

## **BACKGROUND PAPER 4**

### **SEPARATED CHILDREN AND EDUCATIONAL PROVISION: SOME ISSUES FOR CONSIDERATION**

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Enshrined in the Convention on the Rights of the Child is the right of all children to education (Article 28). Article 29, however, takes this fundamental principle further, asserting that the education of the child should be directed to the development of the child's personality and abilities to their fullest potential, to the development of respect for human rights and fundamental freedoms, of respect for the child's parents, his or her cultural identity, language and values, for the national values of the country in which the child is living, the country which from which he or she may originate, and for civilizations different from his or her own. Children should also be prepared for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, and of respect for the natural environment.

Especially for children who have survived the traumas of war and conflict, of separation from their family and friends, and are arriving in a strange country with little protection, the quantity and quality of educational provision are of particular importance. Forced from their own homes, children may have experienced considerable interruptions in their school career, and even if and when schooling was available, the quality of it may have been very poor, with very limited resources, buildings and poorly trained teachers. The desire for their children to enjoy a good education in a safe learning environment can be one of the factors that result in parents sending children to a distant country. Once in a new country, going to school, acquiring new skills, learning about different things, making new friends and enjoying a safe, child-friendly environment can be very positive for displaced children. School can be considered as a potentially protective factor, and a positive force to help traumatized children start to come to terms with their experiences and to imagine and work towards more positive futures.

However, piecing together the fragmentary information available about educational provision for separated children arriving in Canada, it appears that there are serious obstacles to them accessing these rights to education, and to experiencing school as the positive force in their lives it could and should be. Problems occur and gaps exist both in the initial registration and placement bureaucracy, and then in the settling-in processes at particular schools. In drawing attention to the following issues, I am for the most part relying on information and examples from Quebec.

#### Detention Centre Schooling

Although improvements have been made, and a teacher hired to work at the Laval detention centre, education provision there remains somewhat sporadic and part-time. Guidelines state that a child has the right to education only if they are in the detention for more than 7 days, and it is only a special dispensation if the teacher is already there with other children, that a child will be able to go to school within less than 7 days. Most separated children there are 16-17 and rarely stay longer than a week. Bearing in mind the transitory nature of the children's presence, it is difficult to maintain continuity, and it appears there is little follow up or coordination once children are settled into a regular school. Teaching in the school is a challenge as the class is multi-age and multi-ability,

with very different levels of French, English and literacy levels in mother tongues. One of the major issues, however, is that of whether a child is actually declared and recognized as a minor in the centre. If not, and this appears particularly the case with boys who have entered the country on false papers asserting their majority, then they will join the men's section in the centre, in which there is no education provision at all. Declaring the child a minor may make them entitled to go to school, but on the other hand might mean they are separated from men of their own community and supervised in isolation. Sustained and quality educational activity could be a very beneficial way for detained children to spend their time, and yet at present, provision is made for only 2.5- 3 hours per day (5 days a week).

At Celebrity Inn, Toronto, there is no formal education provision at all. There was a coordinated program which included English as a Second Language Classes, Art Therapy and bible study until the end of 1997. There is, from time to time, a group of youth and young children in detention but there is no schooling, nor programming for them.

#### Delays In Registration

For many refugee children, and especially separated children, whose claim is immediately processed, it may take far too long for them to get registered at a school board and then a particular school. Although under IRPA (S. 30(2)) every minor child in Canada, (other than the child or a temporary resident not authorized to work or study) has the right to education immediately, a waiting period of at least a month appears to be quite normal, because of the time needed to communicate and process papers between Immigration and the Ministry of education. This can be longer, however, as a permanent (or at least semi-permanent) address is required by the school board and so for a child who is awaiting placement, it is not possible for them to register at school. Delays can also be caused by the lack of place available in a particular school, and in Quebec, in a particular welcome class. Some children may have to wait up to 5 to 6 months before they are admitted to a school, especially if they do not make an immediate claim for refugee status. However long it is, though, the waiting period can be very frustrating for young people, with little to do and to keep their minds off their own problems – they may not even be able to borrow books from the local library without certain papers. Although children have the right to participate in decisions affecting them, in reality, they are often very unaware of what is happening to them, and without sufficient information about the people and processes involved, are confused and worried. There is sadly little provision of education in the reception centres such as the YMCA.

#### Lack Of Particular Recognition By The School Board And The Ministry Of Education

It appears that both the school boards and the Ministry of education make very little particular provision for separated children, and in fact do not register the fact on a child's file. There is no particular person responsible for separated children, and seeing as there is no acknowledgement of their special circumstances, it is then very difficult to trace them through the system. Schools may therefore have very little official information about a child. As the numbers are small, there is little pressure for improvements in the system.

#### Settling Into School

Settling into a new environment can be challenging for all children, but for vulnerable children whose confidence may be lacking, and who may not be very certain about the

rules, regulations and what is expected of them, and who may be constantly worried about family and friends in their own country, it may be a particularly difficult time. It can be especially so if teachers and other staff are unaware of their circumstances and are therefore unable to do much to support their integration. Racism and discrimination and mistrust of foreigners are sadly commonplace in our society and in our schools, and for separated children who miss the support of a close family, it may be particularly hard to deal with. Although well-intentioned and kind, teachers and other staff in school may have very little understanding of what war, displacement, separation from family and community and arrival here might imply for children. Gender issues are particularly important to understand and address in order to be able to respond to the particular needs and experiences of girls and boys.

Quebec's system of separate welcome classes (classes d'accueil) can be both positive and negative for separated children. Placed into such a separate class, a child is offered an intensive French program, spends most of the day with one teacher he or she can feel comfortable with, and with a small group of other newly arrived students; in this way they may gain confidence, acquire competency in French and learn about the culture, traditions, history and heritage of Quebec. However, isolated from the rest of the school (such classes are often in a special wing or section of the school), and with a limited curriculum that may not reflect their interests or aspirations, it can be very frustrating, and sometimes even embarrassing experience. Some youth have reported a sense of shame at being in such classes, and not having opportunities to work on a more sophisticated curriculum that does justice to their own intellect. Particularly important for separated children might be easy access to information and advice about careers opportunities, about sex, sexuality and health. As specified in Article 29 of the Convention, all children have the right to a broad curriculum that focuses on human rights, tolerance and peace, and for refugee children it can be very positive if schools and school personnel demonstrate a commitment to social justice, to peace and to human rights.

Learning to trust unknown adults and others around them is something that may take time for separated children, especially if they have come from a situation where it was dangerous to trust strangers and their parents have warned them to be suspicious in order to protect them. Their wariness and sometimes defiantly independent behaviour may be perceived very negatively by teachers and others in school. Children not living in their own families or with substitute carers may lack the structure of home life that helps them to learn to organize their time, complete assignments on time, go to bed and get up at reasonable times. This can lead to considerable problems for them in school, and again negative responses on the part of teachers and other staff.

#### Issues Of Consent

In Quebec where separated children are not assigned a specific guardian, issues of consent are particularly tricky; although consent forms for outside activities, vaccination and other health programs in school are usually signed by foster families or social workers, strictly speaking they do not have the right to do so. Although most are relatively routine activities, there are some serious potential consequences; if anything did go wrong then the question is, who is responsible? As minors, but also as separated minors, these children are particularly vulnerable.

### Some Particular Recommendations/Priorities For The Education Sector

- Appropriate mechanisms and processes should be developed at the Ministries of education and the school boards to ensure a better communication of the needs of separated children and the provision that is available for them – and especially to reduce delays in registration. In boards where numbers are significant, a person should be designated to oversee and support the educational integration of each child.
- Efforts should be made to ensure as few ‘education free’ days as possible for separated children. Temporary education provision (eg in a detention centre) should be immediately available to all, and should be consistent, and of a high quality.
- Promoting the participation of young people in decision-making; separated children should be kept informed of what is happening to them, how and where they are being placed, when they will be able to attend school, and what is expected of them there.
- Schools should make efforts to better understand the social service policies affecting separated students and make particular efforts to reach out and connect with the child-care workers, foster carers, guardians and social workers of separated children. They should be aware of the wide range of care arrangements for separated children and make a particular effort to gather as much information as possible.
- Age appropriate classes and curricula: especially as most separated children seem to be in the 15 upwards age group, it is important to ensure that the education on offer meets their needs, and is relevant and appropriate to their aspirations. They should also have access to a wide range of counselling and advice services within the school. The curriculum on offer for separated children should do justice to their own intellect, and should provide them with vital information, skills and advice about careers opportunities, about sex, sexuality and health, for example. Schools and school personnel should through their curricula and extra-curricular activities, demonstrate a commitment to social justice, to peace and to human rights.
- Especially if the child is living with a family of a different ethnic background, efforts should be made through the school to connect with the children’s cultural community, to allow for opportunities for the child to speak and listen to their own language.

**See sections B10.3 and B13.3 of the *Best Practice Statement on Separated Children in Canada* for specifics on best practices in education and the supporting international and regional instruments.**