



RCP

Refugee Children's Project

Workshop Report

ACCESS RIGHTS TO EDUCATION BY REFUGEE AND MIGRANT
CHILDREN IN SOUTH AFRICA

July

2008

1. Summary

RCP organised a workshop on “Rights to Education” on 18 July 2008. This workshop included participants from the Gauteng Department of Education, Principals and Teachers around Gauteng, Parents’ Forum (refugee and immigrant parents), and also two Principals from Durban who have a high number of refugee learners in their schools in Durban. A range of other stakeholders working with refugee children in South Africa were also represented.

During the workshop, issues related to educational rights of refugee and immigrant children, as well as other issues negatively affecting refugee children in schools were explored. Many ways of finding possible solutions to these challenges were also discussed. A brief introduction of RCP, its mandate and achievements in assisting Refugee and immigrant children was presented to participants.

The workshop encouraged all participation to ask questions, comments and discussions were also allowed after every presentation. Plans and solutions for approaching the challenge areas were also drafted and possible actions were suggested.

In upcoming months, the Refugee Forum will be reaching out their communities to bring awareness on refugee and immigrant children’s rights to education. Principals were also challenged to help disseminate the information that was shared with them in the workshop and try to change the attitude of some of their colleagues who behave negatively towards the refugee and migrant children. The department of education also encouraged parents to be more involved in the matters related to their children’s education and support the department.

Acknowledgements

RCP is grateful to the Atlantic Philanthropies for their financial support that made this workshop a success. It would also like to thank the South African Human Rights Commission (SAHRC) for their unceasing support.

RCP gratitude also extends to the Department of Education for their participation and contribution but more for their endeavour to implement favourable policies that will see refugee children enjoy their right to education in SA. Finally, many thanks go to Principals and Teachers who, despite their tight schedules, managed to attend and make a great impact on the workshop.

Introduction

Aims

This workshop aimed at:

- Making refugee and immigrant parents aware of their children's education rights.
- Building a relationship between the refugee and immigrant parents with the principals where some of their children are enrolled.

For this end, the intervention of the Department of Education was very crucial and necessary for most of the information needed, based on experience and routine.

Learning Outcomes

The program focuses on improving the awareness of refugee and migrant parents on their children's rights in their host nation of South Africa. It also works to improve their relationships with the school authorities of the schools their children are attending.

At the end of this workshop, participants should be able to:

- Get a better understanding of refugee life in South Africa
- Have knowledge of how to deal with refugee children in the school
- Impart knowledge to the educators at school
- Acknowledge the rights of refugee children in the country
- Improve working relations with school Principals

Background to this workshop

RCP had noted with great concern that there seems to be a miscommunication between Principals and parents regarding the issue of migrant children in schools. RCP tries to get parents to take more interest in the education of their children. On the other hand, Principals have expressed concern that refugee parents do not pay school fees for their children, and seem not to have an interest in their schooling. This has seemingly resulted in refugee children having problems when it comes to school enrolment. At the same time, those who are admitted are said to be disruptive in class, likely to be untidy, and be constantly absent from school. The general feeling about

refugees is that they are viewed less favourably compared to their South African counterparts.

The workshop looked upon bringing together representatives from refugee parents, Department of Education, principals and a few NGOs. Thereby giving Principals the platform to ask any questions that would help them to understand the situation they face regarding refugee children.

The underlying principles of awareness on refugee and migrant children's rights are:

1. All children have a right to basic education
2. All children with parents who can not afford fees are legible for exemption despite them being refugees
3. Discrimination should be eliminated in all cases.

Opening Session

Participants were notified of slight changes in the programme at the beginning of the workshop. A concise history of RCP was given and some of its achievements in Western Cape, Durban and Limpopo were also discussed in brief by Germain Mauridi.

Participants:

There were approximately 65 participants/delegates from schools and other organisations who are not mentioned below. All played a major role in the workshop.

- Mr. Holmes - Department of Education
- Mr. Vivian – Department of Education
- School Principal of Rosettenville High School (this has about 40% of the refugee population at his school)
- Mr Singh - Deputy Principal of Claireville Primary School in Durban
- Mr. Jeeva Padayachee - Principal of Bechet High School in Durban,
- Phillipa Tucker - Wits Education Law Project,

- Methodist Refugee School (school for the refugee and immigrant unaccompanied minors)
- School Principal of Betrums Junior School
- Pastor Rene Kitutu - Christian for Peace in Africa

■ The first presentation was done by Mr. Vaughn Holmes from the Department of Education. He did a detailed and thorough presentation on The Access to Education Framework in South Africa, which was fragmented into the following sections:

- The right to education in terms of the South African constitution.
- The South African Schools Act, 84 of 1996
- National admission policy for ordinary public schools, notice 2432 of 1998
- Practical application of education legislation and policy in schools

The questions that arose after the presentation went around the following concerns:

- Clarification on the issue of admission tests which were said to be illegal.
- The statistics of refugee students in former Group C model schools
- Crèche attendance requirements before a child could be admitted into Primary School.
- Why some Principals refuse to admit refugee children in their schools.
- The obligation to learn English before enrolment as being unfair since it races with the children's age in attending some grades.

Following are answers to some of the questions asked:

- Mr. Holmes referred to principals in the workshop as being reformed. He commended them for being kind and accommodating to refugee children while others are horrid and that justifies their absence from such an enlightening workshop.
- He also said that depriving some children from attending school because of their inability to speak English is unjust. Most children are fast in learning languages. For this reason Mr. Holmes said it was unfair to impede children from enrolling in schools because they could not speak English.
- Mr. Holmes maintained that the issue of study permits raised by some Principals before they enrol foreign children could be caused by ignorance.

The South African constitution stipulates that, “Every child has the right to basic education”. Therefore every child, whether documented or undocumented, should be entitled to that.

- School base and District base support teams were said to have been placed for helping learners with difficulties in learning.

Germain Mauridi, RCP’s Education Officer, gave a brief comment on the right to basic education based on Section 22 of the South African Constitution:

- Illegal migrant children cannot be deprived of their education, even when they are still waiting for their legal documents to be processed.
- Principals are supposed to advise parents without documents to apply for the necessary documents or even help them access the necessary documents.

☐ The second presentation was done by Phillipa Tucker from the Wits Education Law Project. Her presentation was more focussed on explaining why children have rights to protection and survival.

Structure of schools in South Africa

1. Public / Government Primary and Secondary Schools:
Grade R / Reception Year. (According to Phillipa, this is an important level for all children)
2. Private / Independent Primary and Secondary Schools
Crèche / Nursery schools
3. Further Education Training College
4. Adult Basic Education and Training
5. Tertiary Education

However, her presentation targeted Public/Government Primary and Secondary Schools, and Grade R/Reception Year since these were the schools the government had direct control over.

The following table explains the quintile types of schools in South Africa:

Quintile 1	Quintile 2	Quintile 3	Quintile 4	Quintile 5
Very Poor	Poor	Medium	Well Off	Rich
Fees free	Fees free	Pay fees	Pay fees	Pay fees
20%	20%	20%	20%	20%

- There was a concern about Fees Free Schools which do not provide quality education. Phillipa answered that Quintile 1 and 2 schools quality of education depended on the staff at the schools and it was unacceptable for them to deny learners to access quality education.

She also said that the Fees Free Schools could be increased from 40% to 60% and more underprivileged students could be able to get a free education.

Fee Exemption

There are five exemptions:

1. **Automatic Exemption:** People eligible for this criterion do not pay any fees.

The following groups qualify for automatic exemption:

- Social grants receivers
 - Children head households
 - Children under foster care
 - Children living in Youth Care Centres, and
 - Orphans
2. **Total Exemption**
 3. **Partial exemption**
 4. **Conditional Exemption**
 5. **No Exemption**

Calculation Method

$$E = 100 [F + A / C]$$

E – Exemption percentage

F – Fees for the whole Year

A – Additional Costs

C – Parents Salary combined for the whole Year

Phillipa explained that the salary considered in these calculations is that of Biological Parents only. If the parent was married to a spouse who would not have adopted the child legally the spouse's salary was not considered.

One refugee parent wanted to know if this exemption also included children's school uniform. Mr. Holmes answered this question by saying that children cannot be deprived of education because they do not have school uniform.

Additional costs referred to any costs associated with the direct cost of the child's education, not the school uniform. Children could still be allowed to attend classes even without uniform.

Mr. Holmes revealed that Batho Pele provides free food and free uniforms. He also added that children should not be turned away from recreational activities, trips and other school activities because their parents were unable to pay.

On the issue of documents, it was said that:

- Parents could provide the school with an affidavit if they do not have some documents, e.g. if a spouse died and they do not have the death certificate.
- Parents should be given three months window period to provide schools with necessary documents needed.
- Principals should also accept receipts of applications for legal documents.

Mr. Holmes and Vivian often stressed on the issue of schools being prohibited from practising any form of exclusion or discrimination amongst learners. They also emphasised that the following responsibilities should be observed by all the schools:

- Provision of necessary support to vulnerable children and refugee learners.
- Conformity to education laws as stipulated in the South African constitution.

■ The third presentation was done by Mr. Joubert, the Principal of Troyeville Primary School. He said the following about his school:

- Troyeville Primary school runs from Grade 4 to Grade 7.
- It is considered as a school in Quintile 4, which is supposedly a well off school, yet the school is always under difficult financial constraints.
- Out of 630 students 139 students are refugee.
- The majority of foreign students are from the Democratic Republic of Congo.
- Student relationships are generally good
- Sometimes the school requests parents who cannot afford to pay their children's school fees to work at school to cover the fees.
- There is a programme that all senior students are asked to donate their uniforms to those who cannot afford them as they leave the school.
- In general, the performance of refugee students is good. The current School Head Boy is from DRC. The majority of refugee students at Troyeville Primary School obtain good grades. (Gloria, a refugee girl, once told the Principal that she was aiming at 90% despite the hard experiences she went through during the attacks).

According to Mr. Joubert, his school faces some of the following challenges:

- Inability of parents to pay school fees for their children for financial limitations.
- Many parents' applications for exemption are granted but some do not do so whereas they cannot afford to pay school fees.
- Some parents write false affidavits to benefit from exemptions while they can afford their children's school fees.
- Many parents who promise to work at school for their children's fees do not keep their promise.
- Two boys at his school have been receiving exemption from primary school level. The elder brother was then moved to an expensive private high school. This shows that parents could afford to pay their children's fees but instead they applied for exemption thus blocking the way to those who genuinely need exemption.

- The school heavily relies on sponsorships but last year they only received R13 000 for the whole year.
- Some parents buy their children expensive gadgets such as Ipods and expensive cell phones yet they would not pay their children's school fees.
- The school also has a feeding scheme that feeds about a 100 learners every lunch time of school days.
- Some parents do not pitch up for sports or any other school activities their children partake. Parents are at least expected to involve in their children's school activities to show their support.
- Few parents respond even when assistance is coming their way. E.g. RCP distributed forms to refugee and migrant parents to fill up for assistance but less than 10 out of a great number of parents who had received the form responded. Yet most of these parents are in dire need of the assistance. This shows that some parents seem to be not concerned about their children's education.
- Some parents fail to set themselves some prevention measures for their children's security. This is explained by their failure to apply for basic documents such as Birth Certificates and others. This affects many children who would not participate in some important activities they are good at because they do not have legal identity documents.
- Many children at school need counselling as they seem to have been traumatised by the recent xenophobic attacks. 2 counsellors have been doing this job so far.
- 11 learners from his school are staying at Rand Airport temporary shelters.
- Petty cases of violence and aggression are also noticed. This could be the result of post-traumatic experiences.

The principal also commended the efforts of some of his learners who visited and assisted some of their colleagues at Jeppe Police Station where they were housed during the time of attacks.

Mr. Joubert's presentation was effective in stimulating refugee and migrant parents to involve in their children's school activities.

■ After Mr. Joubert's presentation, Mrs. Mary Chigwida from the Parents' Forum delivered her speech.

In her speech she pointed out the following issues:

- Challenges of being a Refugee: being forced to leave his country to live in a foreign and sometimes totally different country.
- Refugee learners' experiences in South African schools
- The importance of basic education

Some challenges faced by refugee children:

- Children over 15 years are not admitted into schools under the pretext that they are over age
- Victimisation by schoolmates, e.g. being called names
- Victimisation by the school teachers
- Demerits exposed to refugee children for not having adequate school materials in their possession
- The use of vernacular languages they cannot understand
- Students loitering in the streets during school hours

The issue of discrimination was said to be not only confined to refugees, especially when it comes to school fees, languages used in schools and age. This was said to be a post apartheid challenge that most schools were facing and was an issue that needed to be addressed by all.

Concerning students that are denied enrolment for being over age, the Department of Education said those children have to be evaluated for placement. In case any child is denied enrolment for the same reason, Mr. Holmes encouraged parents to report such cases to RCP that should then report back to him.

The Department have programs in place to address discrimination, and this aims at alerting all the educators.

Parents and Teachers relationship building was also encouraged. This was thought to be another effective tool for increasing parental involvement in their children's

education and to help fight all types of discrimination on refugee and migrant students.

Short Film on the life of refugee children in South Africa: “Unity in Diversity”.

The film showed the lives of refugee children in South Africa from the time they fled their countries. This was in the wake of the armed conflict in DRC where people were being brutally murdered. Some of them narrated on a range of horrible things they witnessed in their countries. This movie also reveals their expectations when they were coming to South Africa and their experiences in the country up to the eruption of recent xenophobic attacks. It ended in showing a ray of hope, showing how they have managed to blend in the society by developing relationship with fellow local students through sports and other activities. The film was commissioned by the MCC funded by the UNHCR and most of the work was done by refugee children. It is also going to be screened at the Durban Film Festival.

☐ The fourth presentation was done by Mr. Jeeva Padayachee – Bechet High School, Durban.

- Bechet High School is located within the proximity of many refugee residences and therefore has a greater number of refugee students. Most of these learners come from Clairville Primary School.
- The school is running programmes favourable for refugee students. Such programmes include cross-culture activities and sports. Schools in Durban have programmes in place that encourage diversity and this has been a success in bringing about students’ unity.
- UNHCR and MCC are willing to assist refugee learners. This enables many refugee children to attend schools with fewer difficulties.
- He also mentioned that refugee students also had rights, just like the South African students.
- Students are asked about their future ambitions after they complete high school. Most of them dream to further their studies at the University of Kwazulu Natal.

- Among the 2006-2007 speakers of the Junior Parliament were refugee children from Bechet High School.
- The school is also working closely with the Durban Refugee Service Provider Network (DRSPN) for the welfare and feeding scheme of the impoverished refugee students.
- The UNHCR is paying a French Teacher at Bechet High School. This was negotiated by the school in order to give refugee children, mainly from Francophone countries, an opportunity to learn a language that is familiar to them.
- At least 10 seats are reserved for refugee children during all the school's intakes. There is also an amazing 100% pass rate among the refugee children from Bechet High School.

Busani, the RCP Advocacy Officer, commended the success of the Durban Network in finding solutions by bringing foreign and local students together as well as in encouraging diversity. She encouraged Gauteng schools to follow this example as it is an efficient tool to employ in all endeavours to eliminate discrimination.

▣ The fifth presentation was done by Mr. Singh, the Deputy Principal of Clairville Primary School.

- Some learners had attended the school while they could not utter any word in English but now they are very good English speakers.
- Some preventive measures should be put in place to prevent any other type of violence such as the recent xenophobic attacks from happening.
- Clairville Primary School was built by the local Indian community. The school faced a great challenge when the government declared it was not going to support any non-Indian learners at the school. Among the 680 learners enrolled 274 are foreigners.
- The school has behaviour modification programmes dealing with any problems related to the discipline of learners.
- Most refugee students who are asked by the school to bring their parents because of some misbehaviour comply with this.

- Refugee students score most of higher grades in the overall school results.
- Some refugee parents when they want to get their children in a certain grade lie to the school. It is for this reason that the placement test is necessary to determine the level of the child.
- There is a tendency of parents instilling a stereotype of foreigners in their children, even among refugee parents. There is need for parents' involvement in teaching each other not to instil such stereotypes in their children. The implementation of Ubuntu notion should be instilled in schools.
- Foreign learners are encouraged to share their experiences during the time of war in their countries. Such messages help create the attitude of tolerance in others.
- The school encourages attendance above the payment of fees and uniform.
- The school awards parents who settle their children's school fees on time to encourage others. These awards include children's uniforms and loaves of bread; this also helps to encourage good behaviour.
- Clairville Primary School is in Quintile 5, thus purported as a rich school, yet the majority of students are poor.

Mr. Singh made the following quote to conclude his presentation: "If you tell them I will forget, if you show me I might remember, but if you involve me I will remember".

Concerning the enrolment process, Mr. Holmes and Mr. Vivian from the Department of Education remarked that the child should first be admitted into the school then an evaluation test could follow in case the child is over age or does not present any report from his former school.

There were also 4 questions that were set for group discussions to encourage collaboration between educators, the civil society and refugee parents. Group discussions and feedback to plenary were not done as it was on the programme due to time constraints.

Following were questions for group discussion:

1. What could be the contribution of refugee and migrant parents to schools?
2. How can schools engage refugee and migrant parents in to the school work stream?
3. What are the responsibilities of educators, parents and the civil society in helping refugee and migrant children to access education in South Africa?
4. How can the rights to education of refugee and migrant children be well implemented, taking into consideration their economic challenges?

As mentioned above, due to time constraint, all these questions were not dealt with. However, few of the following answers were forwarded for the first question:

A. Mr. Jeeva Padayachee answered this question by saying that refugee parents are not expected to do more than South African parents.

- Refugee parents only come to schools to drop off their children and most South African men only get their wives attend the school meetings.
- Refugee parents should also try to seek for solutions to problems instead of always complaining.

Mr. Vivian posed the question on how parents could be engaged into the schools curriculum.

- It was suggested that parent meetings should be organized in schools where parents and school teachers could meet for consultation regarding refugee children's performance in various levels. Also hold award ceremonies where those refugee children with good behaviour and the ones excelling academically could be awarded in the presence of their parents.
- The South African education system should be able to teach parents the country's education system – schools could take the initiative to invite and teach these parents.
- Parents meetings at schools should be held regularly.
- The time, days and venues of school activities should be well planned so as to allow all parents to participate.
- Parents should be selected from diverse backgrounds to represent others in the schools.

The discussion around these questions was getting more interesting with positive contributions being made by all participants.

The discussion was shortened because of time limitation. Mr. Paulin Mbecke, RCP Chairman, was invited to give the vote of thanks to all participants to mark the end of the workshop. He also promised a copy of the workshop report to all participants for comments and edition. The closure of this work session was followed by the launch of RCP Handbook.

Launch of Handbook: “A Practical Guide on Defending the Rights of Refugee Children and Unaccompanied minors in South Africa”.

Mr. Paulin apologised for the shortage of copies of the handbook. It was initially planned that every participant will receive a copy at the end of the launch but due to some problems beyond RCP’s competence, the copies were not ready. He added that this handbook was not a product of RCP, but a product of all the stakeholders involved in its production. He also explained the meaning of the green colour which is used in most of the book as a colour resembling hope. The handbook is going to be provided in A5 as well as A4 format.

All participants were asked to fill in their postal addresses on the attendance list to facilitate the postage of the handbook in 2 weeks time. The handbook’s content is linked to the workshop that was held.

The chairman also gave a brief background of RCP that it was initially founded to facilitate the integration of refugee children and unaccompanied minors in the South African community. RCP extended its scope in 2006 and from that time, it has incorporated women programmes in its work stream since it is impossible to separate children from their mothers.

The organisation works closely with the UNHCR, the International Organisation of Migration (IOM) and the South African Red Cross (SARC). Mr. Paulin expressed his gratitude to all these RCP partners.

Its key strategic objectives include local reintegration, friendly domestic policies and law implementation as well as advocacy for policies if they do not exist.

The practical guide or Handbook:

The child care is as holistic to prevent children from going through what they experienced in their countries of origin. One of RCP's future plans is to work with vulnerable locals, especially children, who are in need of advocacy. Much of this information is provided in the handbook.

The chairman finally gave a brief overview of the handbook's contents, its purpose and the way forward based on what is covered. Themba Shabangu also emphasized on the process of compilation, the contents and the general overview of the handbook. He said that the workshop had identified a number of issues presented in the handbook which were going to be included in the second handbook. The policies in the handbook also deal with a whole range of issues and are important to everyone.

International Conventions and Protocols concerning children tackle a whole range of procedures from the time of arrival of refugees in South Africa, the steps they must take to legalise their stay and have their status recognised, to where they need to go for these processes. These procedures include legislations to be complied with, documents and other matters implicated in the process, how to make a follow up on applications, and where to seek for legal assistance.

Access to Education – issues discussed in the workshop would also be incorporated in the subsequent edition. This edition is looking forward to including stories from affected refugees and their ordeals in narration. Other issues covered in the handbook include social assistance and security, housing, xenophobia, the process of asylum, the process of attaining refugee status (this was rallied by the Department of Home Affairs), the list of service providers and their services and basic rights, e.g.: The Bill of Rights.