Human Rights in the Field of Comparative Education

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There is no single answer to the question: what are human rights? The answer depends on whom you ask. Several of the papers presented at Fourteenth World Congress of Comparative Education held at Boğaziçi University in Istanbul, Turkey, in June 2010 discussed issues related to human rights from a comparative education viewpoint. The nine papers presented in this book spans from policy analysis to practices in classrooms. They include analyses of human rights from a regional or country perspective, including Greece, Jordan, the Latin American region, Morocco, Northern Ireland, Portugal, the UK, the US, and Turkey.

In facilitating a clarification of the ways in which we understand and talk about human rights in the field of comparative education, the editors have analysed and visualized the chapter contributions using Marie-Bénédicte Dembour’s categorization of human rights discourses. This is a fruitful exercise as it unravels the fact that we do not always mean the same thing when talking about human rights and also sheds light on the issues within human rights to which we are silent, issues that we should conceivably be discussing.

Our engagement in human rights seems to focus on using these rights as leverage to promote our arguments about education, not engaging in a more philosophical debate about human rights. Human rights can be used as an ethical lingua franca and thus providing a fertile ground for nuancing our understanding of human rights. Since we experience a huge gap between morality and reality, an engagement in the ethical perspectives of human rights can help us on the way to closing this gap.
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A DIVERSITY OF VOICES
Volume 21

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Scope

Comparative and International Education: A Diversity of Voices aims to provide a comprehensive range of titles, making available to readers work from across the comparative and international education research community. Authors will represent as broad a range of voices as possible, from geographic, cultural and ideological standpoints. The editors are making a conscious effort to disseminate the work of newer scholars as well as that of well-established writers. The series includes authored books and edited works focusing upon current issues and controversies in a field that is undergoing changes as profound as the geopolitical and economic forces that are reshaping our worlds. The series aims to provide books which present new work, in which the range of methodologies associated with comparative education and international education are both exemplified and opened up for debate. As the series develops, it is intended that new writers from settings and locations not frequently part of the English language discourse will find a place in the list.
THE WORLD COUNCIL OF COMPARATIVE EDUCATION SOCIETIES

The WCCES is an international organization of comparative education societies worldwide and is an NGO in consultative partnership with UNESCO. The WCCES was created in 1970 to advance the field of comparative education. Members usually meet every three years for a World Congress in which scholars, researchers, and administrators interact with colleagues and counterparts from around the globe on international issues of education.

The WCCES also promotes research in various countries. Foci include theory and methods in comparative education, gender discourses in education, teacher education, education for peace and justice, education in post-conflict countries, language of instruction issues, Education for All. Such topics are usually represented in thematic groups organized for the World Congresses.

Besides organizing the World Congresses, the WCCES has a section in CERCular, the newsletter of the Comparative Education Research Centre at the University of Hong Kong, to keep individual societies and their members abreast of activities around the world. The WCCES comprehensive website is http://www.wcces.com.

As a result of these efforts under the auspices of the global organization, WCCES and its member societies have become better organized and identified in terms of research and other scholarly activities. They are also more effective in viewing problems and applying skills from different perspectives, and in disseminating information. A major objective is advancement of education for international understanding in the interests of peace, intercultural cooperation, observance of human rights and mutual respect among peoples.
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The WCCES Series was established to provide for the broader dissemination of discourses between scholars in its member societies. Representing as it does Societies and their members from all continents, the organization provides a special forum for the discussion of issues of interest and concern among comparativists and those working in international education.

The first series of volumes was produced from the proceedings of the World Council of Comparative Education Societies XIII World Congress, which met in Sarajevo, Bosnia and Herzegovina, 3-7 September, 2007 with the theme of Living Together: Education and Intercultural Dialogue. The series included the following titles:

Volume 1: Tattó, M. & Mincu, M. (Eds.), Reforming Teaching and Learning
Volume 2: Geo JaJa, M. A. & Majhanovich, S. (Eds.), Education, Language and Economics: Growing National and Global Dilemmas
Volume 3: Pampanini, G., Adly, F. & Napier, D. (Eds.), Interculturalism, Society and Education

The second series of volumes has been developed from the proceedings of the World Council of Comparative Education Societies XIV World Congress, which met in Istanbul, Turkey, 14-18 June, 2010 with the theme of Bordering, Re-Bordering and new Possibilities in Education and Society. This series includes the following titles, with further volumes under preparation:

Volume 1: Napier, D. B. & Majhanovich, S. (Eds.), Education, Dominance and Identity
Volume 2: Biseth, H. & Holmarsdottir, H. (Eds.), Human Rights in the Field of Comparative Education
Volume 3: Ginsburg, M. (Ed.), Preparation, Practice and Politics of Teachers
Human Rights in the Field of Comparative Education

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We would also like to thank all the contributors to this volume for their enthusiasm and hard work, particularly with regard to refining their contributions in light of our feedback as editors, but also the feedback of the individual reviewers. All this diligence and dedication has allowed us to bring together a volume focusing on Human Rights and Education from a number of perspectives, not only methodological and theoretical, but also geographical. This is something that was also reflected in the broader Congress theme Bordering, Re-Bordering and New Possibilities in Education and Society, which was particularly significant given Istanbul’s geographical position, straddling both the ’East’ and the ‘West’. Through this volume we believe the different authors have been able to start a discussion on how we envision the role of human rights in education within the field of comparative education and the ways in which local understandings can bring to light the trends, effects and influences that exist in the different contexts globally.

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1. HUMAN RIGHTS IN THE FIELD OF COMPARATIVE EDUCATION

Mapping Ways of Understanding Human Rights

INTRODUCTION

This volume consists of a selection of nine papers presented at the Fourteenth World Congress of Comparative Education. The Congress was organized by the Turkish Comparative Education Society and held at Boğaziçi University located in Istanbul, Turkey, in June 2010. The theme of the Congress “Bordering, Re-bordering and new Possibilities in Education and Society” was particularly significant given Istanbul’s geographical position, straddling both the ‘East’ and the ‘West’. The ‘East/West’ rivalry ever so present in terms of identity can also be found in local as well as global inequalities or as Edward Said reminds us the way in which ‘Western’ culture “gained in strength and identity by setting itself off against the [‘East’] as a sort of surrogate and even underground self” (Said, 2003, p. 3).

A common European identity is seen as imperative in terms of the EU, thus in the case of Turkey there has been a questioning that Turkish-EU relations amount to a clash of civilizations. Nevertheless it is pertinent to point out that the process of membership is complicated by a clash of two conflicting definitions of what Europe is and should be. From the Turkish side demands have been placed on inclusion into Europe and the need to recognize the distinct cultural identity inherent in Turkey, while a minimalist discourse has portrayed Europe at the center of civilization requiring Turkey to assimilate. More importantly the debate has been over Turkey’s ability to adhere to and fulfill its obligations on some of the most important EU values. The values that EU citizens feel are most important to them personally are Peace (52%), Human Rights (41%) and Respect for Human Life (43%) (European Commission, 2006). These themes also permeated some of the fourteen Congress thematic groups. It is from the parallel sessions within these thematic groups that the nine papers have been identified.

MAPPING WAYS OF SEEING HUMAN RIGHTS IN EDUCATION

According to Paulston and Liebman (1996) “the writing and reading of maps … [addresses] questions of location in the social milieu” (p. 7). Thus social cartography illustrates the use of metaphor as a visual way of constructing meaning, a visual dialogue. However, maps are never neutral documents. Since the process of mapping encourages personal interpretation of specific criteria in...
representing spatial relationships among differing ideas, social cartography relies heavily upon the use of the visual metaphor as an explanatory device to bring about further discussion (Holmarsdottir, 2011). Our intention in conducting the following mapping is to place each of the nine papers within a framework inspired by the work of Dembour (2006). Likewise, we find it important to point out that in this mapping exercise it is not our intention to suggest that our views are necessarily shared in the broader social context, but it is simply to visualize the discourses in the field in order to initiate a dialogue between researchers from various disciplines. Moreover, our intention is to clarify the ways in which we understand and talk about human rights within the field of comparative education and in doing so we also attempt to shed light on the issues within human rights to which we are silent, issues that we should conceivably be discussing.

This mapping exercise is based on Marie-Bénédicte Dembour’s (2006) attempt to describe and categorize the ongoing discourses on human rights. There is no single answer to the question: what are human rights? The answer depends on whom you ask. The schools presented by Dembour can be contested and are not the only way of understanding and describing the ways in which we talk about human rights. Nevertheless we consider this a fruitful exercise as it sheds light on the fact that we do not always mean the same thing when talking about human rights. Dembour (2006) chooses to divide the ongoing human rights discourses into the natural school, the protest school, the deliberative school, and the discourse school.

Natural scholars understand human rights as entitlements we have solely because we are born as human beings. It follows from this that human rights are believed as held universally by all human beings. This tends to be a dominant understanding. The presumed consensus among states, through for example the signing of the UN Universal Declaration of Human Rights (UN, 1948), is considered as evidence of the entitlements. An interesting aspect of the arguments presented by natural scholars is that their stand is rarely made explicit. It is more of an underlying assumption, something taken for granted. In addition, there is a possession paradox in that we need human rights the most when we do not have them or our rights are violated. This questions the notion of human rights as something possible to possess.

Protest scholars do not see human rights as individual entitlements but rather as claims and aspirations. They often start from the premise that human rights are potentially universal, but from there onwards they focus on human rights as a political norm which we all have to strive to reach by securing the rights of our fellow human beings. These scholars tend to be preoccupied with marginalized groups and the struggle for human rights. There is always yet another fight to be had. In other words, protest scholars disagree with natural scholars in that we have human rights. In their perspective it is not possible to have them, the only option is to fight for them to be fulfilled so that all people can enjoy them equally. This makes human rights only potentially universal, dependent on the results of our efforts towards the realization of their fulfillment.
Deliberative scholars see human rights as procedural principals to be used in order for a society to function well. Although deliberative scholars do not believe in human rights in the way natural and protest scholars do, they are committed to them. The use of concepts like ‘adjudication’ indicates that deliberative scholars understand human rights as only existing through human rights law and thus use, for example, international human rights legislation extensively in their arguments. Deliberative scholars’ focus on human rights as ‘thin’ principles of procedures, which provides scholars with far less expectations of what human rights can achieve compared to natural and protest scholars.

Discourse scholars are fundamentally skeptical of human rights. This does not imply that they find human suffering acceptable, but they do not necessarily see human rights as the means of alleviating human suffering. Discourse scholars have a clear understanding of human rights as a social construct existing only through its linguistic encapsulation. This implies that human rights are not inherently good and we need to scrutinize the ways in which human rights are understood and used. Dembour, herself a discourse scholar, describes this position as something that brings intellectual discomfort. The other schools have less uncomfortable positions, yet we need to engage in the discomfort in order to continue the search for better ways of living our lives together.

The four different schools of thought can be visualized in this way:
Based on the above description of Dembour’s classification of human rights discourses, our intention is now to present the contributions in this volume and at the same time identifying the arguments they use and in doing so we position them in Dembour’s matrix.

The Educational Rights of Asylum-Seeking and Refugee Children within the Neo-Liberal State and Inclusive Schools in the UK

In this chapter Madeleine Arnot, Halleli Pinson and Mano Candappa outline what can happen when asylum-seeking and refugee children cross territorial and symbolic borders into liberal democratic educational systems. It revisits the findings of a recent study on the political and economic conditions affecting asylum-seeking and refugee children in the UK, contrasting inhospitable immigration policies that deny these children’s human rights with inclusive schooling approaches (Pinson, Arnot & Candappa, 2010). By drawing on rights-based approaches and on more radical interventions on behalf of the refugee child, teachers’ responses to such hostile agendas challenge government actions.

With a focus on how teachers want to ‘rehumanise’ their students and the need of a culture of social morality, these authors can be placed among protest scholars. However, their use of international human rights instruments, such as the UN Universal Declaration on Human Rights (UN, 1948), the Convention of the Right of the Child (UN, 1989) and the Convention Relating to the Status of Refugees (UN, 1951) to argue their case for the inclusion of refugee children in regular UK schools is similar to that of deliberative scholars. In this case the international legislative measures are used when judging the practice in the UK, and the lack of access to education is not found to be in compliance. Thus, on the one hand these scholars are concerned with the struggle for human rights for asylum-seeking and refugee children, clearly linked with the protest school, while also recognizing the principals of procedures involved and as such they can simultaneously be placed in the deliberative school.

The Protection of Children’s Rights in Latin America: Perspectives on the Right to Education

Paulí Dávila and Luis Mª Naya focus their chapter on how the defense of children’s human rights has had an important evolution in Latin America in recent decades, above all since the ratification of the Convention on the Rights of the Child (CRC) (UN, 1989). Most countries in the region found a way of implementing children’s rights and education rights through some genuine documents such as the Codes of Children. Since 2000, most of these Codes have been reformed. In this paper the authors have carried out a textual analysis of these documents. They focus on how Latin American countries have implemented the right to education during the last decade. In their analysis they employ Katarina Tomaševski’s (2006) categories of Availability, Accessibility, Acceptability, and
Adaptability. At the legal level, these categories provide a tool to verify the compliance of indicators with the right to education.

The Codes of Children are documents described as important steps in the implementation of the CRC in the region and documents that are complementary to the national educational legislation. In Latin America legal texts alone are seen to be able to secure the implementation of rights but the authors are clear, however, that the Codes of Children alone do not guarantee compliance with children’s rights as described in the CRC. The protection of children’s rights also relies on measures to implement them on the ground.

The authors signal a substantial reliance on the CRC as crucial in protecting the rights of children in addition to the development of subsequent legal documents in Latin American countries. It seems as if the authors consider human rights as existing through the rule of law. In a Dembourian perspective these arguments place Dávila and Naya in the deliberative school of thought.

_Ten Rights to Education in Latin America (2005-2010): Analysis of the Latin American Conferences on Education_

Ana María Montero Pedrera is conducting a documentary analysis of the right to education in Latin America based on documents presented by the Organization of the Latin American States for Education, Science and Culture (OEI). The international human rights instruments have a firm footing in Latin America and the author claims that the most lasting evidence of the advance of the right to education is the progressive expansion of the school system. It seems as if the Latin American countries mostly adhere to the demands and pressure present when international conventions and treaties are ratified.

The core of this chapter engages in the human rights instruments as they are represented in international conventions and covenants. The point of departure seems to be that these instruments can be used as a political framework to secure a better life for children through providing access to education. In seeing human rights as a device when discussing issues of distribution of societal wealth, Montero Pedrera represents a typical deliberative scholar.

_Tensions between National Citizenship and Human Rights: Perspectives in Greece and Turkey_

Citizenship education often includes human rights perspectives. Sevincer and Biseth point out, however, that national citizenship and human rights can also represent opposing perspectives. Citizenship education policies and programs tend to remain predominantly national and often nationalistic in practice (Reid & Sears, 2009). This tendency is particularly marked in new and aspirant nation-states and in post-conflict contexts where there are political pressures to stress unity, even to the extent of denying past conflicts and overstating current societal political consensus. Greece and Turkey have both emphasized a sense of shared national unity as a pivotal trait of citizenship education. However, the national
homogenization projects are currently challenged by increasing diversity in society. This is a factor contributing to tensions existing between human rights and national civic values. The simple coexistence of these perspectives is considered by the authors as problematic and they suggest another possibility in trying to integrate these aspects in social life.

The line of arguments presented in this chapter indicates authors who take as a point of departure the given nature of human rights, something inherent in each individual. This places them among natural scholars in Dembour’s model although the authors express their knowledge of the limitations of such a position.

*Interpreting Children’s Rights: A New Challenge for Education*

Catarina Tomás and Mariana Dias analyze how specific characteristics of Portugal, such as demographic composition, unemployment and poverty, affect children’s rights. The gap between the legal frameworks and social practices are described as rather wide in the Portuguese context with discourses on childhood being of a decorative character. The authors have used national and international statistics to map out life conditions of children in Portugal since the transition to democracy in 1974. Some children experience social exclusion, others are particularly vulnerable if coming from ethnic minorities or having special educational needs. In order to provide for equal educational access for all and the opportunity of achieving good results, more efforts on the protection of children’s rights are required.

Advocating for children’s right to education and a political process can have a visible impact on the life of children, Tomás and Dias present arguments indicating that human rights represent an existing framework which is valid and relevant only if we fight for the rights to be realized. This line of thought is well established within the protest school of Dembour.

*Culturally Responsive Pedagogy and Human Rights: Identifying Global Values in the Classroom*

In this chapter, Susan J. Courey and Pam LePage take as a point of departure that every child has the human right to education, training and information. Children also have other fundamental human rights that are dependent upon the realization of the human right to education. This particular human right is explicitly set out in the Universal Declaration of Human Rights (UN, 1948), the International Covenant on Economic, Social and Cultural Rights (UN, 1966), and the Convention on the Rights of the Child (UN, 1989). In order to realize human rights in general, the authors argue that we must bring the human rights movement into classrooms around the world, that teachers must think and talk explicitly about values that are shared across vast cultural and geographical gulfs, as well as across the boundaries created by income and wealth inequalities, and that we must be concerned with the fundamental values that follow from our acknowledgement of the intrinsic dignity of humans. Culturally responsive pedagogy is a platform from which teachers can model and discuss the values inherent in the human rights movement. It requires
teachers to effectively educate students that vary in culture, language, ability, and many other characteristics. Teachers utilize both empirically sound and culturally responsive pedagogy to design classrooms that welcome and support all types of students. In this chapter Courey and LePage define culturally responsive teaching and present ways to create culturally responsive classrooms.

Courey and LePage handle human rights in this chapter mainly on an individual level when focusing on the role of pre-service teachers in special education. They call for teacher students in special education to have a thorough understanding of the history of human rights in addition to the theory and politics behind human rights. Special education teachers are described in this chapter as human rights defenders by the very fact that they engage in this particular profession, and thus partake in fulfilling the educational rights of children with disabilities. However, a point is made about the pre-service teacher in this profession as having a rather shallow understanding of human rights. Furthermore they have a tendency to limit their focus to their own classrooms, not necessarily having a wider perspective including global citizenship as a frame of reference. The authors claim that a wider outlook will enable pre-service teachers to become capable and willing to critically reflect on their roles as globally competent and culturally responsive educators:

We want to inspire them [the students] to become agents of change by being more than culturally competent; we want them to help their students to understand the importance of human rights in a global community.

In order to inspire their students, Courey and LePage have created a program for culturally responsive pedagogy and human rights. In seeing themselves as teacher educators and their students as activists of human rights, Courey and LePage clearly situate their arguments in the protest school of thought as presented by Dembour (2006). In calling for a more in-depth understanding of human rights among the pre-service teachers, it seems as if the students initially take for granted their human rights. This locates the students closer to the natural scholars, whereas Courey and LePage express a deeper desire to change the students’ attitudes in the direction of protest scholars that see as their mission to uphold and defend human rights in their work.

**Moroccan Children’s Rights in an Educational Space**

In spite of Morocco’s ratification of the Convention of the Rights of the Child (CRC) (UN, 1989) and recognition of education as a right for all children, the diglossic language situation in which most Moroccan children live sometimes threatens their educational attainment. The mismatch between the language of everyday life and the language of the school is perceived by the author, Mina Afkir, as a risk to the child’s right to education.

Moroccan Arabic is the language used in everyday communication, but it is not considered viable in the educational space inside school. This situation complicates access to both the written and oral Standard Arabic, Afkir argues. The Moroccan children thus experience a form of marginalization in communicative events as...
Standard Arabic, not Moroccan Arabic, is defined as the hegemonic communicative tool (see e.g., van Dijk, 2000). The Standard Arabic functions as the formal and prestigious language whereas the vernacular, Moroccan Arabic, is limited to informal conversations (see e.g., Holmarsdottir, 2005). This situation creates a need for people to master Standard Arabic in order to effectively have a say in civil society or in matters of government policy, and experience freedoms of expression, of association, and of assembly (Beetham, 2000).

The author starts out the chapter with referring to the CRC and other legislative measures used by the Moroccan Government to improve the rights of children. Such a point of departure indicates that the author can be placed among deliberative human rights scholars as she uses arguments of linguistic rights coming to life through legislative measures. On the other hand, she pinpoints the gap between policy and practice, disclosing a challenging situation in the Moroccan educational space. Human rights are thus judged to be more like aspirations than possible to measure as actually achieved. When Afkir in addition focuses on a matter of what can be seen as social injustice and a condition that needs to be changed, her perspective on human rights are similar to those of protest scholars.

**The Role of Inter-School Collaboration in Promoting Inter-Group Relations: The Northern Ireland Perspective**

The aim of this chapter by Karen Carlisle and Joanne Hughes is to arrive at an understanding of the factors that enable, enhance and inhibit schools in a deeply divided educational context to work together in a spirit of cooperation to deliver both educational outcomes for pupils and enhance inter-group relations. The chapter considers the policy impetus for curricular collaboration within a system of religiously separate education in Northern Ireland, all of which provides an interesting dimension for exploring inter-school collaboration.

Northern Ireland is a post-conflict and divided society and one approach to enhance inter-group relations in this society is via inter-school collaboration, according to the authors. Joint activities among school staff, cooperation among teachers on school curriculum, and joint school trips are measures discussed as effective in achieving the goal. Building of trust within the school community can also be said to have a spill-over effect into the local community since it facilitates interaction among parents of cultural, social, political, religious and economically diverse backgrounds. As the efforts described in the chapter do not engage in issues on identity, they offer only a limited scope for improving inter-group relations. These issues need to be brought into the open in order to reduce the potential for inter-group tensions, according to the authors.

This chapter does not explicitly engage in a human rights discourse, but the way the topic is presented makes it relevant to theme of this volume. The paper this chapter is based on was presented at the Congress in a session entitled “Pedagogy of/for conflict resolution and understanding” in the thematic group on “Education, Conflict and Transitions within and between Societies”. The authors are
preoccupied with how contact across differences may promote social cohesion and
in particular the role of education in improving inter-group relations. Entering into
a debate on how to overcome tensions in a post-conflict society, how to achieve
peace and equal opportunities for all, is a characteristic of how protest scholars
argue their case for human rights, according to Dembour (2006).

Refugee Education as a Gauge of Liberal Multiculturalism: Iraqi Students in
Jordan and the United States

Bruce A. Collet presents an interesting analysis of education for Iraqi refugees in
Jordan and the United States, and how multiculturalism as public policies can be
used as a facilitator for human rights fulfillment. The multicultural aspect of this
chapter is related to refugees, not immigrants or indigenous populations often in
focus when discussing this topic. When he additionally links multiculturalism and
human rights, Collet’s chapter is an original contribution in the discussion of
human rights within the field of comparative education.

The analytical framework based on Kymlika’s perspectives on multiculturalism
is presented as “part of a larger human rights revolution concerning both racial and
ethnic diversity” in Collet’s chapter. As human rights are presented as values in
which there is consensus and the research presented engages with a marginalized
population, the text can safely be placed within Dembour’s protest school. The
rather substantial reliance on human rights instruments in the argument, however,
indicates that the author judges human rights as political tools in a society, and,
therefore, it is possible to see a fluctuation towards the deliberative school.

SOME CONCLUDING THOUGHTS ON THE MAPPING

Through the mapping exercise conducted in this chapter, certain trends in the way
we tend to discuss human rights within our field emerges. First of all several of the
authors focus on marginalized groups in their work, using the human rights
framework as an argument in promoting a more just society. Authors with such a
focus can be situated among protest scholars. Another line of argument represented
is that of the deliberative school. Human rights are seen as a political tool,
particularly among those with a strong focus on the human rights legal framework.
Human rights are presented, either implicit or explicit, as a leverage to implement
international obligations in education. Some authors are also placed among the
natural scholars who take as a point of departure the inherent nature of human
rights. The illustration below also illustrates how difficult it is to place our
arguments limited to one school only. The schools are not presented as rigid
categories by Dembour (2006) and she is aware of the rather porous borders
between the schools of thought she has sketched out. It is not in itself an aim to
position authors within one school only, but the model serves as a tool to
disentangle the underlying presupposition of human rights in our discussions on
education.
What also becomes clear when conducting such an analysis is the lack of possible arguments to place within the discourse school of thought. Our engagement in human rights seems to focus on using these rights as leverage to promote our arguments about education, not engaging in a more philosophical debate about human rights and the link between education and human rights. As human rights can be used as an ethical lingua franca as well as standards for conduct, engaging in themes at the same level as discourse scholars can provide fertile ground and a way of nuancing our understanding of human rights. The UN Universal Declaration on Human Rights (UN, 1948) is an exceptionally far sighted moral catalogue (Hamelink, 2000). Since we experience a huge gap between morality and reality, an engagement in the ethical perspectives of human rights can help us on the way to closing this gap. Currently ethical reflections about human rights tend to be blurred and vague in the field of comparative education.
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2. THE EDUCATIONAL RIGHTS OF ASYLUM-SEEKING AND REFUGEE CHILDREN WITHIN THE NEO-LIBERAL STATE AND INCLUSIVE SCHOOLS IN THE UK

INTRODUCTION

The notion of the child as an active participant in society was enshrined in the United Nations Convention on the Rights of the Child (CRC) (UN, 1989). This concept shaped the ‘general principles’ of what should constitute the treatment of children and their participation in society, where nation-states as signatories to the CRC are the prime guarantors of children’s rights to protection, provision, and participation. The CRC recognised the particular vulnerabilities of asylum-seeking and refugee children, whose circumstances might compromise their rights, and ensures that children’s rights are independent of their parents’ immigration status or circumstances (Boyden & Hart, 2007). As such, the refugee child carries different contradictions from those of the refugee adult. Within the changing image of asylum, the asylum-seeking and refugee child is positioned within two contradictory discourses: a political-economic discourse which distinguishes between genuine and ‘bogus’ asylum-seekers and the discursive idea of childhood vulnerability and the commitment of governments to help protect children’s rights (Giner, 2007). This distinction is captured by the weak-strong dialectic of the neo-liberal state, where the strong arm of the state is represented by its immigration policy which aims to reduce the numbers of the ‘undeserving’ from entering the country or from benefiting from its sources once inside, and the weaker arm is represented by its official central government education policy which by and large avoids directly addressing the education of asylum-seeking and refugee children.

Historically, modern education systems were projects of state-formation and the expansion of education is usually associated with the development of a welfare state and the social rights of the citizen. Consequently, the arrival of asylum-seeking and refugee children has major implications for the education system both in terms of funding and resources. Their presence challenges the somewhat delicate balance between diverse and often contradictory educational agendas such as the promotion of an inclusive ethos, cultural diversity, and social justice, at the same time as promoting academic standards and performance in a competitive school environment. To a great extent, the presence of these children and their complex needs puts to the test school ethos and teachers’ professional experience and
knowledge. Ultimately educational responses to asylum-seeking and refugee children – the ways in which their needs and rights are perceived, the support offered them, and the way teachers and schools define their responsibility towards them – are integral to the promotion of social justice.

This chapter considers how these tensions affect asylum-seeking and refugee children’s rights and what happens when they cross borders into the state and into the education system. Their rights to education are enshrined in the Universal Declaration of Human Rights (UN, 1948), the UN Refugee Convention (1951) and the CRC (UN, 1989). They are additionally granted “appropriate protection and humanitarian assistance in the enjoyment of” their rights as set forth in the CRC and in other international human rights or humanitarian instruments (UN, 1989, Article 22). Below we explore the tension between these universal rights and the forms of immigration control which shapes their education and how this has affected teachers in the UK education system who have needed to respond to such children in their schools. The first section discusses the ways in which the UK government as a strong neo-liberal state now controls asylum-seeking children through immigration policy whilst the second section explores the ‘weaker’ side of the neo-liberal state leaving it up to local education authorities (LEAs) and schools to deal with such children and their rights. The final section explores some of the ways in which at this level – LEAs and schools – asylum-seeking and refugee children’s educational rights are addressed.

THE ASYLUM-SEEKING CHILD AS IMMIGRANT

Our research indicated the extent to which the educational rights of asylum-seeking children in the UK have been substantially influenced by the country’s immigration policy. The extensive state activity in the past two decades in the area of asylum and immigration (including seven Acts and two White Papers) has, in effect, co-opted other arms of the state (the educational system being one) into immigration enforcement (Cohen, 2002). As we argued in our book, *Education, Asylum and the ‘Non-citizen’ Child* (Pinson, Arnot, & Candappa, 2010), changes in immigration policy have far-reaching effects on the work of teachers and the ways in which schools and students engage with the issue of asylum emotionally, morally and politically.

Although there are no official figures on how many asylum-seeking and refugee children there are currently in the UK, there are some indications to be found in official statistics. For example, among the 28,300 applications made in the UK in 2007, apparently some 3,535 were unaccompanied children under 17 and of the 4,870 applications with dependents, 80 per cent were children under 18 (Home Office, 2008). Unfortunately, and indeed significantly, there are no accurate national and local demographic data on the numbers of asylum-seeking and refugee children attending British schools, which in fact attest to the weak educational arm of the state. However, Rutter (2006) estimates that, in 2005, there were at least 60,000 refugee and asylum-seeking children of compulsory school age residing in the UK.
Immigration and asylum legislation in the past decade had the explicit aim of ensuring that control over migration was more effective and that entry was more difficult. With each piece of immigration legislation, the UK government has not only tightened controls over those entering the UK, but added more restrictions to the entitlements of asylum-seekers and their access to different social services – a policy that has directly affected all asylum-seeking and refugee children in the country. Indeed, one of the major trends in the seven pieces of asylum legislation has been that the weight has shifted from controlling the entrance to the soil to monitoring those who gained entrance. The changes in the image of asylum-seekers, their criminalisation and also concerns about the security and social cohesion of British society, have all contributed to a politics of belonging which is not only concerned with who and how many enter the country, but also with their entitlements and integration once inside.

During the 1990s, the strategy adopted by the UK government was to remove those asylum-seekers from the welfare state. By the beginning of the 21st century, asylum-seeking families were to find that access to social and welfare rights (including education), had become much less attainable. Consequently, serious concern was expressed about this aggressive exclusion of asylum-seekers from welfare support and its ramifications for asylum-seeking children and their well-being. Voluntary organisations such as the Refugee Council, Save the Children, UNICEF, and the Children’s Society, as well as researchers in the field warned that such restrictions would have far-reaching effects on asylum-seeking children and especially on levels of child poverty in this group. By removing asylum-seeking families from the welfare state, the government has been heavily criticised by children’s advocates for adopting a position which treats asylum-seeking children first and foremost as migrants rather than as children (Crawley & Lester, 2005). Significantly, through its actions the UK government made the education needs and the rights of asylum-seeking children irrelevant to their approach to immigration and even integration.

At the same time, such educational rights were curtailed. For example, when the UK government ratified the CRC, it entered the maximum three reservations permitted. Notably, the UK would only apply the Convention insofar as it coincided with immigration and nationality legislation. In practice, this reservation meant that asylum-seeking children did not have to be fully protected (Giner, 2007), and could therefore legitimately suffer discrimination. This exclusion also allowed for the absence of immigration authorities such as the Immigration and Nationality Directorate and the National Asylum Support Service from Section 11 of the Children Act 2004 which lists all the authorities responsible for safeguarding of children. In practice this has meant that this duty was not to be fully extended to asylum-seeking and refugee children (Anysley-Green, 2006; Crawley, 2006; Joint Chief Inspectors, 2005). The exclusion of immigration agencies from this section of the legislation also meant that the well-being of asylum-seeking children could be compromised and overridden. This exclusion symbolically supports the precedence which immigration control had over the best interests of the asylum-seeking child. The Children’s Minister at the time, in her
submission to a House of Commons committee in 2005, made it clear that such safeguarding notions did not or should not apply to asylum-seeking children. This effectively meant that children currently in the UK were to be divided into two tiers, “one tier for children for whom their best interests are the paramount consideration, and another for those whose best interests are a secondary consideration”.

Within this framework the use of three practices of immigration control – dispersal, detention and deportation – became the normalised way of managing asylum-seekers (Bloch & Schuster, 2005). Below we identify some of the important implications for asylum-seeking children’s rights.

Dispersal as a Form of Social Exclusion

Dispersal policy was first introduced by the Immigration and Asylum Act 1999. By 2000, asylum-seekers were dispersed across the UK away from London and the south-east of England. The official rationale was that avoiding cluster areas and sharing the economic burden of catering for the needs of asylum-seekers, would render these families and individuals less visible and would therefore contribute to better ethnic relations. However, in practice, the Immigration and Asylum Act 1999 turned dispersal into yet another form of exclusion, taking from asylum-seekers the right to choose where to live and often removing them from social and familial networks. In reality “… asylum seekers have found themselves in areas outside urban centres where they lack support services and that are ethnically homogenous … where they become targets for abuse and violence” (Bloch & Schuster 2005, p. 507). Consequently, many asylum-seekers decided to opt-out from the dispersal programme, thus losing any rights to state housing or benefits and often living in great poverty (Bloch & Schuster, 2005).

From an educational perspective, dispersal as temporary ‘integration’ strategy for asylum-seeking students was and is extremely problematic both to schools and the dispersed child. The findings from our study of local education authorities (Arnot & Pinson, 2005) as well as findings of other studies (e.g., Ofsted, 2003) suggest that often insufficient notice of the arrival of asylum-seekers was given to LEAs. Asylum-seekers with families were dispersed to areas where there may not have been any school placement for the children, where the schools may not have had adequate resources and funding to meet their educational needs and where schools may have had very little experience for example of: non-White students; those with English as an Additional Language; or new arrivals who appeared at unusual times in the school year. The school community could be predominantly White, often putting the children at greater risk of being racially bullied. Racial harassment is not just about subtle forms of indifference and instances of ‘taking the mick’. As a number of refugee researchers have revealed (e.g., Candappa Ahmad, Balata, Dekhinet, & Gocmen, 2007; Rutter, 2003), such harassment of asylum-seeking and refugee youth can also be violent.
By the 1990s, detention of asylum-seekers was normalised and used more frequently (Bloch & Schuster, 2005). Unlike the legitimation of dispersal policy, the UK government made little attempt to justify its policy of detaining asylum-seeking children and their families in prison-like centres. The White Paper Secure Borders, Safe Haven (Home Office, 2002) articulated that “detention has a key role to play in the removal of failed asylum-seekers and other immigration offenders” (p. 66). However, de facto, many adult and child asylum-seekers were detained even when their applications were still pending and they had entered the country legally. They were detained for longer periods (often for over two months) and around 10 per cent found themselves in detention for longer than six months (Wolton, 2006).

Between 2001 and 2010 restrictions on the detention of families had been lifted, allowing the government to detain families not just immediately prior to their removal from the country but for longer periods. As a result, families could be detained at any stage and for unlimited time, just like single adults (Bloch & Schuster, 2005; Crawley, 2005). By 2005 the UK had the capacity to detain 2,644 asylum-seekers including 456 family detention spaces. iii Detention quite clearly succeeds in excluding asylum-seeking children from mainstream education and their families from society. The then Children’s Commissioner for England, Sir Al Aynsley-Green critically observed that:

"the detention of families was not reserved for use as a genuine ‘last resort’ as required by the United Nations Convention on the Rights of the Child (UNCRC) or 'exceptionally' as required by the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UNJDL). Rather, it appeared to be used as routine procedure where a family did not apply for voluntary departure after the failure of their appeal. (11 Million, 2009, p. 15)"

Home Office statistics indicated that 1,065 children were in detention in 2009 (CYPNOW, 2010). However, Crawley and Lester’s (2005) estimate suggests a higher figure: that around 2,000 children a year are held in detention centres for purposes of immigration control. These authors found that half the asylum-seeking children were detained for more than 28 days, and that their length of detention varied from seven days to almost nine months.

The Children’s Commissioner and Her Majesty’s Inspectorate of Prisons (HMIP) as well as children’s rights activists were extremely concerned about the conditions in which children are held. In their inspection report, HMIP (2005) used strong language to describe the inadequacy of conditions for children:

"We continue to find that decisions to detain children are made without taking account of their interests, and that there are no independent assessments of the welfare needs of detained children. (p. 7)"

Aynsley-Green’s review also found major healthcare shortcomings at the detention centres, including, “inadequacy of clinical care; poor care provided to children and
adults with mental health needs …” (11 Million, 2009, p. 6). School inspectors expressed concern about whether the wellbeing of children in detention centres was safeguarded (Ofsted, 2008). It argued that immigration authorities did not take into account the educational needs of detained asylum-seeking and refugee children or their individual special needs in the decision to detain their families. Again these children’s educational and other needs were being marginalised by central government immigration policy.

Against this background, in May 2010 the new Coalition Government announced that children would no longer be detained for immigration purposes. However, over a year and a half later this commitment has not yet been realised, and a new family detention centre euphemistically named ‘pre-departure accommodation’, which could see over 6,000 children a year detained has been opened (NCADC, 2011). Whilst this centre provides various facilities such as indoor and outdoor play areas, a computer zone, extensive gardens and is being run with the support of a children’s charity, it continues to be prison-like. The site is surrounded by a 2.5-metre perimeter fence with an extra internal barrier creating a ‘buffer’ between occupants and the outside world, with occupants under constant supervision by staff from the multinational security company G4S. Commentators widely see it as ‘detention re-packaged’ (NCADC, 2011) and a continued erosion of children’s rights.

Deportation: The Ultimate Exclusion

The third aspect of immigration control focuses on measures which have also evoked immense criticism – deportation. In its implementation it could be seen not just to ignore human rights but also as creating the conditions for greater fear and trepidation on the part of asylum-seeking children. Deportation, the physical exclusion of a person from the territory of the state, is a policy which embodies some of the paradoxes faced by nation-states in the global era. On the one hand, deportation is a mechanism central to the sovereignty of the state and its ability to protect its borders (Gibney & Hansen, 2003). On the other, it can often be seen as breaching both the ethos and the provision of basic human rights. Yet raising the number of successful removals has become one of the main targets of the UK government in recent years. Its rationale emphasises the need for deportation in order to secure national borders: “Swift removal is central to the credibility of our immigration system …” (Home Office, 2005, p. 30). Paradoxically it is easier to deport those who entered the country legally than those who find it harder to disappear under immigration control’s radar – mainly families. Significantly, in the decision to deport families with children, the government’s target of successful removal of failed asylum-seekers takes precedence over the educational needs of the asylum-seeking child. The deportation of families and children especially those who are enrolled into the school system has been extensively criticised as disrupting their education. Most of the opposition to deportation comes from children's rights activists, but also from those who are in direct contact with those families – schools, teachers, students and local communities – who are directly
affected by the removal of the child. It is to local education responses that we now turn.

Local Educational Responses

According to Section 14 of the Education Act 1996, local authorities have a legal obligation to provide education for all children aged 5-16\textsuperscript{iv} and therefore, by implication, legally all asylum-seeking children should have access to education. Also formally, under the Children Acts of 1989 and 2004 (UK Legislation, 1989; 2004), all children are eligible for health-care, education and support from children’s services, by virtue of being children. This legislation on the face of it confirms that asylum-seeking and refugee children should be given the same opportunity to benefit from education as any other child in the UK.

However, central government responses we have outlined towards asylum-seeking children have put local government in a particularly difficult position. LEAs have been held responsible for the educational, social, physical and psychological well-being of asylum-seeking youth in their region often without the necessary experience, expertise, guidance or resources. The weak arm of the state – its official education policy in relation to asylum-seeking and refugee children – is reflected in the lack of binding central policy, the decision not to collect data on asylum-seeking and refugee children which renders them invisible, and in line with neo-liberal policy discourses, focuses on achievement as the main indicator for successful integration.

Asylum-seeking and refugee students have rarely been identified by central educational policy frameworks as a distinct category with specific educational needs that attract special support and funding arrangements. Their statistical invisibility within educational policy has serious consequences. Arguably it aids integration and could be connected to genuine concerns about possible stigmatisation, hostility and discrimination against asylum-seekers, but it can also leave those committed to helping asylum-seeking and refugee children without government support and advice. Such invisibility can explain the lack of specific funding arrangements to help schools and community agencies working with refugee communities and young people and cater for their complex needs. In our research, LEAs, especially in dispersal areas reported inadequate funding for the support of asylum-seeking and refugee pupils. Indeed, DfES (the Department for Education and Skills) policy has been to mainstream asylum-seeking students within existing funding policies focusing in particular on minority ethnic students’ achievement and the broader social policies associated with supporting vulnerable children.

The guidance given to LEAs and schools by central government emphasises the need to ensure the educational achievement of asylum-seeking and refugee students, and learning is defined as the main path to integration. For example, induction into a welcoming environment is defined as important if such students are to “become effective learners” (DfES, 2002, p. 17). However, in a competitive situation, asylum-seeking and refugee children might be regarded as a potential
threat to school standards and records of achievement (McDonald, 1998). Aware of this danger, refugee advocates fought for the right of schools to be given the option of excluding asylum-seeking and refugee students (if they had been less than two years in the country) or any student with English as additional language from the school’s examination results. The argument put forward was that without this option asylum-seeking and refugee students might find that they are located in lower achieving schools. The decision not to count such students in school league tables could have a positive effect and even encourage schools to accept and welcome them – on the other hand the implications of the decision to omit asylum-seeking and students from performance results might give the impression that such students are only temporarily in the country and therefore have less status in the school. Their integration may be perceived by schools to be relevant only once they cease being asylum-seeking.

This complex story of asylum-seeking and refugee children’s rights to an education has implications for UK schools and teachers. Below we describe how the teachers in three case study schools who had most knowledge of the issue and worked directly with such children saw the rights of these children. Their understanding reveals their difficulty as caring professionals in colluding with current state immigration policy.

TEACHERS’ RESPONSES TO ASYLUM-SEEKING AND REFUGEE CHILDREN

In 2006-7, two of us (Arnot and Candappa) conducted a study entitled Schooling, Security and Belonging which explored the nature of asylum-seeking and refugee students’ school experiences, and how teachers and ‘citizen’ students respond to their presence (for more details see Pinson et al., 2010). Using a maximal variation sample so as to access schools in very different social environments, we focused on three secondary schools (all non-denominational and mixed-gender) with contrasting demographics, which were known for their inclusive practice. Fairfield, an ethnically mixed school, had small numbers of asylum-seeking and refugee students; Fordham, a large predominantly White school, without a strong history of anti-racist or multicultural work had small numbers (under 10) of unaccompanied asylum-seeking students; City School by contrast was a typical inner-city multi-ethnic, multi-faith mixed school with a strong history of work on anti-racism and other equality policies, and where around 10 per cent of students came from asylum-seeking and refugee families. As part of the study, we wanted to understand the values and practices that guided their work in supporting asylum-seeking and refugee students and promoting inclusivity.

We focused on four or five key members of teaching or support staff in each school who worked closely with asylum-seeking and refugee students, or had an overview of school policy in relation to them. Individual semi-structured in-depth interviews were conducted with a total of 13 staff, for example, headteachers, citizenship teachers, language support teachers, and pastoral care staff. We cannot generalise findings to all schools or all inclusive schools, or even to all teachers within the case study schools. We were aware that a different image might have
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emerged had we interviewed other teachers who might be less sympathetic to asylum-seeking students’ needs. However, from evidence from our previous studies (Arnot & Pinson, 2005; Candappa & Egharevba, 2000; Candappa et al., 2007) as well as from exchanges on the electronic discussion list refed (groups.yahoo.com/group/refed/)vi we would argue that the teachers we interviewed are among a core of educationalists committed to social justice for refugees.

Teacher interviews focused on the sorts of values ascribed to in relation to asylum-seeking and refugee students, and whether the school was considered a safe place in which these students could feel they belonged and could prosper academically. The findings we consider here represent a small slice of our data; these we discuss more fully in our book (Pinson et al., 2010).

LEAs, schools and teachers in these three state schools were well aware that they had to cater for asylum-seeking and refugee children who are legally entitled to education. At the same time, they had to face the challenges of countering the effects of a hostile media and government policy that affected asylum-seeking and refugee children’s lives. Our research demonstrated, that political distinctions between different categories of migrant children such as the ‘deserving’ or the ‘undeserving’ which are anti-educational in their discriminatory ethos and practice, were indeed rejected by schools and teachers. In our case study schools, all children were assumed to be equally entitled to respect and to receive help in reaching their full potential. As Watters (2011) points out, these actions demonstrate how “meso-level actors circumvent and undermine macro-level actors in the immigration sphere” (p. 326). Below we illustrate this point by focusing on the ways in which teachers in our three case-study schools defined the schools’ inclusive ethos against the backdrop of exclusionary immigration policy, and how an awareness of the tension between immigration policies and their educational ethos sometimes leads to the politicization of teachers.

At a professional level, teachers were aware that their ethic implied ‘equal treatment for all’. As Sheena McGrath (the Inclusion Coordinator at Fordham School) commented:

they are just children with English as an additional language, or they’re asylum-seeking and refugee children, or they’re looked after children, or they’re abused children, they will come to you with a level of need at any time, and my response is to react to the need that is expressed in the best way I can.

From the perspective of teachers closest to asylum-seeking and refugee students, all children as young citizens were deserving of their commitment, attention and resources. As Jenny Douglas (Headteacher, Fordham) commented:

we have never, ever questioned a refugee or asylum seeker who’s come in. We’ve never thought ‘shall we have this kid or not?’ They just come, and we integrate them straightaway.
Similarly City School explicitly distanced itself from the actions of the state, as Maureen Hunter (Assistant Headteacher and Head of Inclusion) explained:

I don’t think we’ve ever refused somebody admission if we’ve got a place, simply because they haven’t had the right documentation. … Because to be honest even if it turned out that they were here illegally, in a way that’s not our concern … We would still not refuse because we honestly don’t know the circumstances and that’s not for us, the school, to judge.

Such a strong open-door stance dovetails with ethical concerns of schools to promote notions of community and social integration:

I think there is a wider compassion in the school … I think that it’s not about this is a refugee we need to help – it’s about this is what we would do for a member of our community … Which is quite nice, because that’s integration, really. (Jane Brush, Assistant Head, Pastoral, Fordham)

Although only a small sample of teachers, those we interviewed were aware of the lack of legal entitlement to support of asylum-seeking and refugee students (such as in the case of minority ethnic children), yet nevertheless they wished to ensure that such students received a just entitlement:

… dozens of other children … have equally desperate needs … [but] nobody has said to me ‘oh, those boys don’t deserve that degree of support’, … [statemented children] have a legal entitlement to a certain number of hours’ support … asylum-seeking and refugee children don’t have that legal entitlement … [But] once they’re in our school, they have an equal right to fulfill the school’s aims which are presumably about each child fulfilling their potential. So if it takes a higher level of support for us to do that, we should, where possible, be offering that. (Sheena McGrath)

Some schools take an overt stand against social exclusion and discrimination. The Head of Fairfield School, Philip Watson, for example, saw the moral/ethical and political stance of the school as linked to equality and justice. Being a global multi-ethnic school, inclusion was a value he brazenly faced parents with at the open evening, saying:

We are genuine multi-class, multi-cultural comprehensive school. Every child here has equal value, and one way we make that absolutely clear is by opening our doors to refugees and asylum-seekers … But if you don’t want your child to be sitting beside such students in class, befriending them, accepting them, making them welcome, but above all learning from them, then perhaps it is definitely not a good idea to come to [our school].

The more critical teachers used media representations as a means of teaching young people about democracy and civic action in the most active sense: campaigning and taking action politically against injustices for those without protection. For example, teachers in Fairfield used the media to illustrate the ‘dehumanisation’ of asylum seekers in the UK:
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one of the examples I give is how, when you see pictures of all these poor people abroad looking so forlorn and upset and on the run … everyone feels a lot of pity for them … But then, as soon as they arrive on British soil, they’re suddenly dehumanised people. (Greg Smith, Assistant Head, Fairfield)

The language of human rights was used particularly in the context of citizenship education and global citizenship courses. Rights discourse is familiar to British youth particularly in schools with strong egalitarian, socially inclusive ethics, or where there is a trained specialist teacher in citizenship education interested in refugee studies. Greg Smith comments:

So students are very conscious of their rights. But they also therefore apply that idea to other people. […] So they pick up that they have rights, but they also apply that to issues like those seeking refugee status or asylum-seekers … and they get in a conversation, they would argue that people have rights here, international rights.

This involvement of teachers with the issue of immigration redefines the relationship of teachers to the state. Teachers’ involvement in protecting asylum-seeking and refugee youth, encouraging their abilities and helping them settle, positions teachers in opposition to state immigration policy. In contrast with the country’s borders, crossing into the school system is something which the schools we visited were clear about – they adopt an ethos of inclusion and integration which is very different than that of central government. Greg Smith continued:

I don’t think there’s an attitude that, this student’s case might come up, you know, in immigration or something, they might be sent back … That concept, we don’t even talk about that. It’s not our business to talk about that.

The presence of asylum-seeking and refugee students similarly politicised a Glasgow primary school in Candappa et al.’s (2007) recent study. Despite having policies on anti-racism and bilingualism, the headteacher described becoming aware of what she called ‘another layer’:

We have now learned about a whole additional layer … we’ve all become much more aware of the immigration system, and how that affects our families, and in some cases some of that has been a revelation to us … particularly the dawn raids and the fact that that’s happening with very young children in the midst of it, I find hard to believe that it’s happening around me, in the country where I have always lived. (Siobhan Cameron, Glasgow primary headteacher)

Her politicisation came through witnessing children’s trauma from their past life and from the UK deportation policy. She was well aware of the importance of schooling children:

… amongst our first group we had a little boy [whose mother had died] … He had a further trauma, seeing his father marched off in handcuffs in a dawn raid … So when we do identify children who seem to be quite traumatised,
there is help for them … And he, yes, he grew up to be a very responsible young boy who had … very strong sense of justice and fair play. (Siobhan Cameron)

An example for the politicization of teachers can also be found in the Declaration on the Deportation of Children and Young People from Schools and Colleges under Immigration Act Powers produced by the Schools against Deportation campaign. Their website (www.ncadc.org.uk) is devoted to what are called ‘images of resistance’, in effect teachers working in alliance with other educational groups, in action against the state. The Declaration (SAD, 2005) begins:

We, teachers, headteachers, lecturers, teaching assistants, students, young people, trade-unionists, mentors and others working in the education system are concerned about the damaging impact which the threat of deportation or actual deportation can have on children and young people studying in schools and colleges. Deportation affects a child’s educational progress, health and well-being. We are also deeply concerned about the detrimental effect on the wider school or college community when personal relationships are disrupted and friends are separated.

Teachers’ involvement in anti-deportation brings them into contact with immigration authorities, police, and a range of other professional bodies and individuals. Their action is tipped towards three types of protection: needing to protect the asylum-seeking and refugee child from unfair actions; to protect other pupils from distress and feelings of grief at the loss of their friends; and to protect the reputation of the school’s caring ethos. In this case, teachers want to ‘rehumanise’ their students. Mark Krantz from Manchester, for example, writes about how his pupils confront democracy when they explore the ways in which media and politicians create a culture of rejection and hostility. Similarly, anti-deportation campaigns such as that run by Forest Gate pupils in London created a common legacy that is political, practical and personal. In Rosie Mason’s view:

The campaign gave those pupils involved the opportunity to experience the democratic process directly, and its success, real confidence from realising how they could control it … The result has been the after-school club which provides a space for pupils from Forest Gate school and beyond – to both enjoy activities … and to have a safe place of their own to informally discuss issues that there is not time for at school.

As we noted, such action of teachers is significant morally and politically since it unites concerns about child-centred compassionate approaches to all students with egalitarian concerns about peace, equity and fairness. Public pressure, on the UK government to address the welfare of refugee and asylum-seeking youth, particularly from public service professionals and human rights agencies, has grown substantially in recent years challenging inhumane, immoral immigration policies which do not support families. The aim is to offer children fundamental rights, and to encourage a culture of social morality. New political alliances have
been formed and new information sources provided to stimulate action (e.g., Children’s Rights Alliance for England, refugee education electronic list). Caught up in the government’s immigration and asylum policy by default, teachers engage at different levels to fight the deportation of asylum-seeking students and their families. Expert commentators such as refugee education consultant Bill Bolloten suggests that these alliances and campaigns represent a new form of politics which does not fit easily into existing party political frameworks, nor has it been led by professional organisations. What is interesting about actions such as the schools anti-deportation campaigns is that they do not appear to use the conventional language of politics nor to have been generated or supported by the traditional Left.

RIGHTS OF REFUGEE AND ASYLUM-SEEKING STUDENTS WITHIN THE SCHOOL SYSTEM

The promotion of a neo-liberal economy has led the UK government to encourage the idea that only some immigrants can contribute to the economy and could in the future adjust to neo-liberal conditions i.e., by becoming consumer citizens (Bauman, 2004). The ‘unwanted’ are those who the government now represents as an economic and social burden as well as potentially even a threat to the economic order (bogus asylum-seekers, terrorists, criminals). As a result the concept of asylum has been transmogrified into this economic policy which in effect, has closed the space within which the genuine asylum-seekers who flee persecution can fit. Yuval-Davis (2005, p. 520) warned that a politics of belonging based on economic rather than humanitarian principles would invite ‘cherry picking’ of refugees based on their alleged work skills and potential of integration rather than their real need of protection. By 2008 she went further suggesting that, in a globalised world, universal rights “tend to be restricted to those who have skills to offer to countries of immigration” (Yuval-Davis, 2008, p. 106). Human rights, it seems, are for those who already have the rights of citizenship within their home country or the state in which they reside. Increasingly there is a denial of the rights of economic and social well-being, health, and protection to ‘non-citizens’.

In contrast, within our case study schools, the presence of asylum-seeking and refugee children exposes the commitment of schools and teachers to the social values of inclusion. From the perspective of those teachers who work closely with asylum-seeking and refugee students, all children were deserving of their attention and resources. Their education matters as much as that of other children in their class. As a result, consciously or not, these teachers challenge the hierarchical structure of rights ingrained in state politics of immigration and belonging. Public pressure was put on the UK government from such teachers and other ‘caring professions’ such as social workers to address the welfare of refugee and asylum-seeking youth. In 2008 the UK government officially declared that it had withdrawn its reservation to the CRC which gave primacy to immigration policy over children’s rights. It has now accepted that the Convention applies to asylum-seeking and refugee children, over and above immigration policy. There is a new space in which the more universal model of human rights could override the
exclusive authority of the nation-state, and the asylum-seeking child’s social rights can be restored. However, the extent to which this change of heart over the CRC by the UK government will affect the boundaries of national citizenship (Bhabha, 2005) is a moot point. The tension between the economic logic and other political, civil and ethical logics such as human rights is likely to remain.

The inclusive local authorities and schools we researched provided evidence that a wide variety of mechanisms to support asylum-seeking and refugee students have been put in place. The strong positive caring discourse used by teachers who were directly involved with asylum-seeking and refugee children revealed the powerful commitment to ensure inclusive education as a principle, irrespective of the child’s origins or history. However, such strong child-centred approaches, as Boyd and Berry (2004) in Children and Youth on the Front Line, contend, may support the view that asylum-seeking and refugee children need only to be treated as individuals with human rights and with individual educational needs. This caring ethos, whilst appearing beneficial might fail to recognise (and hence depoliticise) the very real experiences of government, forced migration and settlement, of surviving loss, death, and destitution may not sufficiently emphasise the structural features of migration or children’s resilience and agency. Further, an individualising approach with its emphasis on ‘vulnerability’, if used, does not of itself encourage an active engagement in issues of human rights and social justice.

Even the more ‘radical’ response in the shape of anti-deportation campaigns might also be problematic in terms of asylum-seeking and refugee children’s rights and agency. Such campaigns, Fekete (2009) suggests, are valuable since they reconnect Europeans to their history of combating poverty, authoritarianism and displacement in the Second World War era, “reinvigorating Europe’s humanitarian tradition and breathing fresh life into degraded concepts such as solidarity” (p. 187). However, at the same time the Western modernist notions of childhood which in the past shaped the British humanitarian response to refugee children also constructs them as “passive” and their life circumstances as simply “a regrettable modern tragedy” (Myers, 2009, p. 30). This discursive formation might still be patronising to asylum-seeking and refugee children, rendering their ‘extraordinary’ childhoods as significant not because it was painful for ‘them’ but because it disturbs ‘our’ notion of childhood. Consequently, society attempts to ‘normalise’ their special circumstances with the result that their special circumstances can be ignored (Burman, 1994).

It is not therefore just the case that the government immigration policy carries a huge threat to the safety and well-being of asylum-seeking and refugee children. A caring ethos can also distance the asylum-seeking and refugee child from the circumstances that forced them to flee and, in turn, paradoxically exempts ‘us’ from the responsibility of considering issues such as community conflicts and displacements. By focusing on individuals, Boyd (2009) warns us that “attention is diverted away from the wider structural conditions that produce and reproduce forced migration ...” (p. 272). In this global context, the role of the educational system (despite being the weaker arm of the state) is now the focal point for those who wish to retain the ancient ethos of asylum, over and against state hostility to
the asylum-seeking child. At the same time, the educational system needs to reflect critically on both the nature of its response, the consequences of its pedagogical approach and the requirements that are associated with the concept of human rights, in this case, of a group of children with access to few rights other than education.

NOTES

i Section 55 of the Borders, Citizenship and Immigration Act 2009 which introduced a new duty on the UK Borders Agency to safeguard children came into force in November 2009.

ii Bill Bolloton, refugee education consultant, personal communication

iii These centres include Yarl’s Wood in Bedfordshire, Oakington in Cambridgeshire, Dungavel in Lanarkshire and Tinsley House near Gatwick. In 2011 the family unit at Yarl’s Wood was closed following scathing criticisms.

iv With the exception of those who reside in removal centres in which case education would be provided by the centre

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vi refed is a mailing and discussion list set up to promote discussion of practice issues to support teachers and other professionals who work with refugee and asylum-seeking young people and their families, through the exchange of ideas and resources.

vii In Fairfield, other pedagogical means were also called into the task of developing compassion. The GCSE citizenship curriculum module called ‘Participating in Society’, encourages students to understand other people’s realities, to become involved in international and national charities (e.g. Oxfam, UNICEF, Islamic Relief). Other opportunities were Red Nose Day, Refugee Week, and modules such as Is Britain a Fair Society?

REFERENCES


EDUCATIONAL RIGHTS OF ASYLUM-SEEKING AND REFUGEE CHILDREN


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