Issues in Education. State University of New York Press, p1

implications of not achieving it. Additionally, the Human Development Index (HDI) includes education as one of the three basic aspects of human development.[130] Although there are private and social benefits of education, this brief overview of benefits, policies, and the legislative framework indicates that education is equally relevant for the individual, the village, the city, the country, and the international community; therefore, providing education for all entails positive implications at every level, for developing and developed countries alike.

[130] The three basic aspects of human development according to the Human Development Index (HDI) are: (1) health (life expectancy at birth); (2) knowledge (adult literacy rate, adult literacy index, gross enrollment ratio, gross enrollment ratio index); and (3) a decent standard of living (GDP per capita). HDI was first used in the Human Development Report 1990 [UNDP (2008). Calculating the human development indices. Human Development Report 2007/2008. Technical note 1, http://hdr.undp.org/en/media/HDR_20072008_Tech_Note_1.pdf, p.355,].

Education of Refugee Children

The compulsory nature of education, in cooperation with international commitment, has resulted in elementary education becoming ever more accessible. However, in developed countries, where access to compulsory education is a legally enforceable right, there are still groups with special needs who cannot exercise this right. One such group is refugee children.

Education in the context of refugees and refugee children can only be understood through an understanding of refugee and child protection. Therefore, this chapter begins with the basics of refugee protection and child protection, with an emphasis on the legislative framework of the European Union since Hungary is a member state. Furthermore, the chapter explores the role of education in integration, and the factors influencing it. The essence of this thesis is subsequently elaborated by enumerating the benefits that education provides for refugee children, in addition to the legislative framework that is applied. The chapter ends with a detailed explanation of the difficulties encountered in implementing education for refugee children.

2.1 The Basics of Refugee Protection

Instances of forced migration and asylum can be traced back to ancient times.[131] In that period the right to asylum came to be linked to consecrated places—sanctuaries.[132]

[131] Loescher, G, Betts, A., Milner, J. (2008). The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection Into the Twenty-First Century, p6; Gorman, R. (1994). Poets, Playwrights, and the Politics of Exile and Asylum in Ancient Greece and Rome. *International Journal of Refugee Law*, 1994 6(3):402-424, Oxford University Press

[132] Encyclopædia Britannica (2009). Asylum. *Encyclopædia Britannica Online*, http://www.britannica.com/EBchecked/topic/40220/asylum

Today, many centuries later, the rationale for asylum remains the same: providing protection to persecuted individuals.[133]

The evolution of the right to asylum resulted in the adoption of the 1951 Convention Relating to the Status of Refugees (also known as the Refugees Convention). The Refugees Convention defines a refugee as an individual who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."[134] The Refugees Convention also contains the widely-accepted[135] principle of ***non-refoulement***, which prevents states from returning individuals to countries where their life or freedom may be threatened due to race, religion, nationality, membership of a particular social group or political opinion.[136]

The Refugees Convention and its 1967 Protocol defined refugees in light of the events of World War II and the ideology of the Soviet bloc.[137] Over fifty years later, when internal armed conflicts are the main cause of displacement,[138] refugee advocates see the definition as too narrow and restrictive, allowing for people in need of international protection to fall

[133] Loescher, G. (2001). The UNHCR and World Politics: A Perilous Path. Oxford University Press, p1; Alston, G.C. (1912). Sanctuary. *The Catholic Encyclopedia*. New York: Robert Appleton Company. New Advent: http://www.newadvent.org/cathen/13430a.htm

[134] Convention relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950, Article 1(2)

[135] The most conservative view of the principle of *non-refoulement* is that it is regional customary law in Europe, Africa, and the Americas, for lack of general practice on the other continents. (Coleman, N. (2003). Non-Refoulement Revised Renewed Review of the Status of the Principle of Non-Refoulement as Customary International Law, *European Journal of Migration & Law*; Jan2003, Vol. 5 Issue 1, p23-68, p46). On the other hand, other scholars claim that the principle of *non-refoulement* has already become *jus cogens* (Allain, J. (2001). The jus cogens nature of nonrefoulement, *International Journal of Refugee Law*, Oct 2001; 13, 4; pp. 533–558).

[136] Convention relating to the Status of Refugees, *supra.*, Article 33

[137] Hathaway, J. (1991). The Law of Refugee Status. Montreal: Butterworths, pp.6-10; Loescher, G, Betts, A., Milner, J. (2008). The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection Into the Twenty-First Century, p17

[138] Crisp, J. (2003). Refugees and the Global Politics of Asylum. Political Quarterly; Oct2003 Supplement 1, Vol. 74, pp.75-87, p.76

through the cracks.[139] On the other hand, the principle of *non-refoulement* has come to be interpreted more liberally than its Convention origins: there is general consensus that individuals who would face serious non-persecutory violence in their country of origin should not be returned, even if they do not qualify for refugee status.[140] Although there are, as yet, no universal legally binding criteria for this wider level of protection,[141] a number of regional instruments specify different conditions to be met in order to be eligible for extended protection which is not guaranteed under the Refugees Convention.[142]

This dichotomy in interpretation and application of the Refugees Convention regarding the definition of refugee and the principle of *non-refoulement* has resulted in the stratification of refugee protection. The differences in the levels of protection depend on each

[139] Gonzaga, J.A.C. (2003). The Role of the United Nations High Commissioner for Refugees and the Refugee Definition, in Kneebone S. (Ed.) (2003). The Refugees Convention 50 Years On: Globalization and International Law. Hants: Ashgate, p233

[140] Fitzpatrick, J. (2000). Human Rights and Forced Displacement: Converging Standards, in Bayefsky, A.F., Fitzpatrick, J. (Eds.). (2000). Human Rights and Forced Displacement. The Hague: Martinus Nijhoff Publishers, p7

[141] With the exception of CAT. See footnote 135.

[142] The OAU Refugee Convention extends refugee protection, and thus *non-refoulement* protection, to those who have fled their countries due to "external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality."* (Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, Addis Ababa, Ethiopia, 10 September 1969, Art.1(1),(2), Art.2(3)). Likewise, the Cartagena Declaration, invoking the precedent of the OAU Refugee Convention, enlarges refugee protection, and thus, *non-refoulement* protection, to those "who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order" (Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, Part III, Par3,5). CAT states: "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture" (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984, Art.3(1)). Regarding the Covenant on Civil and Political Rights (ICCPR), the United Nations Human Rights Committee has asserted, "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement" (UN Human Rights Committee (HRC), *General Comment No. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7)*, 10 March 1992). The EU Charter states, "No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment." (Charter of Fundamental Rights of the European Union – Title II – Freedoms - Article 19 - Protection in the event of removal, expulsion or extradition, 2000, European Parliament, Council, European Commission, Article 19(2)). Although the ECHR contains no provision on *non-refoulement*, the jurisprudence of the European Court of Human Rights has interpreted ECHR's Article 3 to effectively mean a blanket ban on the *refoulement* of persons to countries where they will risk "torture or inhuman or degrading treatment or punishment" regardless of their status in the country or crimes they may have committed (see *Soering v. UK* (1989) 14038/88, § 111; *Chahal v. UK (1996)* 22414/93, § 107*; Ahmed v. Austria* (1997) 25964/94, § 47, *Saadi v. Italy* (2008) 37201/06, § 149, *Ryabikin v. Russia (2008)* 8320/04, § 122)

state. States maintain discretionary power to determine the eligibility and methods of eligibility for refugee status (as long as it is in line with the Refugees Convention).

2.1.1 Legislative Framework of the European Union

The European Union, as a single entity, provides three types of protection: (a) Convention protection; (b) subsidiary protection; (c) temporary protection. Convention protection (a) is granted to legally recognized "refugees" (hereinafter: Convention refugees) fitting the criteria of the Refugees Convention definition; a refugee enjoys the widest level of protection and rights. Subsidiary protection (b) is granted to "persons eligible for subsidiary protection" who do not qualify as "refugees" but where "substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin [. . .] would face a real risk of suffering serious harm[143] [. . .], and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country"[144]; a person eligible for subsidiary protection enjoys a similar level of protection as a Convention refugee.[145] Temporary protection (c) "means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons[146] from third countries

[143] Article 15 states that serious harm consists of: "(a) death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict" [Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 – 0023*].

[144] *Ibid.*, §2(e)

[145] Differences between refugee and subsidiary protection include length of the validity of the residence permit (at least three years for refugees, but at least one year for persons eligible for subsidiary protection) (§ 24) and access to integration programs (mandated for refugees, but only if considered appropriate for persons eligible for subsidiary protection) (§ 33). Additionally, refugees should have the same access to employment (§ 26), social welfare (§ 28), and health care (§ 29) as nationals, while access to certain aspects of these rights may be limited for persons eligible [for subsidiary protection depending on situation in the member state [*Ibid.*].

[146] Displaced persons who "are unable to return in safe and durable conditions because of the situation prevailing in that country [. . .] in particular "(i) persons who have fled areas of armed conflict or endemic violence; (ii) persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights" [Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*, § 2(c)].

who cannot return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection."[147]; such individuals are usually referred to as "persons enjoying temporary protection."[148] Rights of persons enjoying temporary protection are subject to more restrictions than those with (a) and (b).[149] It is relevant to note that being granted temporary protection (c) does not preclude individuals from subsequently obtaining Convention, subsidiary, or any other international or national protection.[150]

However, as previously mentioned, the principle of *non-refoulement* and the EU Charter prevents states from returning any individual to their country of origin where they would face the death penalty, torture, or inhuman or degrading treatment. Additionally, if conditions do not exist for a safe return home, *non-refoulement* also applies.[151] Therefore, if such individuals do not fall under the protection of (a), (b), or (c), they may obtain consent for a "tolerated stay." There is no uniform European legislation on tolerated stay, and states offer few, if any, positive rights to those who stay. Common characteristics usually include: requirement for frequent renewal of tolerated stay permit,[152] no access to employment,[153] great restrictions on freedom of movement within the state,[154] and the lowest level of public

[147] Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*, § 2(a)

[148] Temporary protection is not available by default; a Council Decision must introduce the temporary protection, to which displaced people it applies, when it starts, etc [*Ibid.*, § 3].

[149] For temporary protection, length of stay is granted for one year, but is automatically renewable twice for six months (§ 4(1)); freedom of movement is restricted to the Member State where protection is enjoyed (§ 11), access to employment may be limited (§ 12), and access to social welfare, basic needs, and medical care is dependant on provisions of each Member State (§ 13). Temporary protection does not exist *per se*; a Council Decision must introduce the temporary protection, to which displaced people it applies, when it starts, etc. [*Ibid.*].

[150] *Ibid.*, § 2(c)

[151] European Roma Information Office (ERIO). (2007). E-news 31/05/2007. Back to the homeland. http://www.erionet.org/site/basic100032.html

[152] European Roma Rights Centre (ERRC). (2003). Germany criticised at United Nations children's rights hearing over expulsions of Roma. *Advocacy*. http://www.errc.org/cikk.php?cikk=351

[153] European Roma Information Office, *supra.*

[154] United States Committee for Refugees and Immigrants (2009). World Refugee Survey 2009 - Europe, http://www.unhcr.org/refworld/docid/4a40d2a6c.html

assistance.[155] Such restrictions pose significant problems when individuals remain "tolerated" for years.[156] Tolerated stay may also apply to persons who might otherwise be granted (a), (b), or (c) protection, but have been denied on the basis of the exclusion clauses,[157] which has been enforced by the jurisprudence of the European Court of Human Rights (ECtHR).[158]

2.2 The Basics of Child Protection

Like all mammal offspring, children depend on their parents for survival. [159] This biological dependency allows children to experience an extended learning process, by which parents transfer non-genetic information to the next generation.[160] Therefore, until they are independent enough to obtain food and protect themselves, children are considered vulnerable and in need of protection.

In the past, the protection and welfare of children was part of the private sphere of the family.[161] However, with the advent of national school systems and compulsory education in the 19th century,[162] aspects of child welfare became of public concern.[163] Today, most societies recognize that children have rights, and it is the state's responsibility to ensure their

[155] Leise, E. (2007). Germany to Regularize "Tolerated" Asylum Seekers. *Migration Information Source, In the News*. http://www.migrationinformation.org/Feature/display.cfm?ID=593

[156] Amnesty International (2008). Letter to The European Parliament Committee on Civil Liberties, Justice and Home Affairs. Amnesty Internationals concerns in regard to asylum seekers and refugees in Denmark, April 2008, http://www.sosmodracisme.econtent.dk/downloads/LIBE_AmnestyInternationalsRecommendations.pdf, p3

[157] While there are minor differences between the exclusion provisions, generally, an individual is excluded from (a), (b), or (c) protection if: (1) there are serious reasons for considering that he or she has committed a crime against peace, a war crime, or a crime against humanity, or a serious crime, has been of acts contrary to the purposes and principles of the United Nations; or (2) there are "reasonable grounds for regarding him or her as a danger to the security" or the community of the host Member State [Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*, § 28; Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 – 0023,* § 12, § 17]

[158] See footnote 142

[159] Funk & Wagnalls New World Encyclopedia (2002). Mammal: Reproduction.

[160] Encyclopedia Britannica (2009). Mammal. *Encyclopedia Britannica Online*, http://search.eb.com/eb/article-51701

[161] Encyclopedia Britannica (2009). Family. Family law. *Encyclopedia Britannica Online*, http://search.eb.com/eb/article-232344

[162] Brickman, W. W. (2002). History of education. *Funk & Wagnalls New World Encyclopedia.*

[163] Van Buren, G. (1998). *The international law on the rights of the child.* The Hague: Martinus Nijhoff Publishers, p xxi

wellbeing.[164] The child is, therefore, considered a separate legal person.[165] As a result, parents' authority over their children's rearing is balanced with the authority of the state to protect children's rights.

The shift to state responsibility came in conjunction with the development of human rights. This led to the adoption of a number of international instruments, which were either entirely dedicated to or included specific provisions on children's particular needs.[166] The evolution of children's rights culminated in the effectively universal[167] adoption of the 1989 Convention on the Rights of the Child (CRC)—a set of fully binding standards for states to achieve. Its preamble states the rationale of the protection: "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."[168]

The CRC defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."[169] While the CRC asserts the full range of civil, political, economic, social, and cultural rights,[170] the instrument

[164] Encyclopedia Britannica (2009). Family: Family law. Encyclopedia Britannica Online, http://search.eb.com/eb/article-232344

[165] Van Buren, G. (1998). *The international law on the rights of the child.* The Hague: Martinus Nijhoff Publishers, pxxi

[166] While the following instruments highlight the provisions about children, it is relevant to point out that all human rights instruments apply to children because children are included in "everyone" and excluded in "no one." Still, children's invisibility on the global agenda prompted states to create distinct instruments emphasizing the needs of the child. Instruments specifically citing aspects of children's rights are: Geneva Declaration of the Rights of the Child, adopted by the fifth Assembly of the League of Nations, 26 September 1924; Declaration of the Rights of the Child, adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959; Universal Declaration of Human Rights, adopted by General Assembly on 10 December 1948, Article 25, 26; International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, Article 23, 24; International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, Article 10; Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution A/RES/55/25 of 15 November 2000

[167] United States and Somalia have signed but not ratified the CRC. All other recognized states have ratified the CRC [United Nations Treaty Collection (2009). Status of the Convention on the Rights of the Child, New York, 20 November 1989, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en].

[168] Declaration of the Rights of the Child, adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959, par.3

[169] Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989, Article 1

[170] Some of which are the right to non-discrimination, the right to acquire a nationality, the right to freedom of expression, the right to freedom of religion, the right to access to information from a variety of sources, and the right to education [Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20

is to be interpreted through its two underlying principles: (a) the evolving capacities of the child; and (b) the best interests of the child.[171] The rights within the CRC can be characterized by four complementary approaches to children's rights—the four P's: "(1) the participation of children in decision affecting their own destiny; (2) the protection of children against discrimination and all forms of neglect and exploitation; (3) the prevention[172] of harm to children; and (4) the provision of assistance for their basic needs."[173]

Perhaps of most relevance and novelty is the CRC's assertion that states must allow "the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."[174] Compared to their support of other CRC provisions, national governments and organizations such as UNICEF have been unwilling to give enough importance to children's autonomy and participation for fear that it might conflict with their task of protecting children.[175] More recently, however, the global arena has been more welcoming to children's participation, such as in the respect shown towards the Junior 8 (J8) Summit[176] and youth speakers at various international fora.[177]

November 1989, Articles 2, 7, 13, 14, 17, 28, 29]. Additionally, the CRC calls for states to adopt measures to stop child trafficking and protect children from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse." [Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989, Articles 11(1), 19(1)].

171 Van Buren, G. (1998). *The international law on the rights of the child.* The Hague: Martinus Nijhoff Publishers, p13

172 In practice, protection is most often exercised as a reactive mechanism through the court system, while prevention seeks to eliminate the root causes of the harm as well as identify indicators which might lead to harm. According to Van Buren (1998) this approach is changing slowly [*Ibid.*, p15].

173 *Ibid.*, p15

174 Convention on the Rights of the Child, *supra.*, Articles 12(1)

175 Van Buren, supra., p.15

176 Launched in 2006, J8 is an annual youth forum running parallel to the G8 Summit, where 14 to 17-year-olds meet to discuss topics that are on the G8 agenda, after which they present their concerns and recommendations to the G8 summit. "The most important purpose of the Junior 8 Summit is to give children and young people an opportunity to speak directly to world leaders, decision makers and the public about their own experiences, ideas, and concerns." Unlike the G8, however, the J8 Summit includes representatives from eight of the richest countries and representatives from eight developing countries (in average) [J8. (2009). Frequently Asked Questions. http://www.j8summit.com/faq].

177 Many children have addressed the General Assembly, for instance. Longeni Matsai at the General Assembly, 11 December, 2007 [Kiem, E. (2007). UN General Assembly opens high-level meeting on children's issues. A World Fit for Children Plus. Newsline. http://www.unicef.org/worldfitforchildren/index_42168.html]. Furthermore, at the 2009 UN Secretary-General's Summit on Climate Change, a delegation of children addressed world leaders to make climate change a top priority [Azar, M. (2009). Young people appeal to world leaders at UN Summit on

While it is difficult, if not impossible, to measure whether children's voices are having any effect, it is certain that the increasing opportunities for children to speak out are giving them the means and the knowledge to continue their quest for participation, both internationally and nationally.

2.2.1 Legislative Framework of the European Union

Although there is no single comprehensive European instrument asserting children's rights, minors are protected by a number of general and very particular instruments. General instruments include the ECHR, the European Social Charter, and the Charter of Fundamental Rights of the European Union. Very particular instruments include precise EU legislation concerning children.

The first regional human rights treaty, the ECHR specifically refers to children only in the context of juvenile delinquency, concerning detention and public trials.[178] However, children are included in "everyone," and cases have been successfully argued before the ECtHR with children as the applicants or co-applicants with their parents.[179]

Complementing the ECHR in social and economic rights, the European Social Charter (ESC) contains references to children in a number of provisions. Part I asserts that "[c]hildren and young persons have the right to a special protection against the physical and moral hazards to which they are exposed."[180] The ESC provides protection from child labor and interference of work with compulsory education and vocational training.[181] Young persons and schoolchildren should also have the right to vocational guidance.[182] Additionally, Article

Climate Change. Policy advocacy and partnerships for children's rights, http://www.unicef.org/adolescence/index_51189.html].

[178] Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe, Rome, 4.XI.1950, Article 5(1)(d), Article 6(1).

[179] Van Buren, G. (1998). *The international law on the rights of the child.* The Hague: Martinus Nijhoff Publishers, p22

[180] European Social Charter (revised) adopted by the Council of Europe, Strasbourg, 3.V.1996, Part I(7).

[181] European Social Charter (revised) adopted by the Council of Europe, Strasbourg, 3.V.1996, Article 7.

[182] *Ibid.*, Article 9.

17 states that children have the right to "grow up in an environment which encourages the full development of their personality and of their physical and mental capacities."[183] With that goal in mind, states are obligated to ensure that children have: (1) "the care, the assistance, the education and the training they need," protection from "negligence, violence or exploitation," and additional protection for children without family support; and (2) free primary and secondary education and the encouragement to regularly attend school.[184]

While many provisions of the Charter of Fundamental Rights of the European Union of 2000 apply to "everyone" and therefore, children, two articles specifically provide protection for children. Article 24 of the Charter states that children have the right to: (a) care and assistance required for their welfare; (b) have their voices heard and taken into account; (c) have contact with both parents unless it is against their interests.[185] The Charter also stipulates that the best interests of the child should be the deciding factor in actions taken by public or private institutions.[186] Article 32 prohibits child labor through the ages of compulsory education and calls for the protection of young people "against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education."[187]

A number of EU legislative documents, very particular in their subject matter, also protect children and promote their well-being. One, for instance, protects children by requiring compositional quality and nutritional standards to be met for processed cereal-based food for infants and young children.[188] The issue of drunk driving has led to a Council Recommendation with suggestions on how states can better manage the excess drinking of

[183] *Ibid.*, Article 17.
[184] *Ibid.*, Article 17(1)
[185] Charter of Fundamental Rights of the European Union – Chapter III – Equality - Article 24 – The rights of children, 2000, European Parliament, Council, European Commission, Article 24(1),(3)
[186] *Ibid.*, Article 24(2)
[187] *Ibid.*, Article 32
[188] Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (Codified version) (Text with EEA relevance), *Official Journal L 339 , 06/12/2006 P. 0016 - 0035*

alcohol of young people, teenagers and children, in particular.[189] Encountering two problems in access to education, one resolution identified measures aimed at "developing a global structural approach helping to overcome the major obstacles to the access of gypsy and traveler children to schooling,"[190] while another called for more intense efforts to integrate disabled children into the ordinary school system and ensure that schools are able to meet the needs of the students.[191]

2.3 Education as Part of Integration

Fleeing persecution in their home countries, refugees arrive to a foreign country in need of protection. According to international law, states are obliged to guide them through the refugee determination procedure and provide for their basic needs. The end goal is to find a permanent solution. The UNHCR Statute identifies three durable solutions: [192] (1) voluntary repatriation to the country of origin; (2) local integration in the host country; or (3) resettlement in a third country.[193]

[189] Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents, *Official Journal L 161 , 16/06/2001 P. 0038 - 0041*

[190] Resolution of the Council and the Ministers of Education meeting within the Council of 22 May 1989 on school provision for children of occupational travelers, *Official Journal C 153 , 21/06/1989 P. 0003 - 0004*

[191] Resolution of the Council and the Ministers for Education meeting within the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education, *Official Journal C 162 , 03/07/1990 P. 0002 - 0003*

[192] Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly Resolution 428 (V) of 14 December 1950, par.1

[193] Resettlement is a viable solution when repatriation is not an option and the state of refuge is not safe for the refugee due to continued threats, risk of forced repatriation, special needs, etc. Resettlement provides refugees with legal residency and frequently the option of obtaining citizenship in the future [UNHCR (2009). Resettlement. Protecting Refugees, http://www.unhcr.se/en/Protect/resettlement.html]. The challenge of resettlement is the increasing need for it, even though the current resettlement in-take capacity of states is limited and far lower than the demand (in 2008, 154,000 refugees were in need of resettlement; in-take capacity of the nineteen resettlement states was approximately 70,000 [Cochetel, V. (2008). Worldwide context: Resettlement. Presentation at the conference "Resettlement as a Durable Solution" in Bucharest, Romania, from 7-9 May 2008, http://www.unhcr.se/en/Protect/Pdf/Slideshow_resettlement.pdf]. Furthermore, resettlement is "also a tangible demonstration of international solidarity and responsibility sharing with the mostly poor countries hosting the majority of the worlds' refugees" [European Council on Refugees and Exiles (ECRE). (2009). Resettlement, http://www.ecre.org/topics/resettlement]. This suggests that resettlement is not an option for refugees who live in more developed countries, even if reception conditions and refugee assistance is not adequate.

2.3.1 Defining Integration[194]

The relationship between refugees (or any other migrants) and their host society has commonly been grouped into four generic models: (1) assimilation; (2) integration; (3) separation; (4) marginalization.[195] Assimilation is the refugee's full absorption into the host culture.[196] Integration entails the refugee's acceptance of and by the host society, while retaining certain characteristics of the culture of origin.[197] Separation is the rejection of the host culture in favor of the culture of origin.[198] Marginalization is the refugee's lack of identification with either culture; it is considered a distressed state of being.[199]

Studies show that integration is the ideal relationship between migrants and host societies.[200] It can be defined as "a dynamic, two-way process of mutual accommodation" between immigrants and local residents.[201] As soon as basic needs are met, refugee assistance programs focus on integration.[202] The success of the refugees' transfer into the new society is

---

[194] Due to the location of the majority of the world's conflicts and Hungary's recent accession to the EU, it can be deduced that few refugees contemplate voluntary repatriation by the time they arrive to Hungary. On the other hand, resettlement in a third country is highly unlikely due to the general trends of resettlement and the Dublin Regulation*. Therefore, for refugees in Hungary, the most feasible solution is local integration [European Refugee Fund: Final Evaluation of the first phase (2000-2004), and definition of a common assessment framework for the second phase (2005-2010), National Report on Hungary, http://ec.europa.eu/dgs/justice_home/doc/dg_eval_Hungary_0306_en.pdf, p.6].

* The Dublin Regulation refers to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, which has the effect of allowing asylum seekers to apply for asylum in only one EU member state—the responsible Member State—usually the Member State of entry into the EU where the border control takes fingerprints. In the event that an asylum seeker travels to another Member State during the asylum procedure or after a negative decision, the responsible Member State must take the asylum seeker back to continue the procedure or to deport.

[195] Rudmin, F. W. (2003). Critical history of the acculturation psychology of assimilation, separation, integration, and marginalization. *Review of General Psychology*, Vol 7(1), Mar, 2003. pp. 3-37, p4

[196] Fletcher, S. (1994). Time is an important factor in the integration of refugees. Project 4. Refugee Studies Centre, RSC/MA/MZ-53.52 KCL, p.2

[197] *Ibid.,* p.2

[198] Rudmin, F. W. (2003). Critical history of the acculturation psychology of assimilation, separation, integration, and marginalization. *Review of General Psychology*, Vol 7(1), Mar, 2003. pp. 3-37, p4

[199] *Ibid.*, p.17

[200] Although Rudmin (2003) criticizes this conclusion as a result of unreliable measurements and analyses, this thesis accepts integration as a good solution, but does not precluded that there may be a better one. A more in-depth analysis of the issue is beyond the scope of this thesis [*Ibid.*].

[201] Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union /* COM/2005/0389 final */

[202] UNHCR (2009). Finding durable solutions: Local settlement. *Protecting Refugees*, http://www.unhcr.se/en/Protect/durable_solutions_en.html

usually measured by the level of integration, which can, in turn, be measured by a number of indicators, such as: (a) freedom of movement; (b) gainful work within the local economy; (c) self-sufficiency (d) access to local services such as health care; (e) children's access to local schools; (e) living among the locals; (f) participation in cultural life; and (g) participation in political life.[203] The level of each of these indicators is proportional to the level of integration.

Most of the integration indicators can be characterized as a form of participation in the local community. In order to participate, refugees must be able to communicate in the local language. To do so, they require language education. As a result, language education has become a component of integration programs. Consequently, refugee education is vital for integration.

2.3.2 Factors influencing integration

Levels of integration vary across host communities and refugee populations. S. Banki (2004) classifies the various explanations for this phenomenon into six main categories of factors influencing integration: (1) political factors; (2) security factors; (3) legal factors; (4) economic factors; (5) social factors; and (6) physical factors.[204] Political factors operate on a national level in light of regional and international relations. Security factors entail protection against dangerous foreigners. Legal factors pertain to the refugee's legal status in the host country. Economic factors relate to refugees through their effect on the market. Social factors include ethnicity, language, religion, and any historical ties. Physical factors can be further divided into four groups: (a) geographic factors; (b) temporal factors; (c) size factor; and (d) individual factors. Geographic factors refer to the porosity of the border and subsequent

[203] Banki, S. (2004). Refugee integration in the intermediate term: a study of Nepal, Pakistan, and Kenya. Working Paper No. 108. New Issues in Refugee Research. UNHCR Evaluation and Policy Analysis Unit, pp.2-3
[204] *Ibid.*, pp.5-6

ability of refugees to meld with the locals. Temporal factors include the arrival time and the duration of stay. The size factor entails the number of refugees in the host country. Individual factors refer to the ability of the individual refugee to integrate despite adverse factors.[205] Since education is part of integration, many of these factors are directly linked to refugees' access and exercise of the right to education, to be discussed subsequently.

2.4 Education for Refugee Children

2.4.1 Benefits of Education for Refugee Children

For refugee children, education is much more than a means of integration. It is as vital as food and shelter[206] because it performs multiple functions. Firstly, it serves as compulsory education necessary for a child's development. Secondly, it is a supplementary mechanism to durable solutions: education can be directed to facilitate the child's integration, resettlement, or repatriation.[207] Thirdly, it serves to fulfill psycho-social needs: school provides the opportunity to interact with peers and teachers who act as a source of support [208] and thus, decreases the probability of isolationism and psychological difficulties that may occur as a result. Fourthly, it offers a venue for learning tolerance[209] and discussing related issues. Lastly, after fleeing one's home and arriving to a new country, attending a formal education program provides a pattern of stability, thus, giving a sense of normalcy to daily life in an extraordinary situation.[210]

[205] Banki, S. (2004). Refugee integration in the intermediate term: a study of Nepal, Pakistan, and Kenya. Working Paper No. 108. New Issues in Refugee Research. UNHCR Evaluation and Policy Analysis Unit, pp.5-6
[206] Beverlee, B. (2001). Toward Mediating the Impact of Forced Migration and Displacement Among Children Affected by Armed Conflict, Journal of International Affairs; Fall2001, Vol. 55 Issue 1, pp.35-58, p37
[207] NGO statement on meeting the protection needs of refugee children (2002). Global consultations on international protection third track, theme 4: Protection of refugee women and refugee children. *Refugee Survey Quarterly*, 2003; 22: pp.449-460, p.457
[208] *Ibid.*, p.456; Elbedour, S., Bensel, R. ten, Bastien, D. T. (1993). Ecological Integrated Model of Children of War: Individual and Social Psychology, *Child Abuse and Neglect* 1993 (17), pp.805–819
[209] Beverlee, B. (2001). Toward Mediating the Impact of Forced Migration and Displacement Among Children Affected by Armed Conflict, Journal of International Affairs; Fall2001, Vol. 55 Issue 1, pp.35-58, p37
[210] *Ibid.,* p.57

2.4.2 Legislative Framework of Education of Refugee Children

The relevance of education, elaborated in the previous sections, is also mirrored in the legislative framework pertaining specifically to refugee children. In addition to the - international treaties containing the right to education previously specified, which are applicable to all children, a number of other instruments explicitly reinforce this right for refugee children. The Refugees Convention states that elementary education is to be provided to refugee children under the same conditions as nationals.[211] Regarding all other areas of education, refugees shall not receive less favorable treatment than provided to other aliens in the same circumstances.[212] Additional Protocol I of the Geneva Conventions asserts that in the case of an evacuation of children to a foreign country, children's education should continue with the greatest continuity possible.[213]

2.4.2.1 Legislative Framework of the EU in Refugee Child Education

In the framework of the European Union, children enjoying protection status have a right to full access to education under the same conditions as nationals.[214] Children who have temporary protection status are entitled to "access to the education system under the same conditions as nationals of the host Member State."[215] After temporary protection has ended and the beneficiaries must return home, "Member States may allow families whose children

[211] Convention relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950, Article 22(1)

[212] *Ibid.*, Article 22(2)

[213] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 78(2)

[214] Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal L 304 , 30/09/2004 P. 0012 – 0023, Article 27

[215] Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*, Article 14

are minors and attend school in a Member State to benefit from residence conditions allowing the children concerned to complete the current school period."[216] Children who are asylum seekers are also entitled to "access to the education system under similar conditions as nationals of the host Member State for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres."[217] Access should not be postponed for longer than three months since the filing of the application for protection, unless special educational activities are organized to facilitate access to the local schools, in which case the three month delay can be extended to one year.[218]

Education-related provisions specific to refugee children only serve to reinforce the importance of education. Requiring states to provide education to children enjoying temporary protection, asylum seeking children, and asylum seeking children whose expulsion has not been enforced highlights the significance of education for the sake of education—that children not lose entire years of schooling—even if it is not accompanied by integration. Furthermore, the extended stays for families whose children are attending school emphasize the significance of educational continuity.

2.4.3 Difficulties in Implementing Education for Refugee Children

While legislation is extensive in its assertion of refugee children's right to education, many refugee children around the world and in Europe do not have access to educational systems in their country of refuge. There are a number of factors which influence the implementation of the right to education for all refugee children. While they correspond to the previously enumerated factors which influence integration, most of these factors can also

[216] *Ibid.*, Article 23
[217] Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *Official Journal L 031 , 06/02/2003 P. 0018 – 0025,* Article 10(1)
[218] *Ibid.,* Article 10(2)

be grouped into: (1) conditions and (2) attitudes of (a) the host community and (b) refugees. The following sections elaborate on how each of these factors can delay refugee education and make its implementation more difficult.

2.4.3.1 Conditions of the host community

A general difficulty in ensuring right to education for all refugees is the inability to predict migration flows. Since governments cannot know how many refugees will annually seek asylum, it can be difficult to plan and budget for necessary resources, such as facilities, teachers, and school supplies. Furthermore, in the instance of a larger influx of refugees than expected, additional resources must first be directed to food and shelter, making education a secondary concern. The difficulties stemming from the lack of resources fall under conditions of the host community. Lack of economic resources may also be a result of the undersourcing of refugee education, both on the national and international level. Furthermore, potential fluctuations and delays in promised funding from sources such as the World Bank or the European Refugee Fund[219] may create difficulties in planning and implementation.

Another difficulty in host community conditions is the lack of *adequate* resources.[220] Teaching children of different language abilities in a multicultural classroom requires specialized training. In countries that have until recently been predominantly culturally homogeneous, such training may not be part of the standard university curriculum for teachers. Therefore, a lack of specifically trained teachers can create a negative situation in

[219] Applicable since 2008, the goal of the European Refugee Fund (ERF) is to "support and improve the efforts of Member States to grant reception conditions to refugees, displaced persons and beneficiaries of subsidiary protection, to apply fair and effective asylum procedures and to promote good practices in the field of asylum so as to protect the rights of persons requiring international protection and enable Member States asylum systems to work efficiently" [European Commission (2009). The European Refugee Fund, http://ec.europa.eu/justice_home/funding/refugee/funding_refugee_en.htm]. ERF will not fund projects indefinitely, and therefore, the sustainability of such projects is uncertain in the long-term [Sunjic, M. (2008). Under-funding Leads to Trouble in Hungarian Reception Centres. *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/88-under-funding-leads-to-trouble].

[220] Candappa, M. (2000). The right to education and an adequate standard of living: Refugee children in the UK. The International Journal of Children's Rights 8: pp.261–270, p.268

the classroom, hence, defeating the purpose of education. A general lack of awareness of cultural differences from teachers, peers, and parents is a problem.[221]

For refugee children to attend local schools, they must be able to communicate in the local language. If they do not, schools may deny admission. Yet, states sometimes expect children to attend school without receiving any language training prior to entering the educational system.[222] Furthermore, without language support during the first few years of schooling in the country of refuge, attending school may be as damaging as it is beneficial for the child. [223]

Ideally, refugee children should attend local schools. However, when asylum seekers and even recognized refugees are accommodated in large reception centers, often a single local school (the closest one to the center) may be obligated to admit all refugee children. Comparative to the student body, the child refugee population is often large and threatens to overwhelm the learning process by shifting the focus from the local pupils to the now significant refugee population. Physical and human resources may be incapable of handling the additional students. Furthermore, the aim of integration may be lost in instances where refugees become a majority of the student body.

2.4.3.2 Attitude of the host community

A number of difficulties in implementing refugee education are linked to the attitude of the host community. Xenophobic attitudes have led locals to hinder attempts of the integration refugee children in the local schools. This discourages schools from accepting

[221] Kosowicz, A. (2007). Access to Quality Education by Asylum-Seeking and Refugee Children: Poland Country Report. Executive Summary, http://www.forummigracyjne.org/files/80/ExecutiveSummary.pdf , p.2
[222] Leise, E. (2007). Germany to Regularize "Tolerated" Asylum Seekers. *Migration Information Source, In the News.* http://www.migrationinformation.org/Feature/display.cfm?ID=593
[223] *Ibid.*

refugees for fear of getting a bad reputation.[224] Schools may also be concerned that admitting refugees will negatively affect their test scoring averages.[225]

At times, such attitudes are used as starting points for policy making, although this is rarely said openly. For instance, the theory that providing education may discourage refugees from repatriating or may be a pull factor for new refugees,[226] combined with xenophobia, makes it unlikely that asylum-seeking children whose applications are still pending will be provided any education. In an intolerant society, the host community will not start the integration process unless absolutely forced to. The attitude can be enforced at all levels of society--national and local politicians and policy-makers, public service providers, such as teachers, and the local population in their everyday interactions with refugees.

The xenophobic attitude may be the reason or the excuse for a restrictive economic policy. By providing education only to children with a recognized protection status, and hence, hindering integration, the government saves money. However, it can be argued that short-term savings result in long-term costs; delaying education for children who subsequently gain protection status delays their integration and therefore, may exacerbate their education and language gap, as well as their negative feelings towards the host community, the combination of which may result in deviant behavior, such as criminal activity.

2.4.3.3 Conditions of the refugees

Refugee conditions often mirror the difficulties encountered with host community conditions. Refugee children arrive to the country of refuge with varying levels of education.

[224] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education

[225] Candappa, M. (2000). The right to education and an adequate standard of living: Refugee children in the UK. The International Journal of Children's Rights 8: pp.261–270, p.269

[226] NGO statement on meeting the protection needs of refugee children (2002). Global consultations on international protection third track, theme 4: Protection of refugee women and refugee children. *Refugee Survey Quarterly*, 2003; 22: pp.449-460, p.457

Some may be illiterate due to no previous education,[227] while others may require the learning of the alphabet. The age of the children plays a role in that older children with minimal prior education require more intensive and more specialized assistance in order to catch up to the educational level of their peers[228]; as a result, there may be fewer opportunities to older children to receive education.[229] One common difficulty is being faced with an unknown language, which must be learned as soon as possible in order to interact meaningfully with the educational program.[230] Furthermore, refugee children may have extensive prior education, but they may not have documentation to prove it.[231] This substantially hinders the refugee's ability to obtain certification of completion; refugee children may be required to pass all the exams that nationals have passed since the beginning of their compulsory education in order to catch up with their age group.

Under refugees' conditions are also difficulties with the special needs of refugee children. For instance, many refugee children have experienced severe violence and trauma. As a result, they may act out, skip school, or display generally aggressive behavior.[232] If these needs are not addressed by a professional, and if the teacher does not know how to handle such events, the child's disruptive behavior and trauma could exacerbate, in addition to creating an unhealthy environment for the rest of the students. Moreover, refugees are not a homogenous population, and hence, they have different needs.[233] The children's ability to learn the local language is influenced by the extent of their prior education, as well as the similarity of their mother tongue to the new language. Furthermore, in a new education

[227] Ali, E., Jones, C. (2000). Meeting the educational needs of Somali pupils in Camden schools. Camden Local Education Authority, p.11
[228] *Ibid.*, p.21
[229] Kosowicz, A. (2007). Access to Quality Education by Asylum-Seeking and Refugee Children: Poland Country Report. Executive Summary, http://www.forummigracyjne.org/files/80/ExecutiveSummary.pdf , p.2
[230] Ali & Jones, *supra.*, p.12
[231] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education
[232] Candappa, M. (2000). The right to education and an adequate standard of living: Refugee children in the UK. The International Journal of Children's Rights 8: pp.261–270, p.267
[233] Refugee Education and Training Working Group (1989). Refugee education policy for the 1990s. Towards implementing the Refugee Education Charter, p.4

system, refugee children encounter new rules and different teaching methods, and it may be a challenge for them to learn to behave accordingly.[234]

Another condition that refugees are burdened with is their vulnerability which stems from their combined lack of language skills and resources. As a result, they are powerless to ensure that that their rights be respected. Therefore, while other foreigners may use institutional structures to obtain the right to education for their children, refugees are not able to do that.

2.4.3.4 Attitude of refugees

The attitude of refugee parents may also hinder their children's access to education. For instance, some refugee parents may not want their children to attend school. They may be distrustful of a state which treats them badly. Another reason may be cultural. For instance, girls may be prevented from going to school because their priority is getting married and being good wives. Additionally, teenage girls may carry duties within the household, which prevent them from attending school due to lack of time. Other refugee parents may allow their children to go to school, but without being able to offer any emotional support due to their own trauma and preoccupation.[235] In instances when learning is difficult, particularly in the first year, children with such parents may become easily demotivated and find little reason to continue their education without family support.

2.4.3.5 Interconnectivity of factors

It is also relevant to note that many of the factors creating difficulties in the implementation of refugee education influence each other. For instance, economic and

[234] Ali, E., Jones, C. (2000). Meeting the educational needs of Somali pupils in Camden schools. Camden Local Education Authority, p.11

[235] Kosowicz, A. (2007). Access to Quality Education by Asylum-Seeking and Refugee Children: Poland Country Report. Executive Summary, http://www.forummigracyjne.org/files/80/ExecutiveSummary.pdf , p.3

security considerations may result in refugees being accommodated in large reception centers. Such centers, however, may breed dissatisfaction and resentment among refugees as a result of their isolation and limited rights. Hence, refugees' distrust of the host community increases, which, in turn, stimulates the xenophobic attitudes of the local population and vice versa.

None of these difficulties, however, are insurmountable. With good will and flexible planning by the government, some causes can be eliminated, while others can be addressed and neutralized. While the conditions of refugees are difficult to predict and hard to eliminate prior to the refugee's arrival, it is the conditions and attitudes of the host community that fall under responsibility of the host government and can be influenced to facilitate refugee education. By proactively tackling these issues, the implementation of refugee education for children will not only proceed more smoothly, but will also significantly reduce negative byproducts of the delay in education,[236] as well as the reactive measures that may be required in exacerbated situations.[237]

2.5 Summary

The United Nations and the European Union provides extensive protection of refugees and of children; when provisions do not overlap, they complement each other. One of the common areas of protection for refugees and children is education. For refugees, education is a primary means of integration; for children education is a means of intellectual and physical development. For refugee children, education serves a multiplicity of functions (education, development; integration, resettlement, repatriation; socialization; learning tolerance; sense of normalcy). However, the straightforward EU provisions guaranteeing education for refugee

[236] Some side-effects of the delay in education are: delayed normalization of daily life, delayed integration, and delay in educational success.
[237] For instance, corrective methods for violent refugee children.

children even when integration may not be the goal reinforces the importance of education for education's sake. Despite the unambiguousness of the legislative framework, a number of factors hinder the implementation of refugee education. Of those, it is the conditions and attitudes of the host community that the government has the biggest chance of affecting long-term, and in that way, facilitating refugee education in the long run. Furthermore, the neutralization of even a few factors can result in positive changes due to a decrease in the exacerbation of factors by each other.

Education of Refugee Children in Hungary

Most refugee children living in camps in Hungary are consistently not engaged in any educational activity. While this constitutes a problem, it is not at all unusual for the Central European region.[238] First, this chapter provides a brief overview of Hungary's educational system, as well as its refugee protection. Subsequently, the education of refugee children living in Hungarian refugee centers is explored through legislation and current practice in reception centers in Debrecen and Bicske. Finally, the chapter elaborates on the main issues currently facing refugee education.

3.1 Education: Legislation & Practice

Horizontally, education in Hungary is the primary responsibility of the Ministry of Education in association with other ministries, such as the Ministry of Employment and Social Affairs, the Ministry of Finance, and the Ministry of Justice and Law Enforcement.[239] Vertically, the administration of public-sector schools, attended by the majority of the child population, is decentralized and shared among the national (central), regional (local), and institutional levels.[240] The pre-primary, primary, and secondary educational establishments are administered by local governments, who enjoy substantial decision-making autonomy regarding organization, functioning, and budgeting.[241]

Pre-primary education caters to children aged 3 to 7. It is optional until the age of 5. The final year pre-primary education is compulsory, and correlates to children beyond the age

[238] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education
[239] Ministry of Education and Culture. (2006). Education in Hungary, http://www.okm.gov.hu/main.php?folderID=68&articleID=454&ctag=articlelist&iid=1
[240] *Ibid.*
[241] *Ibid.*

of 5.[242] It is relevant to note that "[p]ublic-sector institutions may only charge for services additional to their basic tasks, for instance, extra-curricular activities, meals, excursions, etc."[243]

Therefore, compulsory full-time education begins at the age of 5 or 6 and ends at the age 18.[244] "Vocational studies may not be commenced before the age of 16, up to which pupils are to acquire fundamental education."[245] Public-sector institutions catering to compulsory education must be free of charge according to the law.[246]

Admission to primary school requires a declaration of school-readiness.[247] Schools are under obligation to enroll all acceptable students who live within the specified area. However, parents may enroll their children in any institution.[248] Upper secondary educational institutions conduct entrance procedures for admission, per Ministry of Education guidelines.[249]

Classes consist of students of the same age and both genders. Students are assessed through written and oral work throughout the school year, but cannot be made to repeat the first year of primary school.[250] Furthermore, the Act on Public Education was revised in 2004, establishing that students' knowledge and abilities should be assessed in written, individual analysis that goes beyond the traditional numeric scale of 1 to 5.[251] During the first three years of primary education, a student may repeat a year only with the consent of the parents, and no numeric-based evaluation is conducted.[252]

[242] Ministry of Education and Culture. (2006). Education in Hungary, http://www.okm.gov.hu/main.php?folderID=68&articleID=454&ctag=articlelist&iid=1
[243] *Ibid.*
[244] *Ibid.*
[245] *Ibid.*
[246] *Ibid.*
[247] *Ibid.*
[248] *Ibid.*
[249] *Ibid.*
[250] *Ibid.*
[251] *Ibid.*
[252] *Ibid.*

To proceed to tertiary level education, students must pass the maturity exam (*Érettségi Vizsga*).[253] Only four-year high school programs, such as general secondary school (*Gimnázium*) and vocational secondary school (*Szakközépiskola*) offer the possibility to directly proceed to the maturity exam. Two-plus-two year programs, such as the vocational training school (*Szakiskola*), require additional schooling to sit for the maturity exam.[254]

"Integrated education is compulsory as of September 2003 in all public educational institutions and mixed ability groups are set up in all schools,"[255] except for "completely deaf, blind or semi-seriously, seriously mentally [disabled] pupils."[256] The government organizes special education teacher trainings to facilitate integrated education. After finishing general school, pupils with special needs may continue their studies in special vocational training schools as well.[257] Although special needs are not defined on the Ministerial webpage, they are only referred to in the context of physical and mental impairment.

In general, Hungarian provisions fully comply with international obligations, while some provide even more extensive rights and protections. One such provision is the augmented age of compulsory education, and the extension of fundamental education. The departure from numeric-based evaluation during the first three years of primary education can help focus education on mental and physical development rather than achievement, as called for in international documents.

[253] Ministry of Education and Culture. (2006). Education in Hungary, http://www.okm.gov.hu/main.php?folderID=68&articleID=454&ctag=articlelist&iid=1
[254] *Ibid.*
[255] *Ibid.*
[256] *Ibid.*
[257] *Ibid.*

3.2 Refugees

3.2.1 Refugee Trends in Historical Context

The first refugee office in Hungary was created due to a large influx of refugees in the wake of World War I.[258] After World War II, there was no refugee management agency, and the few refugees who were granted asylum were admitted solely on the basis of their communist ideology.[259] This was reflected in the single existing provision on refugees: "Everybody who is persecuted for his democratic behavior, or for his activity to enhance social progress, the liberation of peoples or the protection of peace, may be granted asylum."[260] In 1987, the influx of Romanian refugees of Hungarian origin prompted an informal change in public policy to allow their stay, at least temporarily.[261] In 1988, a Resettlement Fund was created to finance support services for refugees.[262] With no prospect that refugee flows would decrease, in addition to hopes of receiving international funds for refugees,[263] Hungary acceded to the Refugees Convention and its Protocol in 1989,[264] which resulted in legislative changes and the creation of an official refugee authority.[265] Hungary, however, cited a geographical limitation to the Convention—it would only grant refugee status to European refugees.[266] In the 1990s, the Yugoslav wars caused new inflows of refugees.[267] In 1998, under pressure from the European Union, Hungary lifted its

[258] Dobo, I. (1999). 10 years' work for refugees, *Refugees in Hungary IV*, p.74
[259] *Ibid.*, p.74
[260] Nagy, B. (1991). Before or after the Wave - Thoughts on the Adequacy of the Hungarian Refugee Law, 1991 3(3):529-540, p.530, footnote 3
[261] Dobo, *supra.*, p.74
[262] *Ibid.*, p.74
[263] *Ibid.*, p.74
[264] UNHCR (2008). States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, As of 1 October 2008
[265] Dobo, *supra.*, p.74
[266] Fullerton, M. (1996). Hungary, Refugees, and the Law of Return. *International Journal of Refugee Law*, Vol. 8 No. 4, 1996, pp.499-531, p.501
[267] Jakobi, G. (2006). Hungary reflecting global trend as number of refugees decreases, *Insight Central Europe,* http://incentraleurope.radio.cz/ice/article/80435

geographical limitation.[268] In 2004, Hungary acceded to the European Union, binding itself to all existing and future European Union refugee instruments.

As illustrated, Hungary has experienced a significant shift in the past twenty years. Until 1987, it was a refugee-generating country; since then, Hungary has become a refugee-receiving country.[269] Since the end of conflicts in the nearby region, the number of asylum seekers continues to decrease,[270] despite some expectations to the contrary after the EU accession.[271] However, while it was considered a transit country in the past by both asylum seekers and the government, the accession to the European Union and the ensuing Dublin Regulation[272] has converted Hungary into a country of final destination.[273] This shift in asylum patterns has resulted in an increasing need for long-term solutions, rather than the short-term assistance that was needed in the past.[274] While Hungary's passive policy on migrant integration and general prejudice of the local population[275] may be explained by past experiences,[276] catering its benefits for long-term solutions is a challenge that must be tackled.[277] Providing education to refugee children is part of that challenge.

[268] Keser, H. (2006). Justice and Home Affairs: Europeanization of the Turkish asylum and immigration policy in the light of the Central and Eastern European Experience, *Ankara Review of European Studies*, Vol 5, No 3 (Spring 2006), pp.115-130, p.121

[269] Fullerton, M. (1996). Hungary, Refugees, and the Law of Return. *International Journal of Refugee Law*, Vol. 8 No. 4, 1996, pp.499-531, p.500

[270] The decrease in asylum claims may also be credited to increased border control, which has led human trafficking networks to use alternative routes [Szobolits, A. (2005). Asylum in Hungary; Crisis averted but challenges emerging. *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/component/content/article/19-news/64-asylum-in-hungary-crisis-averted-but-challenges-emerging?directory=4].

[271] International Organization for Migration (2009). Migration Issues, Hungary. *Migration Initiatives, Appeal 2009*, http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/mi/hungary.pdf

[272] See footnote 194

[273] Sunjic, M. (2005). Hungary sees need for better integration as more refugees stay. *UNHCR*, http://www.unhcr-budapest.org/index.php/news/72-hungary-sees-need-for-better-integration-as-more-refugees-stay

[274] Szobolits, *supra.*

[275] European Refugee Fund (2007). Country Report: Hungary, 9c. Sociocultural environment, http://pomocprawna.home.pl/dosciagniecia/ICF/4Hungary200705.pdf, p.23

[276] Tóth, J. (2007). Migratory movements: History, trends, rules and impacts of EU enlargement in Hungary, http://www.migrationeducation.org/fileadmin/uploads/Hungarymigration_2007.pdf

[277] Szobolits, *supra.*

3.2.2 Legislation

As part of the Ministry of Justice and Law Enforcement, the Office of Immigration and Nationality (OIN) is responsible for refugees.[278] All legal provisions pertaining to refugees are found in Act LXXX of 2007 on Asylum (hereinafter: Asylum Act). Due to its accession to the European Union, Hungarian law has been harmonized with international and regional conventions. The definition of a refugee[279] mirrors that in the Refugees Convention.[280] As all other member states of the European Union, Hungary also grants subsidiary and temporary protection in accordance with the EU directives.[281] In line with the principle of *non-refoulement*, Hungary grants temporary shelter to persons who do not qualify for refugee, subsidiary or temporary protection, but may face the death penalty, torture or any other form of inhumane or humiliating treatment upon deportation; they are referred to as "exiles."[282]

The Asylum Act asserts that refugees have the same rights and obligations as Hungarian citizens:

> (1) Unless a rule of law or government decree expressly provides otherwise, except as set out in subsections (2) and (3), a refugee shall have the rights and obligations of a Hungarian citizen.
>
> (2) A refugee
>
> *a*) shall have no suffrage except for elections of local municipality representatives and majors, local referenda and public initiative;
>
> *b)* may not fulfill a job or responsibility and may not hold an office, the fulfillment or holding of which is tied by law to Hungarian nationality.

[278] Office of Immigration and Nationality (n.d.). Review of the Office of Immigration and Nationality Ministry of Justice and Law Enforcement. Retrieved March 29, 2009, from http://www.bm-bah.hu/a_bah_ismertetese.php

[279] Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007, Article 6(1)

[280] Convention relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950, Article 1 (2).

[281] Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 – 0023*; Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*

[282] Parliament of Hungary (2007). Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, Article 2(f)

(3) A refugee shall be entitled to

a) an identity card determined in separate legal rule and a bilingual travel document specified by the Geneva Convention;

b) provisions, benefits and accommodation under the conditions determined in the present Act and in separate legal rule.[283]

Beneficiaries of subsidiary protection enjoy the same rights and obligations as refugees, except:

(2) In deviation from Section 10, subsection (3), paragraph a), a beneficiary of subsidiary protection shall be entitled to the travel document determined in a separate legal rule.

(3) A beneficiary of subsidiary protection shall have no suffrage.[284]

Beneficiaries of temporary protection are entitled to:

a) a document verifying his/her identity;

b) a travel document, as determined in separate legal rule, authorizing a single exit and return, if s/he has no valid travel document from his/her country of origin;

c) provisions, benefits, and accommodation under the conditions determined in the present Act and in separate legal rule,

d) employment according to general rules applicable to foreigners.[285]

The main separate legal rule accompanying the Asylum Act is Government Decree 301/2007, detailing exact benefits that refugees are entitled to, such as the granting of three meals a day in reception centers[286] or spending money.[287] Its provisions on education are covered in a subsequent section.

[283] Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007, Article 10(1)
[284] *Ibid.,* Article 17 (1).
[285] *Ibid.,* Article 22 (1).
[286] Government Decree 301/2007 (XI.9.) on the execution of Act LXXX of 2007 on asylum, Article 21(1)(b)
[287] *Ibid.*, Article 42

3.2.3 Asylum Procedure in Practice

An individual requesting asylum is first accommodated in Reception Center Bekescsaba, where the preliminary assessment procedure of the application takes place.[288] The screening procedure consists of checks such as fingerprinting and medical exams. The procedure is conducted within fifteen days in closed conditions.[289]

Applicants are subsequently moved to Reception Center Debrecen, where they stay throughout their in-merit procedure.[290] The procedure must be completed within sixty days,[291] which can be extended with an additional thirty days. If they are denied asylum, applicants have fifteen days to submit an appeal.[292] The court must decide within sixty days of receiving the statement.[293] If the appeal is denied, they either have to leave the country, or they may obtain the status of a "tolerated" person[294] in which case they move to Community Shelter Nyirbator.[295] In the case that asylum on the basis of refugee or subsidiary protection status is granted, refugees remain in Debrecen until they obtain the necessary social-related documentation, such as a Hungarian identity card and a national health insurance card.[296] As a result, the initial seventy-five-day projection may be prolonged to nine months or even a year.[297]

After obtaining protection status and all the necessary paperwork, the refugees move to Reception Center Bicske, which functions as a pre-integration center.[298] Length of stay is

[288] Szobolits, A., Sunjic, M. (2008). New Camp Setup in Hungary sends Refugees on the Move, *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/84-new-camp-setup-in-hungary
[289] Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007, Article 47 (2)
[290] Szobolits & Sunjic, *supra.*
[291] Parliament of Hungary, *supra.*, Article 56 (3)
[292] *Ibid.*, Article 68 (2).
[293] *Ibid.,* Article 68 (3).
[294] Parliament of Hungary (2007). Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, Article 2(f)
[295] UNHCR National Protection Officer (2009, May). Personal communication.
[296] Welfare and Integration Department of the Office of Immigration and Nationality (2009, March). Personal communication.
[297] UNHCR National Protection Officer (2009, July). Personal communication.
[298] Szobolits & Sunjic, *supra*

six months, with a possible extension of another six months.[299] The next step is life within the community.

3.2.3.1 Unaccompanied Minors

In the cases of unaccompanied minor asylum-seekers, the process is slightly modified. Unaccompanied minors are foreigners who enter Hungary before the age of eighteen without an adult responsible for them by law or custom, and remain unsupervised.[300] Due to their vulnerability, unaccompanied children require special consideration. In the asylum procedure, they are represented by an appointed guardian.[301] The law specifies that, the asylum procedure of an unaccompanied child shall have priority.[302] In practice, the child should not be kept in closed conditions; therefore, the screening process at Reception Center Bekescaba should be conducted promptly, so that the child may move directly to the Home for Unaccompanied Refugee Minors in Bicske.[303] Unlike other centers, the Home accommodates both children going through the in-merit procedure, and those who have obtained refugee or subsidiary status.[304]

3.3 Education of Refugee Children

3.3.1 Legislation

Act LXXIX of 1993 on Public Education, as amended, stipulates the provisions on education applicable to refugee children. Article 110 states that:

> (1) Non-Hungarian nationals are subject to mandatory schooling in Hungary if they are of child age without an escort applying for asylum, are refugees, persons

[299] ERSO (2009). National Asylum and Return Policy of Hungary, http://www.erso-project.eu/partners/national-asylum-return-policy/hungary
[300] Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007, Article 2(f)
[301] Hungarian Interchurch Aid (2009, March). Personal communication.
[302] Parliament of Hungary *supra.*, Article 35(7)
[303] Hungarian Interchurch Aid, *supra.*
[304] *Ibid.*

> temporarily seeking shelter on Hungarian territory, asylum-seekers or immigrated, settled, holders of humanitarian residence permits or are of child age and hold a residence permit or humanitarian residence permit together with their parents. The fulfillment of these conditions must be demonstrated upon admission of the student to an educational institution.
>
> (2) If the period of residence within the territory of the Republic of Hungary
>
> *a)* does not exceed one year, then upon parent's request,
>
> *b)* does exceed one year, then by the power of this Act, the child shall become subject to mandatory schooling. Stipulations of Section *a)* are also applicable in the case of holders of residence visas.[305]

The act also specifies that individuals under Paragraph (1) have the same right as Hungarian nationals to nursery care, school care, and education and pedagogical special services, providing they are of compulsory school age or in the course of studies begun at compulsory school age and continued thereafter. [306]

While parents may request that their child be educated at any point during their stay, in the case that they do not, the state is not obligated to provide education until after one year of residence. This appears to be inconsistent with EU Council Directive 2003/9/EC, which states that education cannot be delayed for more than three months since the filing of the application, or exceptionally, up to a year if specific education is provided to facilitate access to mainstream education.[307] There is no provision in the national law regarding facilitatory education. Still, as an EU member state, Hungary is directly bound by Council Directives.

In 2005, the Minister of Education issued guidelines on intercultural education of kindergarten and school level education of migrant children and students.[308] One provision calls for the employment of at least one teacher specialized in teaching Hungarian as a foreign language; one teacher may be shared by two or more schools. Teachers with regular

[305] Parliament of Hungary (1993). Act LXXIX of 1993 on Public Education, as amended, reproduced by the Ministry of Education and Culture (2003). Abstract of Act LXXIX of 1993 on Public Education, as amended, Article 110(1)(2), http://www.okm.gov.hu/main.php?folderID=67&articleID=1543&ctag=articlelist&iid=1

[306] Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007, Article 110 (3)

[307] Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *Official Journal L 031 , 06/02/2003 P. 0018 – 0025,* Article 10(2)

[308] Minister of Education (2005, June 20). Communication. Regarding the introduction of the guidelines on intercultural education of kindergarten and school level education of migrant children and students, http://www.okm.gov.hu/doc/upload/200506/kindergarten_and_school_level_education_050620.pdf, p.1

diplomas for teaching Hungarian language and literature may be additionally trained through accredited programs.[309] Another provision states that the assignment of a student to a specific grade is made by the principal of the school, in consultation with the student's Hungarian-as-a-foreign-language teacher, the student's class head, the student's school record, and personal interview.[310] Additionally, "[m]igrant students may be exempted from written evaluation of their school performance in certain subjects, if the Hungarian as a foreign language teacher deems this justifiable."[311]

Government Decree 301/2007 contains provisions on financial support for refugee children attending compulsory education. Benefits differ for children whose status is still pending and children who are recognized refugees or beneficiaries of subsidiary or temporary protection. For applicants still in procedure, section 29.1 asserts that the refugee authority will reimburse the costs incurred in the practice of compulsory education, including dormitory placement.[312] Section 29.2 provides for the reimbursement of the cost of meals in schools, in addition to the school-related local and interurban travel expenses (single and monthly tickets).[313] The costs of textbooks and workbooks required by the school will also be reimbursed upon receipt of the invoice.[314] Section 30 provides for enrollment support for compulsory education; the child's legal guardian can apply for an annual lump-sum amount to purchase books, school supplies, and clothing.[315] The amount of the enrollment support is equal to the smallest retirement pension.[316]

Convention refugees and beneficiaries of subsidiary and temporary protection are granted additional financial support for education. For instance, costs for kindergarten

[309] Minister of Education (2005, June 20). Communication. Regarding the introduction of the guidelines on intercultural education of kindergarten and school level education of migrant children and students, http://www.okm.gov.hu/doc/upload/200506/kindergarten_and_school_level_education_050620.pdf, p.1
[310] *Ibid.*, p.1
[311] *Ibid.*, p.1
[312] Government Decree 301/2007 (XI.9.) on the execution of Act LXXX of 2007 on asylum, Article 29.1
[313] *Ibid.*, Article 29.2
[314] *Ibid.*, Article 30.3
[315] *Ibid.*, Article 30.2
[316] *Ibid.*, Article 30.2

attendance and cost of meals will be reimbursed during the child's stay at the reception center.[317] Furthermore, as long as they are accommodated in the reception center, the costs of elementary and secondary education, including meals and travel, will be reimbursed if pursuant to compulsory education.[318] Additionally, beneficiaries may also request support for two semesters of university or graduate studies, in addition to dormitory stay and a language course pursuant to participating in higher education:[319] textbooks and workbooks may also be refunded, up to one hundred thousand Hungarian forints[320] per year.[321]

The Ministry of Education and Culture has also developed a "migrants normative." It calls for higher curriculum standards of each school, which is then eligible for a higher annual normative per each migrant student. However, practice shows that the standard is too high and the amount too little—only after the enrollment of fifteen migrant students does it become worth it.[322]

Furthermore, the Ministry has initiated a migrant working group to establish measures concerning migrant students. The group meets every two months and consists of representatives of governmental (OIN, Alien's Policing Department), educational (Ministry of Education and Culture, Hungarian Language School, Dob Street Elementary and Vocational School), and non-governmental (Menedek, UNHCR, Education Research Institute) organizations, in addition to independent experts. The working group has created the "Handbook to the Introduction and Implementation of the Intercultural Pedagogy in Schools"—a guide to achieve the migrant normative.

[317] Government Decree 301/2007 (XI.9.) on the execution of Act LXXX of 2007 on asylum, Article 45.1
[318] *Ibid.*, Article 45.2
[319] *Ibid.*, Article 45.4
[320] Approximately 350 Euro.
[321] Government Decree 301/2007 *supra.*, Article 45.5
[322] QeC-ERAN (2008). Mapping Report. Theme 2: Education and access to Housing and Health, http://www.kopintalapitvany.hu/futoprojekt/Education%20and%20access%20to%20Housing%20and%20Health.pdf

3.3.2 Current Situation

As previously elaborated, education is of vital importance to refugee children in normalizing their everyday lives within a reception center during their procedure, and subsequently, as recognized refugees. Hungarian law clearly stipulates that refugee children of compulsory school age should have the right to attend school at all stages of the asylum-seeking procedure, whether by default (residence of more than one year) or upon parental request, in addition to Council Directive 2003/9/EC requiring access to education within three months. However, a small minority of refugee children living in reception centers attend school. While there is a lack of segregated statistics for school attendance of refugee minors,[323] this information can be extrapolated from the statistics related to the education support provided for refugee children. During fiscal year 2008, thirty-seven individuals were reimbursed for education and training costs: nine refugees, six with subsidiary protection, and twenty-two asylum-seekers.[324]

3.3.2.1 Reception Center Debrecen

Of approximately 800 refugees in living in Reception Center Debrecen**,** 300 to 350 are children,[325] while approximately 130 are of school age.[326] The center belongs to the district of Csapókerti Elementary School, which has been running an international preparatory class since 2005.[327] The class is divided into two age groups where refugee children receive intensive language training. As children advance, they occasionally attend regular classes. Sports classes and field trips, however, are fully integrated. The goal of the special class is to

[323] For purposes of education statistics, refugee children are grouped with migrant children [European Migration Network (2009). National Report on Unaccompanied Minors, Hungary, p.38].
[324] Internal Document. Welfare and Integration Division of the *Office of Immigration and Nationality.* (2009). Statistics on Reimbursement of education and training costs and School-start benefit.
[325] UNHCR National Protection Officer (2009, May). Personal communication.
[326] *Ibid.*
[327] Szobolits, A. (2007). Going to school is the best thing that can happen to a refugee child, http://www.unhcr-budapest.org/index.php/news/78-going-to-school-is-the-best

gradually integrate the children into mainstream education.[328] However, the class can admit only twenty students at a time,[329] which is but a small percentage of the school age children in the Center.

According to the Director of Reception Center Debrecen, enrollment of refugees to the school depends on a variety of factors. From the school's perspective, it depends on the capacity of the school to receive the children. Once the school determines how many new places there are, the reception center selects the children that will attend. The selection procedure is mainly based on who has been at the center the longest, and what level of education the child has, in order to enroll children who are most likely to adapt most easily.[330]

Years ago, the large assembly room on Center grounds used to function as a school.[331] Since then, there is regular talk of the possibility of an educational program to be run within the Center, whether by the Center itself or by an NGO. For now, however, these talks have not come to fruition. There is currently no organized form of education for children living in Reception Center Debrecen, except for those twenty who attend Csapókerti.

3.3.2.2 Reception Center Bicske

Reception Center Bicske (hereinafter: Center) consists of three legally separate entities: (1) Reception Center Bicske; (2) Home for Young Adults; and (3) Home for Unaccompanied Refugee Minors. Reception Center Bicske functions as a pre-integration center and has 464 refugee places, but only half are occupied.[332] Approximately 40 children

[328] UNHCR National Protection Officer (2009, July). Personal communication.
[329] *Ibid.*
[330] Director of Reception Center Debrecen (2009, March). Personal communication.
[331] Refugee from Reception Center Debrecen (2009, March). Personal communication.
[332] Out of the 3,118 asylum applications filed in 2008, only 160 were granted [Budapest Times, The (2009). Refugee injured in escape attempt, http://www.budapesttimes.hu/content/view/11644/27/], although OIN statistics record that an additional. 81 persons were granted refugee status, and 88 persons were granted subsidiary

live there with their parents.[333] The Home for Young Adults[334] caters to young adults receiving refugee and subsidiary protection who filed their applications as unaccompanied minors, but turned eighteen before their status was determined.[335] They are not eligible for protection as minors or after care support,[336] but they still have special needs.[337] The Home for Unaccompanied Refugee Minors (hereinafter: Home) accommodates approximately 40 minors between the ages of 14 and 18.[338]

The role of the social workers in the Home for Unaccompanied Refugee Minors[339] is to structure daily activities, such as language practice and civic education.[340] Additionally, they develop individual care plans for each unaccompanied minor. One aspect of this development plan is the educational plan, which is designed by the social worker though consultations with the child.[341] The plan maps out a potential educational timeline for the child. Since the minors are aged 14 to 18, the timeline focuses on the time required to fulfill the educational requirements of elementary school to, thus, be enrolled into a high school program. Experience has shown that most children, who benefited from formal education prior to their arrival to Hungary, are able to learn Hungarian and complete the exams of the first eight years of elementary education in approximately two years.[342]

---

protection. Furthermore, 86 persons were granted tolerated stay [Internal Document. Office of Immigration and Nationality (2009)].

333 Hungarian Interchurch Aid (2009, March). Personal communication.

334 The Home for Young Adults was founded in January 2009, therefore, no objective data exists.

335 European Migration Network (2009). National Report on Unaccompanied Minors, Hungary, p.21

336 Once recognized, unaccompanied refugee minors become the responsibility of the national child protection service, which places them into permanent care. Once 18, they are entitled to after care support until the age of 24 [*Ibid.*, p.21].

337 *Ibid.*, p.21

338 *Ibid.*, p.20; Hungarian Interchurch Aid (2009, March). Personal communication.

339 Since January 2008, the Home has been run through the cooperation of OIN, Reception Center Bicske and the Hungarian Interchurch Aid (HIA). Reception Center Bicske, provides the Home with financial support, infrastructure and conducts the asylum procedure. HIA, on the other hand, is responsible for the standard of quality of the service and the professionals working within the Home. The Home employs one director, five social workers, and four other overseers of activities. The Home is supported by the European Union Fund (Hungarian Interchurch Aid (2009, March). Personal communication).

340 *Ibid.*.

341 *Ibid.*.

342 *Ibid.*.

3.3.2.2.1 Educational Programs

Refugee children residing in the Center may end up attending one of four educational options in Bicske: (1) Hungarian lessons in the Center; (2) local school in Bicske; (3) local school in Csabdi; (4) specialized program of the Hungarian Reformed Church. Placement depends on institutional capacities and individual abilities. Attendance rates per program are unavailable.

The Hungarian language is taught within the Center by a teacher of Hungarian as a second language. The classes provide valuable knowledge prior to school enrollment. However, the classes also delay integration and deprive the child of attending formal education, which grants a certificate upon completion. The practice of the Home for Unaccompanied Refugee Minors is that children usually spend a few months learning Hungarian within the Center, but should be enrolled in a school within three months.[343]

Some refugee children attend the local schools in Bicske and in nearby Csabdi. Education in these schools is integrated. However, the school in Csabdi was at risk of being closed for lack of students, until refugee children began attending and effectively saved it from closure.[344] While this turn of events expanded the refugees' access to public education, it brings up the question of the degree of integration in the classroom, which depends on the ratio of refugee students to Hungarian students. If there are more refugee students than Hungarian students, it is technically an integrated school, but not in practice.

The Hungarian Reformed Church runs a specialized program for refugee children aimed to integrate refugee children back into the school system. Its target group primarily consists of secondary-school aged children. The program works at two levels: it fosters cooperation with schools in Budapest who are willing and able to admit the minors, in

[343] Hungarian Interchurch Aid (2009, March). Personal communication.
[344] *Ibid.*.

addition to providing Hungarian classes to facilitate their integration. These two levels are designed to complement each other, as part of a single specialized program catered to the needs of refugee children. Launched in 2005, the program started with only five unaccompanied minors, who received Hungarian as a second language classes to facilitate their admission to high school. Since then, the program has grown annually. In 2008/2009, the program included twenty minors, both accompanied and unaccompanied.[345] The program seeks to strike a balance between education in an integrated classroom and catering to the refugee's special needs. By liaising with various Budapest schools, the program also seeks to provide each minor with multiple choices of high schools and thus, future professions. During the week, some minors stay in a dormitory in Budapest in order to attend school.[346] The program is funded by the European Refugee Fund.

3.3.3 Previous Experiences

One of Hungary's earliest practices in educating refugee minors was placing all refugee children into the first grade of elementary school in order to learn Hungarian.[347] This was not a healthy environment for a teenage refugee or for the six- and seven-year-old Hungarian children. Another practice that has since been abandoned was placing the refugee child into a Hungarian class according to age regardless of the level of knowledge of the Hungarian language. The minor did not have to take exams; the goal was to learn Hungarian. After the academic year was over, the refugee child was held back and attended the same classes again. This time around, the minor was expected to take exams, and thus, continue education with the other Hungarian children in the classroom.[348] This immersion system was

[345] Experience showed that children with families were more likely to regularly attend class, so a balance was struck between the ratio of accompanied and unaccompanied children [Hungarian Reformed Church (2009, July). Personal Communication].
[346] *Ibid.*
[347] Hungarian Interchurch Aid (2009, March). Personal communication.
[348] *Ibid.*

perhaps the best way to learn the language, seeing as the refugee child was forced to learn it. However, the psychological effects of such a practice are debatable. This is one example where the best interests of the child (physical and psychological well-being) may not coincide with the best interests of the government (the child learning Hungarian as soon as possible).

3.3.4 Current Issues

A variety of the previously elaborated factors influencing the implementation of refugee education are directly related to the current issues facing Hungary. The major shortcomings are a combination of conditions and attitudes of the host community. For instance, in 2008, a new policy allowed schools to request national funding based on the number of pupils. According to OIN, the local school in Debrecen requested money in August 2008 for the academic year 2008/09 for the refugee children that were currently at the reception center. However, after September, more refugee children arrived to the Center, and the school did not accept them because there were not enough places in the school and the deadline for applying for government support was in September.[349] Both the school and the government know that refugee flows are impossible to predict and that refugee children will be incoming throughout the school year. Restricting applications for funding to once or twice a year reinforces the substantial difficulties already existing in refugees' attempts to start school mid-year[350]; therefore, the children's access to education is also restricted. Here, attitude of the host community (local and political) is reflected in the condition (regulation) of the host community.

According to the new policy, schools are able to obtain additional funding in order to fulfill the special needs of refugee children. For instance, the creation of a language center in

[349] Welfare and Integration Department of the Office of Immigration and Nationality (2009, March). Personal communication.

[350] European Refugee Fund (2007). Country Report: Hungary, http://pomocprawna.home.pl/dosciagniecia/ICF/4Hungary200705.pdf, p.19

a school can be justified by the refugee children's need to learn Hungarian.[351] Naturally, this language center could also be used by Hungarian students for learning foreign languages. The local school in Debrecen made no effort to take advantage of this available funding, which could benefit both refugee and Hungarian students. The community's attitude is, therefore, reflected in the school's unwillingness to admit more refugees than they have to.[352]

Another condition of the host community hindering implementation is the lack of teachers trained to teach children of multicultural backgrounds, in addition to the children' special needs resulting from being refugees. Menedek-- the Hungarian Association for Migrants organizes trainings for teachers in multicultural pedagogy. The trainings are free of charge and award university credits. All of this is done in an attempt to motivate teachers to participate. Trainings are usually conducted for thirty teachers at a time.[353] The trained teachers, however, are a mere minority. Furthermore, apart from this voluntary training, there are no inspection mechanisms for this area.

The conditions and attitudes of the host community may intensify the conditions of the refugees. One of the guiding principles of the Act LXXX of 2007 on Asylum states that "[w]hen implementing the provisions of the present Act, the best interests and rights of the child shall be a primary consideration."[354] While education may be in the best interests of the child, it must be kept in mind that, by virtue of their special situation, refugee children are prone to experience the school setting and the educational program as foreign and alienating. Therefore, additional effort is required to assist the child in adapting to the system in order to have education be in the best interests of the child. As a result of the generally negative attitude towards minorities in Hungary,[355] including refugees,[356] in addition to the lack of

[351] Hungarian Interchurch Aid (2009, March). Personal communication.
[352] *Ibid.*
[353] Menedek—Hungarian Association for Migrants (2009, March). Personal communication.
[354] Parliament of Hungary (2007). Act on Asylum, Act LXXX, Article 4 (1). *Official Gazette,* June 27, 2007
[355] Nyiri, P. (2009). Students in Hungary reject rights for minorities, *Culture Matters, Applying Anthropology,* http://culturematters.wordpress.com/2009/02/06/students-in-hungary-reject-rights-for-minorities/

adequate conditions for their education, it is difficult to meet the best interests of the child one way or another. The ongoing debate in refugee education is whether integration or language training should have priority.[357] While, in theory, integration should take place as soon as possible, the existing conditions do not qualify integration in the best interests of the child. Therefore, in practice, language training often comes first.

A more technical aspect deterring effective education implementation is the Hungarian reception system. As elaborated previously, refugees stay in Debrecen during the procedure and then move to Bicske once they obtain protection status. Such a move requires additional adjustment from the child, thus, further delaying integration.[358] This is clearly not in the best interests of the child as demanded by the UN's CRC, EU's Council Directive 2003/9/EC[359] and 2004/83/EC,[360] and Hungary's Asylum Act.[361] Proof of this is the case of Valmir, a refugee child who, after three years at Csapókerti, is fully integrated among his peers and obtaining the highest grades in the regular classroom.[362] Valmir, however, is the exception; he has remained in Debrecen for so long because his family's status is "tolerated," and they have a special arrangement to study Hungarian in Debrecen instead of staying in Nyirbator where other tolerated persons stay.[363] Furthermore, the transitory nature of the system could also be used as an excuse to deny children in Debrecen education since they will soon be uprooted again.

356 UNHCR (2009). AGDM Report 2008: How Refugees and Asylum Seekers Experience Life in Central Europe, p.24

357 Hungarian Interchurch Aid (2009, March). Personal communication; Hungarian Reformed Church (2009, July). Personal Communication.

358 UNHCR National Protection Officer (2009, July). Personal communication.

359 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *Official Journal L 031 , 06/02/2003 P. 0018 - 0025*, Article 18(1)

360 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 - 0023*, Article 20(5)

361 Parliament of Hungary (2007). Act on Asylum, Act LXXX, Article 4 (1). *Official Gazette,* June 27, 2007

362 UNHCR National Protection Officer, *supra.*

363 *Ibid.*

The inadequacy in conditions creates a substantial disadvantage to minors unable to attend school as soon as possible, in addition to creating a discriminatory gap for refugee minors who might miss out on school because they arrived to Hungary at an inopportune date. Furthermore, due to the lack of places, the quality of education that each refugee child receives varies according to placement and program. Therefore, it cannot be claimed that refugee children have full access to the education system neither under the same nor similar conditions as nationals, as stipulated in Council Directives 2004/83/EC and 2003/9/EC, respectively.[364]

3.4 Summary

Hungary's legislation relating to refugees and the education of refugee children is mostly in line with the United Nations and European Union normative. However, due to the nature of EU directives, Hungary maintains discretionary power over its implementation.[365] Herein lies the problem. As a country with effectively no tradition of refugee integration beyond that of ethnic Hungarians, the negative attitudes of the host community result in the reluctance of institutional structures to implement the existing policies to facilitate the education of refugee minors. This is clear from the current situation in the reception centers in Debrecen and Bicske: only a small percentage of refugee children living in the centers attend formal education. There are no indications that the political resolve to change the *status quo* exists.

[364] Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 – 0023*, Article 27; Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *Official Journal L 031 , 06/02/2003 P. 0018 - 0025*, Article 10(1)

[365] Member states are bound by the outcomes required by directives, but the methods of implementation are discretionary (Treaty establishing the European Community (Nice consolidated version) - Part Five: Institutions of the Community - Title I: Provisions governing the institutions - Chapter 2: Provisions common to several institutions - Article 249 - Article 189 - EC Treaty (Maastricht consolidated version) - Article 189 - EEC Treaty, *Official Journal C 325 , 24/12/2002 P. 0132 - 0132, Official Journal C 340 , 10/11/1997 P. 0278 - Consolidated version, Official Journal C 224 , 31/08/1992 P. 0065 - Consolidated version, (EEC Treaty - no official publication available)*, Article 249.

Recommendations

Hungary is not the only member state struggling with the implementation of refugee education since the adoption of Council Directives 2003/9/EC and 2004/83/EC. This is no surprise, seeing as many factors affect the successful implementation of refugee education, as previously elaborated. The following chapter presents recommendations that may facilitate the implementation of refugee education in Hungary and minimize the tendency of refugee children to fall through the cracks of well-intentioned policies. Recommendations range from minor, easily applied methods of facilitating the implementation of refugee education to more elaborate strategies, which require substantial policy changes. Some of the recommendations may be implemented by NGOs, as well as the government, since the lack of political resolve may prove to be difficult to overcome. While some of the recommendations address the lack of political resolve and xenophobic attitudes, others that do not. The goal of presenting a variety of recommendations is to demonstrate that the implementation of refugee education can be facilitated by various simultaneous means. Rather than mutually exclusive, many of the recommendations are complementary.

4.1 A Refugee System in the Best Interests of the Child

As previously explained, after obtaining protection status, refugees move from Debrecen to Bicske. Refugee children who attend school are, therefore, often uprooted from an environment they have only just become used to. In order to have the Hungarian refugee system be more child-friendly and encouraging of integration, families with school-age children should not be moved unless absolutely necessary. Once families are granted protection, necessary support should be provided to enable them to settle in Debrecen, if they

choose to do so.[366] This kind of benefit is already provided to unaccompanied minors who spend both the in-merit procedure and subsequent pre-integration in Bicske.

4.2 Familiarity with Legal Provisions of Refugee Education

Practice has also shown that there is little familiarity among the Debrecen municipality and school with the legal provisions of the migrant normative,[367] and the additional funds that can be applied for. One reason for this is the complicated text of the ministerial decree establishing the normative.[368] Another reason is the lack of interest of any group, governmental or not, to provide a simple explanation on how to fulfill the normative. It is the government's responsibility to promote the measures it has adopted through its educational sector, so that they may be applied instead of ignored. To avoid school's purposeful ignorance, all school directors should be briefed on the migrant normative.

4.3 Emphasizing the Benefits of Refugee Students

The added value that refugee students bring to the classroom is often overlooked and rarely highlighted. Apart from an integrated classroom, refugee children can provide unique insights and experiences that contribute to the learning of all.[369] Furthermore, a good education is meant to teach tolerance and prepare students for living in a diverse democratic society; valuing the presence of refugee children in the classroom is one means of doing that.[370] "Schools can [also] use the issue of refugees as one of many relevant topics to explore global interdependence, conflict resolution, diversity, human rights, social justice and

366 UNHCR National Protection Officer (2009, July). Personal communication.
367 *Ibid.*
368 *Ibid.*
369 Ali, E., Jones, C. (2000). Meeting the educational needs of Somali pupils in Camden schools. Camden Local Education Authority, p.6
370 Refugee Education and Training Working Group (1989). Refugee education policy for the 1990s. Towards implementing the Refugee Education Charter, p.3

institutional and individual responsibilities in many contexts."[371] The municipalities and the local schools should, therefore, take an active role in promoting the benefits that refugee students bring.

4.4 Language Training and Educational Activities within the Center

Since the asylum procedure in Debrecen tends to be protracted and school places are limited, language courses and educational activities for children should be offered within the Center. While this is far from an ideal solution, the current situation in Debrecen is alarming. Refugees, including children, are idle days on end. Therefore, some kind of activities for children must be organized on a daily basis. The longer children stay out of school, the more difficult it is to reintegrate them.[372] The same is true for participating in educational activities. Thus, the most efficient activities in the long run are language training and educational activities. A significant amount of children in Debrecen will be granted protection status. Having them participate in daily educational activities will prepare them for Csapókerti Elementary School should a place become available. The children who are not granted status will still have benefited developmentally from the educational activities and language courses.

It is relevant to note that this solution should only be temporary. Children should have access to the local school system as soon as their language abilities reach an adequate level. However, the worst possible outcome is that children will attend the activities in the Center while they are in Debrecen, which should not be longer than one year. Establishing such activities in Reception Center Bicske would further delay integration, and its temporary nature might become a standard.

[371] Home Office (2009). Celebrating Diversity. *The Integration of Refugee Children, Good Practice in Educational Settings,* http://nrif.homeoffice.gov.uk/education/primaryeducation/contributingtothecommunity/celebratingdiversity.asp?oi=02-02-00

[372] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education

4.5 Strong Political Resolve and Resource Allocation

Strong political resolve is needed to push through policies necessary for the implementation of education of refugee children. For instance, in Poland, in 2005, only 47% of school-aged refugee children could attend school. The Polish government took appropriate measures, and in 2008, 98% of refugee children were admitted to schools.[373] Measures included amendments to the educational law, specialized trainings about multicultural teaching, in addition to free Polish lessons for a year for those who attend compulsory education.[374] Furthermore, the new law entails the right to (a) tutorial assistance in the native language, and to (b) extra classes to catch up on knowledge in other subjects. Such activities are organized by school management.[375] In addition to political resolve, sustainable funding is also required for such implementation[376]; still, political resolve remains a significant factor in resource allocation.

4.6 Adapting the Educational System

Currently, the educational system is not refugee-child friendly. While there are a number of different options for refugee children, placement is still far from guaranteed, and refugee children are often hand-picked to enroll in different programs. However, having become a country of final destination, the demand for the placement of refugee children in secondary schools has increased.[377] Apart from the best interests of the child maxim, there are no practical regulations or recommendations for accommodating measures for the special

[373] Lengyel, J. (2009). Poland Improving Refugee Education. UNHCR. Regional Representation for Central Europe, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education
[374] *Ibid.*
[375] *Ibid.*
[376] Sunjic, M. (2008). Under-funding Leads to Trouble in Hungarian Reception Centres. UNHCR Budapest, http://www.unhcr-budapest.org/index.php/news/88-under-funding-leads-to-trouble
[377] Sujic, M. (2006). Young asylum seekers and their teachers face a test in some European nations, *UNHCR Budapest,* http://www.unhcr-budapest.org/index.php/news/61-young-asylum-seekers-and-their-teachers-face-a-test-in-some-european-nations

needs of refugee children regarding enrollment and examinations. Therefore, Hungary must adapt its educational system to be able to provide free, quality, and sustainable education of equal access for refugees. An example of a more adapted educational model for migrants, including refugees, is Italy's immediate integration through the experimental Different Abilities Classes model.

4.6.1 Immediate Integration through the Different Abilities Classes Model

Integration "begins from the day a refugee arrives within the new host society."[378] Being a primary means of integrating refugee children, it has been argued that education should start immediately upon arrival. An example of immediate integration of migrant children, and hence, refugee children, into the educational system, and the integrated Different Abilities Classes model currently implemented is illustrated through the example of Italy.

With its migrant population on a steady rise and its student population of non-Italian citizenship reaching a record high of over half a million in the 2007/2008 scholastic year,[379] Italy is a prime example of the necessity of political will to ensure education for all migrants. While the right to education of all children residing in Italy has been espoused since the 1990s, it was not until 2006 that national recommendations for implementation were designed in the form of (a) Guidelines for Welcoming and Integrating Foreign Pupils, and (b) General Guide to the Integration of Foreign Pupils and Intercultural Education.[380]

[378] European Council on Refugees and Exiles (2009). Integration, http://www.ecre.org/topics/integration

[379] Ministry of Education and Research (2008). Gli alunni stranieri nel sistema scolastico italiano [Foreign students in the Italian school system], Sevizio Statistico, http://www.pubblica.istruzione.it/dg_studieprogrammazione/notiziario_stranieri_0708.pdf, Tavola 9 [Table 9]

[380] Pampanini, G., Cristaldi, R. (2008). The 'Italian Model' of Intercultural Education: critical notes. *Forum 21 [Research]*, pp.50-57, http://www.coe.int/t/dg4/youth/Source/Resources/Forum21/II_Issue_No2/II_No2_Italian_model_ICL_educ_en.pdf, p.51

Regarding education, Italian and non-Italian minors are treated equally; the minor's legal status in the country is irrelevant.[381] Furthermore, schools must accept new students at any time during the scholastic year.[382] Students are to be enrolled in grades according to their age, unless the Teacher's Assembly decides a lower or higher grade would be more suitable.[383] The Teacher's Assembly is also in charge of distributing the non-Italian students into classes; however, creating classes with a majority of foreign students is to be strictly avoided.[384] Parental involvement is encouraged at every step of the child's educational journey.[385]

While the Italian model may sound perfect in theory, its implementation is difficult because it requires a curriculum adaptable to the migrant child and additional resources for the increased number of attending children and extra services that they may need (ex. intensive language training). Elementary school "Marco Polo" in the town of Prato is one of the four schools in the region currently implementing the experimental integrated Different Abilities Classes model. Classes are designed for children of the same age but of different abilities.[386] The following is an example of one school hour.

The teacher introduces the whole class to the learning topic of the hour. After a brief presentation, the teacher assigns an exercise to be answered through group work. The students assemble into three groups predetermined by the teacher, according to ability. Ability is "measured" by cognitive development and language fluency. Therefore, students in group A have a high level of both cognitive development and language fluency. Students in group B have a middle level of both, and students in group C may have a very low level in

[381] Presidential Decree n.394/1999, 31 August 1999, Regulation laying down implementing rules of the consolidated text of the provisions governing immigration and the status of the alien, pursuant to Article 1, paragraph 6, of Legislative Decree 25 July 1998 No 286. (OJ No 258, 03-11-1999 (Ordinary Supplement No. 190), Article 45(1)
[382] *Ibid.*, Article 45(1)
[383] *Ibid.*, Article 45(2)
[384] *Ibid.*, Article 45(3)
[385] Ministry of Education and Research (2008). The Development of Education. National Report of Italy, http://www.ibe.unesco.org/National_Reports/ICE_2008/italy_NR08.pdf, p.17
[386] Teacher from Marco Polo Elementary School (2009, July). Personal communication.

one of the two areas. Remaining in the same classroom, each group sets out to complete the exercise according to ability. For instance, students of group A may work individually and produce essays. Students of group B may discuss the matter among themselves and complete the exercise jointly. Students of group C may receive a simplified version of the exercise; they may express themselves through drawings, collages, single sentences, etc. The teacher takes turns assisting each group. After completing the exercise, students from different groups assemble into pairs and share the results of their exercises. The class ends with a summary of what was learned.[387]

The Different Abilities Classes model is perhaps the most effective integration method for formal education; it is equally accommodating for migrants, as for persons with disabilities, or other individuals who find it difficult to do well in the traditional classroom. However, being a new model, teaching plans are still in development; every school subject needs to be broken down per year and per learning unit, with appropriate exercises for each group. This requires substantial resources.[388]

4.7 Summary

The recommendations put forth in this chapter are some of the possible measures which can be taken to facilitate the entry of refugee children into mainstream education. Education being in the best interests of the child, the refugee system should be flexible to allow the refugee children in Debrecen to integrate on a long-term basis. The local schools should emphasize the benefits of having refugee students, in addition to becoming familiar with the legal provision on refugee education. A temporary solution meant to address the alarming situation of children's perpetual idleness in Debrecen is the establishment of language training and educational activities within the center. Reversing the current situation

[387] Teacher from Marco Polo Elementary School (2009, July). Personal communication.
[388] *Ibid.*

of numerous refugee children being out of school requires strong political resolve and resource allocation. Lastly, for the education of refugee minors to be sustainable in the long run, the educational system needs to be adapted to be able to accommodate the special needs of the growing numbers of refugee children in Hungary. Italy's Different Abilities Classes model shows that immediate integration and a successful educational format can be achieved simultaneously. While these recommendations are unlikely to change attitudes of the local population, they should be seen as a first step in improving the educational situation of refugee children living in Hungary's reception centers.

Conclusion

For a developed nation and a European Union member state, the level of refugee integration in Hungary remains low. The group most disadvantaged by this situation is refugee children who miss out on basic education, as well as integration and socialization. This is both surprising and alarming given the importance of basic education internationally and regionally.

Hungary is bound by international, regional, and national obligations to provide all refugee children access to education. Furthermore, the government has instituted a number of financial measures meant to facilitate the admission of refugee children to local schools (ex. the migration normative, reimbursement for school supplies). Yet, there is still no implementation; few refugee children staying in the reception centers of Debrecen and Bicske have access to education. The various issues encountered in attempting to provide these children with education demonstrated the inexistence of effective implementation mechanisms for refugee education. Xenophobic attitudes of the local population discourage schools from admitting refugee children, while the government does little, if anything, to encourage their admission. Therefore, the lack of political resolve results in the failure of refugee education in Hungary.

This thesis aims to fill a part of the gap resulting from the lack of academic work on the topic of refugee education in Central Europe. Therefore, further research focusing on the region is necessary in order to have a comprehensive analysis of refugee issues. This could provide contextual insight into the specificities of the problems faced in the region, such as xenophobia, low levels of integration, and lack of political will.

It has been established that consensus exists that education has a transformative character.[389] Numerous studies have shown the variety of benefits that education can provide, both for the individual and the society. The importance of education is confirmed by its inclusion in international conventions and discussions. Furthermore, one of the common areas of protection for refugees and children is, indeed, education. For refugees, education is a primary means of integration; for children education is a means of intellectual and physical development. For refugee children, education serves a multiplicity of functions (education, development; integration, resettlement, repatriation; socialization; learning tolerance; sense of normalcy).

European Union directives are unambiguous in their education provisions for refugee children. However, numerous factors hinder the implementation of refugee education. Of those, it is the conditions and attitudes of the host community that the government has the biggest chance of affecting long-term, and in that way, facilitating refugee education in the long run.

Despite being bound by an extensive legislative framework to provide refugee children with education, Hungary fails to do so. As a country with effectively no tradition of refugee integration beyond that of ethnic Hungarians, the negative attitudes of the host community result in the reluctance of institutional structures to implement the existing policies to facilitate the education of refugee minors. This is clear from the current situation in the reception centers in Debrecen and Bicske: only a small percentage of refugee children living in the centers attend formal education. This is a result of a multiplicity of factors, the primary sources being the lack of political resolve, accompanied by xenophobic attitudes of the locals.

[389] Arnove, R. F., Altbach, P. G., Kelly, G. P. (Eds.) (1992). Emergent Issues in Education. State University of New York Press, p1

The recommendations are some of the possible measures which can be taken to facilitate the entry of refugee children the mainstream education. Some of the recommendations address the problem of xenophobia and the lack of political resolve, while others do not. The goal of presenting a variety of recommendations is to demonstrate that the implementation of refugee education can be facilitated by various simultaneous means, and that political resolve, while important, can be circumvented with NGO activities and adequate resources. Furthermore, while these recommendations are unlikely to instantly change xenophobic attitudes of the local population, they should be seen as a first step in integration and in improving the educational situation of refugee children.

The lack of political resolve, in combination with xenophobic attitudes of the local population, results in the poor implementation of refugee education. However, this is no excuse to deny refugee children the right to education and, hence, development. Although generating political resolve would be most effective, various solutions to facilitate the implementation of refugee education exist.

"A név kőtelez" is a Hungarian saying, which translates as "nobility obliges"; it means that one is obliged by the values that one represents. Hungary, as a proud member state of the European Union is bound by regional human rights instruments and directives to provide refugee children with education. If Hungary counts itself in such company, it must accept the fact that "a név kőtelez."

Bibliography[390]

Abu-Laban, B., Abu-Laban, S. M. (1992). Primary education and national development: The case of Arab society. Arab Studies Quarterly; Spring/Summer92, Vol. 14 Issue 2 /3, pp.19-38

Adnan, A. H., Smith, E. (2001). The social functions of education in a developing country: the case of Malaysian schools and the role of Malaysian teachers. *Intercultural Education; Nov2001, Vol. 12 Issue 3, p325-337, 13p.*

Ali, E., Jones, C. (2000). Meeting the educational needs of Somali pupils in Camden schools. Camden Local Education Authority

Allain, J. (2001). The jus cogens nature of nonrefoulement, *International Journal of Refugee Law*, Oct 2001; 13, 4; pp. 533–558

Amnesty International (2008). Letter to The European Parliament Committee on Civil Liberties, Justice and Home Affairs. Amnesty Internationals concerns in regard to asylum seekers and refugees in Denmark, April 2008, http://www.sosmodracisme.econtent.dk/downloads/LIBE_AmnestyInternationalsRecommendations.pdf

Archer, D. (2006). The impact of the World Bank and the International Monetary Fund (IMF) on education rights. *Convergence*; 2006, Vol. 39 Issue 2/3, pp.7-18

Arnove, R. F., Altbach, P. G., Kelly, G. P. (Eds.) (1992). Emergent Issues in Education. State University of New York Press

Azar, M. (2009). Young people appeal to world leaders at UN Summit on Climate Change. Policy advocacy and partnerships for children's rights, http://www.unicef.org/adolescence/index_51189.html

Banki, S. (2004). Refugee integration in the intermediate term: a study of Nepal, Pakistan, and Kenya. Working Paper No. 108. New Issues in Refugee Research. UNHCR Evaluation and Policy Analysis Unit, pp.2-3

Bayefsky, A.F., Fitzpatrick, J. (Eds.). (2000). Human Rights and Forced Displacement. The Hague: Martinus Nijhoff Publishers

Beverlee, B. (2001). Toward Mediating the Impact of Forced Migration and Displacement Among Children Affected by Armed Conflict, Journal of International Affairs; Fall2001, Vol. 55 Issue 1, pp.35-58

Brickman, W. W. (2002). History of education. *Funk & Wagnalls New World Encyclopedia.*

Brighouse, H. (2006). *On Education: Thinking in Action*, New York: Routledge

[390] All internet pages were last accessed November 30, 2009.

Budapest Times, The (2009). Refugee injured in escape attempt, http://www.budapesttimes.hu/content/view/11644/27/

Candappa, M. (2000). The right to education and an adequate standard of living: Refugee children in the UK. The International Journal of Children's Rights 8: pp.261–270, p.268

Card, D. (2008). Returns to schooling. The New Palgrave Dictionary of Economics (2nd ed.) http://www.dictionaryofeconomics.com/article?id=pde2008_R000240&q=returns%20to%20schooling&topicid=&result_number=1

Chronicle of Higher Education. (2009). The nation students: Benefits of higher education. *Chronicle of Higher Education*; 8/28/2009, Vol. 56 Issue 1, p17-17

Cochetel, V. (2008). Worldwide context: Resettlement. Presentation at the conference "Resettlement as a Durable Solution" in Bucharest, Romania, from 7-9 May 2008, http://www.unhcr.se/en/Protect/Pdf/Slideshow_resettlement.pdf

Cohn, E., Addison, J.T. (1998) The economic returns to lifelong learning in OECD countries, *Education Economics*, 6, pp.253-307

Coleman, N. (2003). Non-Refoulement Revised Renewed Review of the Status of the Principle of Non-Refoulement as Customary International Law, *European Journal of Migration & Law*; Jan2003, Vol. 5 Issue 1, pp.23-68

Crisp, J. (2003). Refugees and the Global Politics of Asylum. Political Quarterly; Oct2003 Supplement 1, Vol. 74, pp.75-87

Dimitrijevic, V. (2006). Customary law as an instrument for the protection of human rights. ISPI Working Papers, p8-9, http://www.ispionline.it/it/documents/wp_7_2006.pdf

Dobo, I. (1999). 10 years' work for refugees, *Refugees in Hungary IV*, p.74

Elbedour, S., Bensel, R. ten, Bastien, D. T. (1993). Ecological Integrated Model of Children of War: Individual and Social Psychology, *Child Abuse and Neglect* 1993 (17), pp.805–819

Encyclopaedia Britannica (2009). Asylum, http://www.britannica.com/EBchecked/topic/40220/asylum

Encyclopaedia Britanica (2009). Education, http://www.britannica.com/EBchecked/topic/179408/education

Encyclopedia Britannica (2009). Family. Family law. *Encyclopedia Britannica Online*, http://search.eb.com/eb/article-232344

Encyclopaedia Britannica (2009). Human intelligence; the environmental viewpoint, http://www.britannica.com/EBchecked/topic/289766/human-intelligence/13352/The-environmental-viewpoint#ref82708

Encyclopedia Britannica (2009). Mammal. *Encyclopedia Britannica Online*, http://search.eb.com/eb/article-51701

Encyclopaedia Britanica (2009). Other developments in formal education. *Global trends in education*, http://search.eb.com/eb/article-281686

Encyclopaedia Britannica (2009). Social behaviour, animal, http://search.eb.com/eb/article-9110427

ERSO (2009). National Asylum and Return Policy of Hungary, http://www.erso-project.eu/partners/national-asylum-return-policy/hungary

European Commission (2009). The European Refugee Fund, http://ec.europa.eu/justice_home/funding/refugee/funding_refugee_en.htm

European Commission (2009). The Lisbon Treaty and Ireland. Ireland: Lisbon Treaty Progress, http://ec.europa.eu/ireland/lisbon_treaty/lisbon_treaty_progress/index_en.htm

European Council on Refugees and Exiles (2009). Integration, http://www.ecre.org/topics/integration

European Council on Refugees and Exiles (ECRE). (2009). Resettlement, http://www.ecre.org/topics/resettlement

European Migration Network (2009). National Report on Unaccompanied Minors, Hungary

European Migration Network (2009). The Organization of Asylum and Migration Policies in Hungary, HU EMN NCP Study 2009

European Refugee Fund (2007). Country Report: Hungary, http://pomocprawna.home.pl/dosciagniecia/ICF/4Hungary200705.pdf

European Refugee Fund: Final Evaluation of the first phase (2000-2004), and definition of a common assessment framework for the second phase (2005-2010), National Report on Hungary, http://ec.europa.eu/dgs/justice_home/doc/dg_eval_Hungary_0306_en.pdf

European Roma Information Office (ERIO). (2007). E-news 31/05/2007. Back to the homeland, http://www.erionet.org/site/basic100032.html

European Roma Rights Centre (ERRC). (2003). Germany criticised at United Nations children's rights hearing over expulsions of Roma. *Advocacy*. http://www.errc.org/cikk.php?cikk=351

Fletcher, S. (1994). Time is an important factor in the integration of refugees. Project 4. Refugee Studies Centre, RSC/MA/MZ-53.52 KCL

Fullerton, M. (1996). Hungary, Refugees, and the Law of Return. *International Journal of Refugee Law*, Vol. 8 No. 4, 1996, pp.499-531, p.501

Funk & Wagnalls New World Encyclopedia (2009). History of education.

Funk & Wagnalls New World Encyclopedia (2002). Mammal: Reproduction

Gorman, R. (1994). Poets, Playwrights, and the Politics of Exile and Asylum in Ancient Greece and Rome. *International Journal of Refugee Law*, 1994 6(3):402-424, Oxford University Press

Global Campaign for Education. (2009). Will the IMF's new lease on life ease or block progress towards education goals? http://www.actionaid.org/assets/pdf/EDUCATION%20ON%20THE%20BRINK.pdf

Hannum, H. in Joyner, C. C. (Ed.) (1997). The United Nations and International Law. Cambridge University Press

Hathaway, J. (1991). The Law of Refugee Status. Montreal: Butterworths, pp.6-10

Home Office (2009). Celebrating Diversity. *The Integration of Refugee Children, Good Practice in Educational Settings*, http://nrif.homeoffice.gov.uk/education/primaryeducation/contributingtothecommunity/celebratingdiversity.asp?oi=02-02-00

Institute for Higher Education Policy (1998). Reaping the Benefits: Defining the Public and Private Value of Going to College. *The New Millennium Project on Higher Education Costs, Pricing, and Productivity*. Washington, DC, http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/15/89/53.pdf

International Organization for Migration (2009). Migration Issues, Hungary. *Migration Initiatives, Appeal 2009*, http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/mi/hungary.pdf

J8 (2009). Frequently Asked Questions, http://www.j8summit.com/faq

Jakobi, G. (2006). Hungary reflecting global trend as number of refugees decreases, *Insight Central Europe*, http://incentraleurope.radio.cz/ice/article/80435

John-Steiner, V., Mahn, H. (1996). Sociocultural approaches to learning and development: A Vygotskian framework. *Educational Psychologist*; Summer/Fall96, Vol. 31 Issue 3/4, pp.191-207

Keser, H. (2006). Justice and Home Affairs: Europeanization of the Turkish asylum and immigration policy in the light of the Central and Eastern European Experience, *Ankara Review of European Studies*, Vol 5, No 3 (Spring 2006), pp.115-130, p.121

Kiem, E. (2007). UN General Assembly opens high-level meeting on children's issues. A World Fit for Children Plus. Newsline, http://www.unicef.org/worldfitforchildren/index_42168.html

Kneebone S. (Ed.) (2003). The Refugees Convention 50 Years On: Globalization and International Law. Hants: Ashgate

Kosowicz, A. (2007). Access to Quality Education by Asylum-Seeking and Refugee Children: Poland Country Report. Executive Summary, http://www.forummigracyjne.org/files/80/ExecutiveSummary.pdf

Lang, P. (1999). *Affective education in Europe*. Continuum International Publishing

Leise, E. (2007). Germany to Regularize "Tolerated" Asylum Seekers. *Migration Information Source, In the News*. http://www.migrationinformation.org/Feature/display.cfm?ID=593

Lengyel, J. (2009). Poland Improving Refugee Education. *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/167-poland-improving-refugee-education

Levin, H., Belfield, C., Muennig, P., Rouse, C. (2007). The Costs and Benefits of an Excellent Education for All of America's Children, http://www.ofy.org/uploaded/library/leeds_report_final_jan2007.pdf

Loescher, G, Betts, A., Milner, J. (2008). The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection Into the Twenty-First Century

Loescher, G. (2001). The UNHCR and World Politics: A Perilous Path. Oxford University Press, p1; Alston, G.C. (1912). Sanctuary. *The Catholic Encyclopedia*. New York: Robert Appleton Company. New Advent: http://www.newadvent.org/cathen/13430a.htm

Marphatia, A. A., Moussié, R., Ainger, A-M, Archer, D. (2007). Confronting the contraditions: The IMF, wage bill caps and the case for teachers. ActionAid, http://www.actionaid.org/assets/pdf%5CAAConf_Contradictions_Final2.pdf

Mayers, S. (2008). Contemplating education's purpose. *The Educational Forum, Vol. 72, Iss. 1; pg. 93, 2 pgs*, West Lafayette

McMahon, M. (2009). Function of Education: Socialization. *Research Starters Sociology; 2009, p1-7*

McMahon, W. W. (1998). Conceptual framework for the analysis of the social benefits of lifelong learning. *Education Economics*, Dec98, Vol. 6 Issue 3, pp.309-347

MDG Monitor. (2009). Browse by goal, http://www.mdgmonitor.org/browse_goal.cfm

Merriam-Webster Online Dictionary (2009). Educate, http://www.merriam-webster.com/dictionary/educating

Merriam-Webster Online Dictionary (2009). Education, http://www.merriam-webster.com/dictionary/education

Merriam-Webster Online Dictionary (2009). Socialize. Retrieved October 12, 2009 from http://www.merriam-webster.com/dictionary/socialization

Minister of Education (2005, June 20). Communication. Regarding the introduction of the guidelines on intercultural education of kindergarten and school level education of migrant children and students, http://www.okm.gov.hu/doc/upload/200506/kindergarten_and_school_level_education_050620.pdf

Ministry of Education and Culture. (2006). Education in Hungary, http://www.okm.gov.hu/main.php?folderID=68&articleID=454&ctag=articlelist&iid=1

Ministry of Education and Research (2008). Gli alunni stranieri nel sistema scolastico italiano [Foreign students in the Italian school system], Sevizio Statistico, http://www.pubblica.istruzione.it/dg_studieprogrammazione/notiziario_stranieri_0708.pdf , Tavola 9 [Table 9]

Ministry of Education and Research (2008). The Development of Education. National Report of Italy, http://www.ibe.unesco.org/National_Reports/ICE_2008/italy_NR08.pdf

Nagy, B. (1991). Before or after the Wave - Thoughts on the Adequacy of the Hungarian Refugee Law, 1991 3(3):529-540, p.530, footnote 3

NGO statement on meeting the protection needs of refugee children (2002). Global consultations on international protection third track, theme 4: Protection of refugee women and refugee children. *Refugee Survey Quarterly*, 2003; 22: pp.449-460

Nyiri, P. (2009). Students in Hungary reject rights for minorities, *Culture Matters, Applying Anthropology*, http://culturematters.wordpress.com/2009/02/06/students-in-hungary-reject-rights-for-minorities/

Office of Immigration and Nationality (n.d.). Review of the Office of Immigration and Nationality Ministry of Justice and Law Enforcement, from http://www.bm-bah.hu/a_bah_ismertetese.php

Pampanini, G., Cristaldi, R. (2008). The 'Italian Model' of Intercultural Education: critical notes. *Forum 21 [Research]*, pp.50-57, http://www.coe.int/t/dg4/youth/Source/Resources/Forum21/II_Issue_No2/II_No2_Italian_model_ICL_educ_en.pdf

Pollak, A. (2008). Discrimination and good practice activities in education: trends and developments in the 27 EU Member States. Intercultural Education, Vol. 19, No. 5, October 2008, pp.395–406

Porter, K. (2002). The value of a college degree. *ERIC Digest.* ERIC Clearinghouse on Higher Education Washington DC, http://www.ericdigests.org/2003-3/value.htm

Psacharopoulos, G., Patrinos, H. A. (2004). Returns to investment in education: A further update. *Education Economics*, Vol. 12, No. 2, August 2004, pp.111-133

QeC-ERAN (2008). Mapping Report. Theme 2: Education and access to Housing and Health, http://www.kopintalapitvany.hu/futoprojekt/Education%20and%20access%20to%20Housing%20and%20Health.pdf

Refugee Education and Training Working Group (1989). Refugee education policy for the 1990s. Towards implementing the Refugee Education Charter

Rudmin, F. W. (2003). Critical history of the acculturation psychology of assimilation, separation, integration, and marginalization. *Review of General Psychology*, Vol 7(1), Mar, 2003. pp. 3-37

Sanchez, J. R., Laanan, F. S. (1997). ERIC review--the economic returns of a community college education. *Community College Review*; Winter97, Vol. 25 Issue 3, pp.73-89

Schrader, M. (2008). Terms for IMF loans: IMF Watching Out for Poor in Crisis Loan Talks. November 25, 2008, http://www.imf.org/external/pubs/ft/survey/so/2008/POL112508A.htm

SIL International (1999). What is formal education? http://www.sil.org/lingualinks/literacy/referencematerials/glossaryofliteracyterms/WhatIsFormalEducation.htm

Sperling, G. B. (2001). Toward Universal Education. *Foreign Affairs*; Sep/Oct2001, Vol. 80 Issue 5, pp.7-13

Sunjic, M. (2005). Hungary sees need for better integration as more refugees stay. *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/72-hungary-sees-need-for-better-integration-as-more-refugees-stay

Sunjic, M. (2006). Young asylum seekers and their teachers face a test in some European nations, *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/61-young-asylum-seekers-and-their-teachers-face-a-test-in-some-european-nations

Sunjic, M. (2008). Under-funding Leads to Trouble in Hungarian Reception Centres. UNHCR Budapest, http://www.unhcr-budapest.org/index.php/news/88-under-funding-leads-to-trouble

Szobolits, A. (2005). Asylum in Hungary; Crisis averted but challenges emerging. *UNHCR*, http://www.unhcr-budapest.org/index.php/component/content/article/19-news/64-asylum-in-hungary-crisis-averted-but-challenges-emerging?directory=4

Szobolits, A. (2007). Going to school is the best thing that can happen to a refugee child, http://www.unhcr-budapest.org/index.php/news/78-going-to-school-is-the-best

Szobolits, A., Sunjic, M. (2008). New Camp Setup in Hungary sends Refugees on the Move, *UNHCR Budapest*, http://www.unhcr-budapest.org/index.php/news/84-new-camp-setup-in-hungary

Tooley, J. (2004). The Right to Education. *Economic Affairs*; Sep2004, Vol. 24 Issue 3, p.75-75, Blackwell Publishing, Oxford

Tóth, J. (2007). Migratory movements: History, trends, rules and impacts of EU enlargement in Hungary, http://www.migrationeducation.org/fileadmin/uploads/Hungarymigration_2007.pdf

UNDP (2008). Calculating the human development indices. Human Development Report 2007/2008. Technical note 1, http://hdr.undp.org/en/media/HDR_20072008_Tech_Note_1.pdf

UNESCO (2009). Education. EFA International Coordination. The EFA Movement. Dakar 2000. http://www.unesco.org/en/efa-international-coordination/the-efa-movement/dakar-2000/

UNESCO (2009). Education. EFA International Coordination. The EFA Movement. Jomtien 1990, http://www.unesco.org/en/efa-international-coordination/the-efa-movement/jomtien-1990/

UNESCO (2009). Overcoming inequality: why governance matters. EFA Global Monitoring Report. Oxford University Press, http://www.unesco.org/en/efareport/reports/2009-governance/

UNESCO (2009). Right to education, http://www.unesco.org/en/right-to-education

UNHCR (2008). States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, as of 1 October 2008, http://www.unhcr.org/3b73b0d63.html

UNHCR (2009). AGDM Report 2008: How Refugees and Asylum Seekers Experience Life in Central Europe

UNHCR (2009). Finding durable solutions: Local settlement. *Protecting Refugees*, http://www.unhcr.se/en/Protect/durable_solutions_en.html

UNHCR (2009). Resettlement. Protecting Refugees, http://www.unhcr.se/en/Protect/resettlement.html

UNICEF (2002). A World Fit For Children: An agenda both visionary and concrete, http://www.unicef.org/specialsession/wffc/index.html

United Nations (2008). Millennium Development Goals Report, United Nations Department of Economic and Social Affairs (DESA), http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf

United Nations (2009). United Nations Millennium Development Goals. Background. http://www.un.org/millenniumgoals/bkgd.shtml

United Nations Treaty Collection (2009). Status of the Convention on the Rights of the Child, New York, 20 November 1989, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

United States Committee for Refugees and Immigrants (2009). World Refugee Survey 2009 - Europe, http://www.unhcr.org/refworld/docid/4a40d2a6c.html

Van Buren, G. (1998). *The international law on the rights of the child.* The Hague: Martinus Nijhoff Publishers

Vila, L. E. (2000). The non-monetary benefits of education. *European Journal of Education*; Mar2000, Vol. 35 Issue 1, pp.21-32

Vygotsky, L. S. (1978). Mind in Society: the development of higher psychological processes. Harvard University Press

Wolfe, B.L. & Zuvekas, S. (1995) Nonmarket outcomes of schooling. *Institute for Research on Poverty*. Discussion Paper no. 1065-95, http://www.irp.wisc.edu/publications/dps/pdfs/dp106595.pdf

World Bank, The (2009). Education. At a glance. http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20040939~menuPK:282393~pagePK:148956~piPK:216618~theSitePK:282386,00.html

World Bank, The (2009): Education lending in FY 2009, Table 1, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:21510149~menuPK:489657~pagePK:210058~piPK:210062~theSitePK:282386,00.html

World Bank-IMF (2008). Global Monitoring Report 2008, p59, http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTGLOBALMONITOR/EXTGLOMONREP2008/0,,menuPK:4738069~pagePK:64168427~piPK:64168435~theSitePK:4738057,00.html#Complete_report

World Conference on Education for All (1990). Meeting Basic Learning Needs: A Vision for the 1990s. Background Document. New York, http://unesdoc.unesco.org/images/0009/000975/097552e.pdf

International, Regional, and National Legislation

A World Fit for Children, adopted by General Assembly resolution S-27/2 on 10 May 2002

Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984,

Charter of Fundamental Rights of the European Union – Chapter II – Freedoms, 2000, European Parliament, Council, European Commission

Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (Codified version) (Text with EEA relevance), *Official Journal L 339 , 06/12/2006 P. 0016 - 0035*

Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union /* COM/2005/0389 final */

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984, Art.3(1))

Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe, Rome, 4.XI.1950, Article 5(1)(d), Article 6(1).

Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 of 20 November 1989

Convention relating to the Status of Refugees, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950, Article 22(1)

Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, *Official Journal L 304 , 30/09/2004 P. 0012 – 0023*

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Official Journal L 212 , 07/08/2001 P. 0012 – 0023*

Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, *Official Journal L 031 , 06/02/2003 P. 0018 – 0025*

Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents, *Official Journal L 161 , 16/06/2001 P. 0038 - 0041*

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, *Official Journal L 050 , 25/02/2003 P. 0001 - 0010*

Declaration of the Rights of the Child, adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959

European Social Charter (revised) adopted by the Council of Europe, Strasbourg, 3.V.1996

Geneva Declaration of the Rights of the Child, adopted by the fifth Assembly of the League of Nations, 26 September 1924

Government Decree 301/2007 (XI.9.) on the execution of Act LXXX of 2007 on asylum

International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966

International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966

Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, Addis Ababa, Ethiopia, 10 September 1969

Parliament of Hungary (1993). Act LXXIX of 1993 on Public Education, as amended, reproduced by the Ministry of Education and Culture (2003). Abstract of Act LXXIX of 1993 on Public Education, as amended, Article 110(1)(2), http://www.okm.gov.hu/main.php?folderID=67&articleID=1543&ctag=articlelist&iid=1

Parliament of Hungary (2007). Act on Asylum, Act LXXX, *Official Gazette,* June 27, 2007

Parliament of Hungary (2007). Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

Presidential Decree n.394/1999, 31 August 1999, Regulation laying down implementing rules of the consolidated text of the provisions governing immigration and the status of the alien, pursuant to Article 1, paragraph 6, of Legislative Decree 25 July 1998 No 286. (OJ No 258, 03-11-1999 (Ordinary Supplement No. 190)

Proclamation of Teheran, Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968

Prohibition of child labour and protection of young people at work, 2000, European Parliament, Council, European Commission, Article 32

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 78(2)

Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe, Paris, 20.III.1952

Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution A/RES/55/25 of 15 November 2000

Resolution of the Council and the Ministers of Education meeting within the Council of 22 May 1989 on school provision for children of occupational travelers, *Official Journal C 153 , 21/06/1989 P. 0003 - 0004*

Resolution of the Council and the Ministers for Education meeting within the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education, *Official Journal C 162 , 03/07/1990 P. 0002 - 0003*

Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly Resolution 428 (V) of 14 December 1950, par.1

Treaty establishing the European Community (Nice consolidated version) - Part Five: Institutions of the Community - Title I: Provisions governing the institutions - Chapter 2: Provisions common to several institutions - Article 249 - Article 189 - EC Treaty (Maastricht consolidated version) - Article 189 - EEC Treaty, *Official Journal C 325 , 24/12/2002 P. 0132 - 0132, Official Journal C 340 , 10/11/1997 P. 0278 - Consolidated version, Official Journal C 224 , 31/08/1992 P. 0065 - Consolidated version, (EEC Treaty - no official publication available)*

United Nations Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10

United Nations Human Rights Committee (HRC), *General Comment No. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7)*, 10 March 1992

United Nations Millennium Declaration, General Assembly Resolution 55/2 of 18 September 2000

Universal Declaration of Human Rights, adopted by General Assembly on 10 December 1948

Cases

ECtHR, *Ahmed v. Austria* (1997) 25964/94

ECtHR, *Chahal v. UK (1996)* 22414/93

ECtHR, *Ryabikin v. Russia (2008)* 8320/04

ECtHR, *Saadi v. Italy* (2008) 37201/06

ECtHR, *Soering v. UK* (1989) 14038/88,

ICJ, *United States v. Iran*, ICJ Reports, 1980