

Access to Quality Education by Asylum-Seeking and Refugee Children

POLAND COUNTRY REPORT

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The main conclusion of this report is that further in-depth research on the subject covered by this study needs to be encouraged. The report's limited time frame did not allow for the gathering of all the relevant information, or the detailed analysis of some key issues, such as why some families settled in Poland (where their children benefited from the education on offer) while others migrated further (despite the fact that their children had started to integrate into the country).

The two-month exercise that resulted in this report has revealed a number of gaps that need to be addressed. An analysis of the system of education for alien children in Poland should be continued, and any discussion on this topic promoted. Closer analysis is certain to reveal other factors that affect the way in which refugee, asylum-seeking and tolerated children can indeed benefit from the right to quality education in the country.

The research shows that, in Poland, the legal framework for educating asylum-seeking, refugee and tolerated children is good. Polish law provides refugees with unimpeded access to all levels of education. Persons with tolerated stay have access to education, from the pre-primary to the upper secondary levels, with the possibility of continuing on to the tertiary level (although on a commercial basis, as is the case with other groups of aliens). This same right is guaranteed to the children of asylum-seekers.

The only groups with free access to public education are adult asylum-seekers, as well as unaccompanied and separated children seeking asylum. The Act on Education uses the expression "children of asylum-seekers" which does not consider the situation of those children who arrive in Poland without parents or caretakers.

While the right to education of these groups of children is guaranteed, there are too few legal guidelines for schools to ensure that this access is made possible in practice. The law is widely interpreted in the schools, and many practical aspects remain unsolved. A limited awareness of the fact that refugee and asylum-seeking children have a legal right to attend public schools in Poland continues to be a significant problem.

Despite the lack of guidelines, many Polish schools accept alien children from the three groups covered by this research, and struggle to solve the problems by themselves. Sometimes (as in the Góra Kalwaria area) the schools, in concert with local authorities and the management of reception centres, launch a joint endeavour to address the problems together. Yet, most schools feel they stand alone on this issue and do not receive the necessary support to cope with it.

In the context of providing quality education to refugee, asylum-seeking and tolerated children, the

challenges facing Poland focus on three crucial areas:

- **Legislation:** while legislation allows the right to education of the group of children covered by this report—with the exception of unaccompanied and separated children—it does not provide necessary guidelines to ensure that this education is of high quality. Regulations are needed in the context of the children's examinations and qualification.
- **Limited awareness of refugee and asylum-seeking children's rights:** some schools are not well informed about the right to education of these children, nor about the rights of the school when it hosts alien pupils. An important gap is the lack of recognition by many stakeholders of the right to information of both parents and children, and the children's right to be heard and to be involved in the search for solutions that concern them.
- **Lack of capacity of Poland's educational system** to respond to the specific needs of alien pupils who—for example—do not speak Polish as a first language, have experienced trauma, missed several years of schooling, or have not attended school in the past. The schools are not given the necessary methodological support and guidance to ensure that these children receive quality education. Among the important lacunae in this area are the lack of teaching tools and limited multicultural education (of the teachers, and within the school's curricula).

Many teachers complain that the current educational system is highly formalized, with little room for an individual approach to refugee, asylum-seeking and tolerated children. At the same time, a large number of teachers, educators and local authorities are starting to search together for solutions, and are managing to address various problems locally. Often, the flexible and individual solutions that are needed are indeed found, thanks to the dedication and cooperation of all those concerned.

Some of the leading gaps, identified in the course of this research, are outlined below. In the education system, they include the:

- absence of the following:

- ◆ complementary legislation on practical aspects of the alien pupils' presence in Poland;
- ◆ provisions enabling alien pupils to pass obligatory examinations, taking into account the language barrier;
- ◆ guidelines on specific issues related to admittance, certification and examination of refugee, asylum-seeking and tolerated pupils;
- ◆ teachers trained to instruct in Polish as a second language;
- ◆ schools ready to accept illiterate youth, or youth with a few years' break in education;
- ◆ teaching materials and methodological competence, including a paucity of textbooks to teach children Polish as a second language, and a shortage of teachers trained to teach in a culturally mixed environment;
- ◆ a nationwide, professional system of data collection, which prevents from quality analysis of the phenomenon of presence of refugee, asylum-seeking and tolerated children in the educational system; and
- ◆ teachers with the needed skills and competence in education in a multicultural environment;

- limited

- ◆ awareness among schools of asylum-seeking and refugee children's right to education;
- ◆ awareness of relevant legislation and support structures available;
- ◆ ability of schools to offer children professional psychological support;

- ♦ possibility of diagnosing children with specific learning needs; and
- ♦ dialogue between schools and the refugee and asylum-seeking parents;

- uncoordinated system of language education for asylum-seekers, with children not benefiting fully from the available lessons in schools and reception centres; and

- exclusion (at present) of unaccompanied children seeking asylum from those children who have a right to be educated in Poland;

In the social assistance system for asylum-seekers and refugees, the principal gaps involve:

- understaffed reception centres for asylum-seekers. The centres are unable to provide adequate counselling and advice to children, youth or parents, which adversely affects the children's access to education and other issues of child development;
- insufficient language tuition for asylum-seeking children. Support is needed, too, in the form of training and teaching material for language teachers to improve the quality of the tuition;
- unsatisfactory level of social activities in many centres;
- insubstantial information for parents on education in Poland;
- unavailability of psychological counselling for all children in need;
- inadequate functioning of the system of caretakers and guardians for unaccompanied minors, with some children having no (or unsatisfactory) contact with the guardians and caretakers, and not having their needs met; and
- lack of children's participation, currently, in the process of ensuring their access to education. Children and youth are not consulted or involved in any way, nor are their views taken into account, in the search for solutions to problems and issues affecting them.¹

In local administration, the gaps are:

- lack of funding for the local administrations in some of the larger cities to address alien children's needs;
- limited awareness of legislation regulating issues linked to the education of asylum-seeking, refugee and tolerated children; and
- scant assistance to local administrations to find solutions to practical problems.

Finally, at the level of perception, the gaps include:

- limited awareness of refugees, leading to unfavourable attitudes towards them;
- stereotypical thinking and xenophobia; and
- tendency to blame children for the decisions of parents.

Many of these disparities can be eliminated without a large amount of additional funding. The involvement of refugee and asylum-seeking parents and children in decision making can be a good example. Other changes would require a financial commitment—which is indispensable to bring about real change.

¹ *Ibid.* The right to participate is an important right for all children. In 2002, the Committee on the Rights of the Child, in its concluding observations on Poland, specifically recommended that the State party “promote and facilitate” the children's right to have their views heard “and to participate in matters affecting them”.

An encouraging conclusion of this report is that all stakeholders agree that it is time to begin a multidisciplinary partnership to review gaps in the current system and find appropriate solutions by proposing legal and systemic change and motivating schools, pupils, parents and social workers to take their share of responsibility.

Recommendations

The report's principle recommendation reflects the appeal by most stakeholders involved in its preparation to jointly develop a systemic response to the presence of asylum-seeking, refugee and other foreign children in Polish schools.

The necessary systemic changes would require a new approach to a number of issues, including language training for children, the examination and qualification of pupils for various grades, teacher training, changes in school funding schemes, cross-cultural work in schools, and work on motivating teachers. To be effective, these changes need to be developed in light of the experience of teachers and schools receiving alien pupils. They also need to consult with other stakeholders, notably the concerned children and parents.

The interlocutors involved in drafting this report have highlighted key recommendations to the institutions capable of addressing them. These include:

1. Educational authorities

- Review legal provisions in the areas mentioned in this report, particularly in connection with the education of separated and unaccompanied minors and the obligatory school examinations that they may be unable to pass (since they are not native Polish speakers).
- Introduce a system of data collection covering asylum-seeking and refugee children, as well as children with subsidiary protection status.
- Provide clear guidelines on the obligation of all partners in connection with the education of refugee, asylum-seeking and tolerated children, and ensure the broad dissemination of the guidelines.
- Incorporate human rights and multicultural education into all aspects of the curriculum and all levels of education, including the education of the teachers themselves.
- Amend school funding schemes to allow enlarged state subsidies for schools hosting asylum-seeking and refugee pupils. These enlarged subsidies already exist for a great variety of groups of pupils, including children from ethnic minorities.
- Develop provisions that allow for a complex support mechanism for schools hosting asylum-seeking or refugee children, including the necessary staff, funds and training.

2. Educational supervisory and support bodies

- Revise the teachers' training system to prepare teachers to educate alien children and youth. This would require amendments to the system of teacher training, that is, preparing instructors to teach Polish as a second language—an acknowledgment that Polish schools do, and will continue to, host children whose origins are other than Polish.

- Initiate guidelines for schools on the response to specific educational needs of alien children, especially youth who have missed several years of school, and ensure the distribution of these guidelines.
- Improve teachers' awareness of asylum-seeking, refugee and tolerated children's rights in Poland.
- Enhance access to teaching materials in schools that receive alien pupils. Material on teaching Polish as a second language needs to be prepared and made available.
- Create a platform for dialogue among schools hosting asylum-seeking and refugee children, thus facilitating an exchange of experience and good practice.
- Provide support, such as training and coaching, for teachers who instruct alien pupils.
- Develop an educational package to address the issue of illiteracy among asylum-seekers and refugees.
- Revise the school evaluation system, taking into account factors other than the academic performance of pupils. For example, a new factor would be to consider the role of schools in promoting social and humanitarian values.
- Introduce school motivation schemes to alter the current approach to asylum-seeking children, who are often seen as a burden and not a challenge.
- Initiate multicultural education in schools, especially those hosting alien pupils.
- Cooperate with reception facilities to accommodate children with specific educational needs.
- Establish monitoring and evaluation mechanisms in regard to the education of the group of children in question.

3. Regional and local administration

- Establish regular cooperation between schools, reception facilities and local authorities on this issue.
- Provide additional funding to local administrations in regions where reception facilities are located, in response to the needs of larger numbers of asylum-seeking children.
- Promote awareness of refugees among the local community to initiate the integration of refugee and asylum-seeking children with their Polish counterparts.
- Review the possibility of European and international sources of financial and other support to the local environment in regard to education in order to start using the existing educational networks and support schemes.

4. Asylum authorities

- Improve the amount and quality of language tuition for asylum-seekers before they arrive in public schools. Some interlocutors propose the introduction of obligatory Polish lessons for asylum-seekers.
- Ensure better social care in reception facilities, enabling asylum-seeking parents access to individual social counselling through the employment of a larger number of qualified social staff.²
- Assure additional social activities in the reception centres.³

2 Support for the family, as the primary source of support for children, is mentioned as an important element of care for the child in a United Nations document called "A world fit for children" of 10 May 2002: "The family . . . should be strengthened" because the "primary responsibility for the protection, upbringing and development of children rests with the family." (See also: United Nations General Assembly. *A world fit for children*, United Nations document S-27/2, sixth plenary meeting, New York, 10 May 2002.)

3 The Convention on the Rights of Child recognizes the right of children to leisure activity as well. (See also: United Nations General Assembly. *Convention on the Rights of the Child*, United Nations document A/RES/44/25, New York. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.)

- Enhance the functioning of the guardianship system for unaccompanied minors seeking asylum.⁴
- Secure adequate legal provision for the education of unaccompanied minors.
- Provide all children with mental health care and professional psychological counselling in line with the EU's reception directive.

5. Teachers and the school management

- Recognize the obligation of teachers and school management to provide quality education to unaccompanied asylum-seeking children.
- Offer all children equal treatment at school. The children appeal not only for non-discrimination, but also for equal expectations from them.⁵;
- to pProvide children with an individual approach, taking into account their cultural background.
- Enhance the dialogue between schools, parents and children.⁶
- Prepare the school environment to welcome asylum-seeking, refugee and tolerated pupils, and promote a dialogue between them and Polish pupils, thus facilitating communication—particularly when alien pupils do not speak the language well.
- Make certain that children who do not speak Polish have language tuition of good quality.

In 2002, the Committee on the Rights of the Child called on Poland to expand its collaboration with NGOs in implementing the provisions of the Convention on the Rights of the Child, an appeal that seems relevant even today. Among the important partners in addressing the issue of education of foreign pupils are the foreign parents. And it is in the dialogue with parents that the NGO community can be particularly helpful, especially in promoting an exchange of views between refugee or asylum-seeking parents and schools or local communities. The role of NGOs in multicultural and language education, and in social counselling, could also be developed further.

Despite all the gaps and obstacles in gaining access to quality education, many of the refugee, asylum-seeking and tolerated children do benefit from good education in Poland and make academic progress. Their success is the result of their great determination, as well as that of their families, social workers, and teachers who commit to very hard work to overcome existing barriers and gaps in the system. The suggested recommendations aim to bring about a single fundamental change, which is to make the education of refugee, asylum-seeking and tolerated children a national issue, to be dealt with in a systematic manner, and not—as it is now—as an individual challenge for particular teachers or schools. The children have the right to quality education. The ability to fulfil this right should not depend on the good or bad will of individuals.

4 Issues of guardianship are highlighted in General Comment No. 6 of the Committee on the Rights of the Child, which stipulates that the guardian appropriately cover the educational needs of unaccompanied and separated children “during all phases of the displacement cycle” and until they either reach the age of 18 years or permanently leave the territory of a state. (See also: Committee on the Rights of the Child. *General Comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin*, United Nations document CRC/GC/2005/6, 17 May-3 June 2005, thirty-ninth session, Geneva, 1 September 2005.)

5 This appeal reflects a recommendation to Poland in 2004 by the Human Rights Committee to ensure “that new legislation on minorities is in full compliance with article 27 of the Covenant [International Covenant on Civil and Political Rights], in particular regarding the rights of minorities”. (See also: Human Rights Committee. Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations of the Human Rights Committee: Poland, United Nations document CCPR/CO/82/POL, Geneva, 2 December 2004.)

6 *Ibid.* Taking “effective measures, including legislation, to promote and facilitate respect for the views of children, by courts and all administrative bodies and the participation of children in all matters affecting them” were among the recommendations made to Poland by the Committee on the Rights of Child, after the Committee considered the second periodic report of Poland (United Nations document CRC/C/70/Add.12), submitted on 2 December 1999.

The report was inspired and commissioned by the United Nations High Commissioner for Refugees. Similar reports were written on the situation in Germany, Finland, France and Hungary. The report on Poland was written by Agnieszka Kosowicz, President of the Polish Migration Forum (www.forummigracyjne.org)