

Spain: Hope through diversity

Begoña López Cuesta
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Frida Kahlo, from the activity “artistic talks” of the school Sansomendi IPI, Vitoria.

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Education International

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METHODOLOGY

This study was prepared using a combination of different types of data, both quantitative and qualitative, collected between September and December 2016. The principal source of information was a set of 17 semi-structured interviews with people with extensive experience in the reception of refugees or experts in the subject. They include the staff of non-governmental organisations, experts in asylum and working with foreign nationals, local government officials and representatives of different Spanish universities. The details are set out in the bullet points at the end of this section.

In addition to the interviews, information was also collected during a visit to 16 primary and secondary schools with a high proportion of pupils who are refugees, have been displaced by force, and/or are seeking international protection and migrant status, located in the country's four most densely populated autonomous communities (Catalonia, Basque Country, Autonomous Community of Valencia, Autonomous Community of Madrid). In each of these schools we spoke to teachers, head teachers and other education professionals, as well as to the refugee pupils and a selection of the mothers and fathers of this group of students.

Finally, there were two additional sources of data, of a secondary nature. Firstly, a quantitative analysis of data on the flow and the reception of refugees published by official bodies, including the National Institute of Statistics, the Ministry of the Interior, the Ministry of Education, Culture and Sport, the Office of the Ombudsman, and different local administrations, was carried out. Secondly, in order to capture the feelings of the public and principal social agents, we analysed documentary material, looking at articles in the printed and digital press, from the newspapers with the highest national circulation (especially those publications focused on migration and refugee population); at the electoral programmes of the different political parties for the General Elections of December 2015; and at publications from various non-governmental and trade union organisations, foundations and international institutions - including UNESCO, UNICEF, the European Parliament and Education International.

Box 1. List of people interviewed

- Carla Amador, a volunteer in Greece working with Syrian refugee street children, for the Association *Holes in the Borders*.
- María Antonia Casanova, a lecturer from the Education Department of the Camilo José Cela University (Autonomous Community of Madrid), Director of the Higher Institute for the Promotion of Education and patron of the Higher Institute of Research and Developmental Studies in Social Behaviour (Instituto Superior de Promoción Educativa y patrona de la Fundación Investigación, Desarrollo de Estudios y Actuaciones Sociales - FIDEAS).
- Cristina Domínguez, representative of the Refugees and Social Intervention Programme of the Spanish Red Cross (CRE).
- Francisco García, Secretary General of the State Federation for Education, Comisiones Obreras (CCOO).
- Jaione Gaztañaga, Director of the Sansomendi de Vitoria Primary Education and Learning Community Centre (Basque Country).
- José Hernández, expert in asylum and foreigners.
- Ana María Julián, Councillor for Education on the Town Council of Mislata (Autonomous Community of Valencia).
- Mónica López, representative of the Spanish Commission for Refugee Assistance (CEAR).
- Luís Muedra, Headmaster of La Morería de Mislata secondary school (Autonomous Community of Valencia).
- Felipe Perales, director of the Refugee Reception Centre (CAR) de Mislata (Autonomous Community of Valencia).
- Miguel Recio. Headmaster of the Vega del Jarama de San Fernando de Henares secondary school (Autonomous Community of Madrid).
- Miguel Ángel Rodríguez, head of External Communication, Communication and Images for the Spanish Red Cross (CRE).
- Miquel Ruiz, Education Director at the Santa Cruz College (Autonomous Community of Valencia).
- Teresa Sanz, educator for unaccompanied minors in reception centres
- Alejandro Tiana, Dean of the National University of Distance Learning (UNED).
- Teresa Vivancos, Director of the Josep Carner Secondary School in Badalona (Catalonia).
- Souad Yousef, a Syrian refugee in Spain and student in San Fernando de Henares (Autonomous Community Madrid).

INTRODUCTION

Spanish legislation provides for the right of refugees to education and international protection. In practice, however, the absence of a legal framework and institutional infrastructure specifically designed to identify the needs of this target group and provide an appropriate response runs counter to this formal recognition. There are no mechanisms to guarantee the fulfilment and respect of these rights. This failing has a particularly harmful effect on child refugees and asylum seekers, given their greater vulnerability.

This study provides an overview of the current situation of refugee and asylum-seeking minors in the Spanish State – with regard to the right to education and, more generally, in relation to access to adequate protection mechanisms given their vulnerable situation. To this end, we begin with a review of the legal, institutional and administrative structure of refugee reception, followed by an analysis of the risks, limitations and challenges posed by it. This analytical section is accompanied by a review of the initiatives and actions led by civil society, which are limited in nature but nevertheless indicate areas of improvement, as well as good practices, which could be incorporated into existing institutional mechanisms. Finally, the study concludes with a set of proposals aimed at developing a systematic and effective response to enable progress towards the comprehensive care of refugee children.

The study has had the benefit of input from experts in education, international protection, childhood and human rights. An effort is thus made to give a voice to the diversity of persons who can draw on their professional experience to provide an informed perspective on the issue, as well as proposals for improvement based on the evidence and practical experimentation. Promoting exchanges between these experts, and the attention paid by the competent authorities to their observations prove of vital importance in moving towards a generalised improvement of the system.

This report essentially emerges as an initial approximation to the right to education for refugees in Spain, thereby serving as a point of departure or invitation to closer attention and a public discussion on this issue. Similarly, the range of good practices and proposals for improvement is likewise conceived in exploratory terms. The aim is to identify potentially useful actions, but above all to encourage in-depth reflection on the current state of the situation.

STATISTICS

Minors applying for protection

The available quantitative data show how Spain receives a very reduced fraction of the total applications for asylum in the European Union. In 2016, for instance, this figure was 1% of the total. Furthermore, in practice, the State turns down some 70% of such applications, according to the 2016 report by the Spanish Refugee Aid Commission (known by the Spanish acronym CEAR).

For their part, applications for international protection filed by minors represent 25.2% of the total applications received according to the latest available data published by the Ministry of the Interior for 2015. In absolute terms, these figures represent 3,750 applications out of a total of 14,887. The origin of these applicants per continent is given in Table 1.

Table 1. International protection applications in Spain by minors per continent in 2015

	0-13 years of age	14-17 years of age	Total
África	214	77	291
América	165	46	211
Asia	1858	387	2245
Non-recognized states	164	32	196
Central and Eastern Europe	716	88	804
Stateless	-	-	-
EU-28	3		3
Total	3120	630	3750

Source: Ministry of the interior.

Nevertheless, as shown in Table 2, most of these applications were turned down -- some type of protection was granted to only 389 of all minor applicants, i.e. 10.4% of the total.

It should moreover be noted that Refugee Status and right of asylum to minors were granted only in a marginal proportion of these cases. Most of the accepted applications were authorised under what is known as the *Right to Subsidiary Protection*. Pursuant to the Asylum and Subsidiary Protection Act 12/2009, subsidiary protection is protection provided to nationals of other countries

and stateless persons who, although they do not meet the requirements to be granted asylum or recognised as refugees according to the 1951 Geneva Convention and the 1967 New York Protocol Relating to the Status of Refugees, they are considered to run a real risk of suffering serious prejudice (death penalty, torture or inhuman and degrading treatment, or indiscriminate violence in conflict situation). Although this form of protection results in authorisation to stay or to reside in Spain, it is worth bearing in mind that such people are denied refugee status. The consequences of such non-recognition entail loss of protection if they should leave Spanish territory. Whereas pursuant to the UN provisions, refugee status guarantees protection for the person irrespective of where s/he is, subsidiary protection applies only within the Spanish State.

Table 2. Response to international protection applications by minors in 2015

	Recognition of refugee status and granting of the right to asylum to minors	Recognition of right to Subsidiary Protection to minors	Authorisation for minors to stay or reside in Spain on humanitarian grounds	Rejected
Total	63	326	0	3361

Source: Ministry of the Interior.

It is also worth underscoring the virtual absence of applications for international protection filed by unaccompanied minors. There were 25 such applications in 2015 and 26 in 2016 – figures which contrast sharply with the 14,440 applications received by Germany or the 32,250 received by Sweden according to Eurostat figures for 2015.

Finally, although no official data have been published by the Spanish authorities for 2016, the figures published by Eurostat suggest the number of minors applying for asylum in Spain is stable at 3,745. It is not possible to determine at this time the proportion of these applications that were accepted.

Table 3. Underage asylum seekers in 2016

	14 years of age	14 to 17 years of age	Total
Spain	3.205	540	3745

Source: Eurostat.

PART I: NATIONAL LEGAL FRAMEWORK

International protection

The right to asylum and subsidiary protection in Spain is regulated by Act no. 12 adopted on 30 October 2009. Article 3 thereof addresses and specifies the definition of refugee:

Art. 3: Refugee status shall be granted to every individual who resides outside of the country of his or her nationality due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, gender or sexual orientation, and cannot or, because of said fears, do not want to avail him/herself of the protection of said country, or to a stateless person who, lacking nationality and being outside the country where s/he previously resided, for the same reasons cannot, or because of said fears, does not wish to go back, and does not fall under any of the reasons for exclusion under Article 8 or the causes for rejection or revocation of Article 9.

The processing of applications for international protection falls under the direct preview of the Asylum and Refugee Office in Spain. This body meets under the mandate of the Ministry of the Interior and examines asylum applications to decide whether they are accepted or rejected in the processing phase (known as the application process). This same body is also responsible for examining the case and the evidence included in the applicants granted leave (a process known as the investigation of the dossier), to issue a favourable or unfavourable report in the end whether to grant international protection. In essence, the final decision on the matter ultimately depends on the minister for the interior.

It is worth underscoring that a number of experts have pointed out that the Spanish legislation on this matter is not in line with the procedures considered by directives adopted at European level. The representative of the UN High Commissioner for Refugees (UNHCR), Francesca Friz-Prguda, cited the need to address this lack of harmony when she appeared before the Lower House of Parliament in March 2016.¹

To these limitations should be added the lack of specific legal provisions on and references to the protection of minors. According to the Office of the

¹ Diario de Sesiones de las Cortes Generales. Comisiones Mixtas. N°8/12.04.2016 (p. 6 and 7). Available at: http://www.congreso.es/public_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDE (consulted on 5 August 2017).

Ombudsman, “there are significant gaps in the specific procedure used to detect the specific international protection needs and to determine the interest of minors... the approach to applications for international protection filed by minors is absolutely different from that for applications from adults, and consequently, the sole form of assessing in-depth and with sufficient guarantees whether it is advisable to grant protection is to treat applications from minors differently.” (Ombudsman, 2016a, p. 75).

The Spanish reception system for applicants for, or beneficiaries of, international protection is organised along a double network consisting of public migration centres on the one hand, and a series of receptional measures and programmes managed by non-governmental organisations (NGOs) and subsidised by the Ministry of Employment and Social Security.

The public network has four Refugee Reception Centres (known by the Spanish acronym CARs), managed directly by the Administration and employees of the Ministry of Employment and Social Security. They were all created in 1989 and specialise in asylum seekers. These centres provide accommodation, sustenance, urgent and primary psychological and social assistance for asylum seekers in Spain, but do not have economic resources to attend to their needs and those of their family. The CARs are located in different territories of Spain, more specifically in Seville, Valencia and Madrid, with two such centres in the latter.

Reception facilities run by NGOs are managed mainly by the Spanish Catholic Migration Commission Association (known by the Spanish acronym ACCEM), the Spanish Refugee Aid Commission (known by the Spanish acronym CEAR), the Spanish Red Cross (known by the Spanish acronym CRE) and the Mercy Foundation for Migration. These bodies manage some 2,000 reception places, with a €13 million direct subsidy from the administration.

The situation in Melilla and unaccompanied foreign minors

Located on the African continent and governed by their own Statute of Autonomy, the cities of Ceuta and Melilla constitute a key point in the migration routes. Both are located on the Mediterranean coast just a few kilometres from the Iberian peninsula, and are thus one of the most common access ways to Europe. Given the pressure of the migration flows in these areas, so-called Centres for Temporary Stay of Migrants (known by the Spanish acronym CETI) have opened up, designed as provisional reception facilities and geared to providing essential services and basic social benefits to migrants and/or asylum seekers who arrive at those cities, in many cases as a preparatory step to reach the Iberian Peninsula by sea. This is where the identification formalities and medical examinations are carried out prior to any decision on the most

appropriate action depending on their administrative situation in Spain. These centres are regulated in accordance with Articles 264 and 266 of the Regulations for Organic Law 4/2000, adopted by Royal Decree 557 of 20 April 2011.²

The increased migration pressure on these cities in recent years has given rise to serious overcrowding problems at the CETIs, exacerbated in turn by the relative institutional neglect and ensuing lack of adequate attention for migrants and asylum seekers. The visits paid by the Office of the Ombudsman to the Melilla CETI in 2015 brought these dynamics to light. The centre received 1509 persons in May and 1700 in September, most of whom were families from Syria in need of international protection. The number of minors accommodated in the centre was 530, exceeding in and of itself the centre's total capacity, which is around 480 places. The UNHCR representative in Spain, Francesca Friz-Prguda, alluded to this problem also when she appeared before the Lower House in 2016. Among other issues, she noted that the CETIs were not up to the reception standards set out in the European directives, and that the staff employed in them was not sufficiently specialised. The Spanish government was accordingly called upon to increase the number of reception places and to upgrade the corresponding infrastructure, as well as to coordinate the action with other institutional stakeholders (municipalities, trade unions, universities private individuals) in order to move towards sustainable integration programmes.

The saturation of the Melilla CETI led to the decision, likewise in 2015, to move some of the asylum seekers to peninsular Spain where they could be accommodated with more appropriate resources. This procedure was not managed satisfactorily, however, as these transfers were not accompanied by the deployment of resources required to pay proper attention to the migrants. For instance, many of the migrants or asylum seekers transferred to Madrid stayed overnight in a youth hostel made available by the local authorities or in the street, due to lack of places. Similarly, care for these people was frequently delegated to NGOs because of a lack of an *ad hoc* institutional response. That year, the Spanish Red Cross attended to 18,000 people in need of international protection, 85% of whom did not stay in Spain, and 60% of whom were Syrian nationals (Ombudsman, 2016a, p. 90).

One area in which the management of the CETIs proved particularly precarious and inadequate was care for unaccompanied foreign minors. Most of these were not yet 14, and were thus in a particularly distressing and vulnerable situation. The institutional response from the Spanish authorities did not provide proper protection for this group however, and was characterised by neglect and lack of proper care. The Harraga Association presented a report³ in 2016 on the situation of unaccompanied foreign minors in Melilla, which documented

2 Ministry of Employment and Social Security. Available at: http://www.empleo.gob.es/es/Guia/texto/guia_15/contenidos/guia_15_37_3.htm (consulted on 5 August 2017)

3 Harraga Melilla. Available at: <https://harragamelilla.wordpress.com/> (consulted on 5 August 2017)

the use of violence by the local authorities and security forces, as well as the generalised ill treatment, abandonment and inaction on the part of the city's institutions. A similar situation in Madrid was denounced by the Fundación Raíces [Roots Foundation] and the NGO Save The Children: many of these minors are not properly documented, were not given the residency option and are not protected according to the same standards as other minors.⁴

The situation of unaccompanied foreign minors led to a specific investigation on the matter by the Office of the Ombudsman in 2015. An effort to identify the main difficulties and limitations of the current management identified the saturation in protection centres, the delay in being granted authorisation to stay, the expiry of that authorisation once they come of age, and discrimination in their schooling. It was moreover noted that all these elements discouraged said minors from staying in the corresponding centres, and made them want to head for the peninsula.

This diagnosis was accompanied by a series of recommendations submitted to the Department of Social Welfare of the Autonomous City, the Government Delegation and the Office of the Attorney General. They include the need to take measures so as to broach the situation of the minors from different angles than merely political or coercive perspectives, by adopting support and educational measures. Similarly, the Spanish administration was called upon to launch a community register at European level to keep track of these minors, who are potential victims of human trafficking and other types of exploitation (Ombudsman 2016b2016a, 2016b).

4 [eldiario.es](http://www.eldiario.es). 07.11.2016. Menores tutelados duermen en un parque de Madrid "abandonados" por la Comunidad, según Save The Children. At http://www.eldiario.es/desalambre/Madrid-Comunidad-Save-The-Children_0_577792554.html

Right to education

The Spanish Constitution of 1978 stipulates (in Article 27) that every person has a right to education, and that the aim of education is to be the full development of the human personality with respect for the democratic principles of living together and fundamental rights and freedoms. The rights of refugees are treated specifically in Act 12/2009, which governs the right to asylum and subsidiary protection in Spain. Article 36 of said Act stipulates that a refugee has the right of access to education, as well as to health care, housing, welfare assistance and social services, the rights recognised by the legislation applicable to persons who are victims of gender violence, social security and integration programmes. It is specified that this access and the enjoyment of this right must be under the same conditions as for Spanish nationals. Thus, access by refugees to continuing or vocational training and placements, as well as the recognition of academic and professional degrees and certificates and other proof of official qualifications issued abroad, must be guaranteed without any differentiation from Spanish citizens. On the other hand, the State School Board calls on all educational administrations to guarantee in all centres and on all levels, including those that are not compulsory, human and material, educational and technological resources required for pupils with special needs among those who enter the education system late, such as refugee minors or asylum seekers (State School Board, 2107).

In general terms, guaranteeing the right to education falls under the purview of the Ministry of Education, Culture and Sport (known by the Spanish acronym MECD). This ministry is responsible for regulating the basic aspects and guaranteeing equality for all Spanish nationals, pursuant to Article 149.1 of the Constitution of 1978. By virtue of that same constitutional order, however, the legislative and executive competencies for education fall essentially under the so-called Autonomous Communities – which leads to a notable internal diversity in terms of education policy. The provision of education services is consequently the direct responsibility of the educational administrations of those communities, frequently in cooperation with local authorities tasked with providing essential services to citizens. The latter authorities carry out various actions in the fields of children's education, adult education, specific vocational training programmes, art education, transport and catering services for centres and complementary and extracurricular activities or orientation services (State School Board, 2107).

Guaranteeing the right to education for refugees unfortunately is not the purview of a specific institution that specialises in this matter or is legally responsible for its observance. In any event, given the high degree of decentralisation when it comes to education in Spain, it is assumed that responsibility ultimately lies with the aforementioned Autonomous Communities. As listed in Organic Law on Education 2 of 3 May 2006 (known by the Spanish acronym LOE), and

the amendment thereof referred to in the Quality Education Improvement Act (known by the Spanish acronym LOMCE) of 2013, the measures that can help guarantee this right are regulated by the autonomous educational administrations. These measures include organisational and curricular actions to take account of diversity, curricular adaptations, splitting groups, integrating materials, flexible groupings, support in ordinary groups and offer of specific materials, programmes to improve learning and performance and programmes for the specialised treatment of pupils with specific educational support needs.

Box 1. Public opinion and the perception of immigration

According to data published by the journalists' group PorCausa⁵, in a study carried out through Metroscopia, Spanish public opinion does not see immigration as a problem. The majority of Spaniards considers a border management model based on the shield to have "failed," and 61.3% of the persons questioned think that legal avenues must be opened so as not to play with people's lives. Similarly, 80% opt for a society of "co-existence," which suggests a certain predisposition to welcome and integrate the migrant population.

However, the same data show a prevalence of certain negative perceptions of the effects of this phenomenon, and the experience of assessment thereof in terms of a threat, as suggested by some of the results:

- 64% think that "migrants contribute little or anything to employment creation";
- 47.5% believe that "migrants pay little or any taxes";
- 26% believe that "they are a threat to our jobs";
- El 47,5% cree que "sobrecargan nuestros servicios públicos"
- A little more than 26% believe that "they threaten our values and culture" and "our jobs".

According to the collected data, these perceptions of immigration are more deep-rooted among those questioned who consider themselves to be on the political right than those who consider themselves to be on the left. Breaking down the answers by political affinity, the results are as follows:

- Those who vote Podemos (left-wing party) are the ones that have the most positive opinion of immigration – 90.6% approve of it.
- 43.6 of those who vote for the Partido Socialista Obrero Español (centre left) agree with the statement that "the borders should be reinforced and stricter controls should be imposed".
- The majority of those who vote for the Partido Popular (right) and Ciudadanos (centre right) believe that migrants overburden the public services and contribute little if anything towards employment creation (63% and 67.7% respectively).

⁵ PorCausa. Investigación y periodismo. Available at: <https://porcausa.org/articulo/espana-pais-acogida/> (consulted on 5 August 2017).

Gonzalo Fanjul, one of the authors of the report, points out that these myths about immigration can be reinforced if the media repeat biased, tendentious or alarmist news. He cites how against the background of a rise in xenophobic positions, public opinion could swing to intolerance for immigration. In a similar vein, Esteban Ibarra, president of the Movement Against Intolerance, points out that “xenophobia and the rejection of refugees and immigrants are growing in Europe and go hand in hand with intolerance of Islam and Muslims and Islamophobia – an entire reality which has come to the fore with force during this crisis despite shows of solidarity (...). It is necessary to rise up against racism, xenophobia, anti-Semitism and Islamophobia that crop up in crass, criminal and vicious guises on hate websites” (Movimiento Contra la Intolerancia, 2015).

PART II: RESPONSES FROM THE PUBLIC ADMINISTRATIONS AND CIVIL SOCIETY

Main challenges and institutional responses

Challenges with respect to the socio-economic context

The analysis of the right to education of refugee children in Spain entails an analysis of the causes of child poverty and educational poverty (FECCOO, 2016). In this respect, it is important to bear in mind that the refugee population is arriving in Spain in a highly complex social context characterised by the relative absence of an institutional response capable of dealing with this scenario.

A clear indication of the growing levels of socio-economic vulnerability of the Spanish population is the risk of poverty which has registered a rising trend since 2009. It is significant that the child population has been the group most affected by this trend. Thus, 40% of minors between the age of 12 and 17 are at risk of poverty or social exclusion.

The complexity of this situation has been exacerbated by the low levels of investment in policies for equity in education – although it is considered the most cost-effective social investment (FECCOO, 2015a). The economic crisis the country has been going through since 2008 has entailed a substantial reduction of funds intended to guarantee social rights, including educational rights. Thus, more than €10,000 million has not been invested in education from 2009 to 2016. These cuts have affected especially those budget items that are clearly of a compensatory nature (Consejo Escolar del Estado, 2017), such as those intended for scholarships and aids or those intended to boost equal opportunities – described in greater detail in Box 2.⁶

According to the analysis of Miguel Recio, director of the Vegal del Jarama Institute of Secondary Education, in 2012 the Ministry of Education cut the vast majority of essential funds used by the various Autonomous Communities to attend to diversity. The quantity of public spending on diversity in non-university education was thus reduced by 55.4% between 2009 and 2012- these items being the most affected of all the education programmes.

⁶ The reduction of investment in policies to promote equal opportunities has been particularly pronounced in the autonomous communities of Madrid, Castilla-La Mancha and Valencia.

On the other hand, the budget for Compensatory Education was reduced substantially in 2015 and 2016. The effects of this reduction have in turn been exacerbated by staff reducing policies, as a result of which support hours in primary and secondary education have been largely reduced, as has the weight of orientation departments and professionals specialising in diversity,⁷ leading to an increased incidence of part-time employment and teacher rotation. Finally, resources for shared teachers and practical programmes and support required by the Compulsory Secondary Education Act have not been budgeted nor provided.

These trends have had a considerable impact on the pupils as can be considered by the fact that against the background of early school leaving, the gap in this indicator between Spanish and foreign nationals has tended to widen, amounting to double for foreign nationals in 2013.

Policies in equity for education

Diversity policies

According to the State School Board's report on the Education System 2016, diversity policies are geared to pupils with specific needs of educational support owing to disability or serious behavioural disorders, high intellectual capacities, late integration in the education system, specific learning difficulties, or particular personal, socio-economic or academic conditions.

The educational administrations define procedures that ordinary centres can use to identify such pupils and to detect special needs, and provide the resources, organisational forms, teachers and specific professionals, as well as curricular adaptations and cooperation agreements with other administrations and entities for appropriate care.

In Compulsory Secondary Education, these general guidelines lead to the so-called performance and learning improvement programmes (known by the Spanish acronym (PMAR)), geared preferably to those pupils that show relevant learning difficulties not attributable to lack of studying or effort, the creation of new cycles for Basic Vocational Training and measures to promote staying in the educational system as well as opportunities to access and remain in the labour market, and the *Youth Entrepreneurship and Employment Strategy 2013-2016*.

⁷ Including specialists in Linked Classrooms, Compensatory Education, Special Education and Listening and Speech skills among others.

Compensatory education policies

As stipulated in the Organic Law on Education 2/2006 (known by the Spanish acronym LOE), compensatory education policies are geared to strengthening the educational system so as to avoid inequalities due to social, economic, cultural, ethnic or other such factors. Article 80 of this law therefore spells out that the Administrations are required to pursue actions of a compensatory nature in order to implement the principle of equality in the exercise of the right to education. Nevertheless, the amendment of the LOE by the LOMCE in the year 2013 has de facto entailed the elimination of these considerations, which have not been replaced by provisions of a similar nature.

Educational reinforcement, orientation and support actions

From academic year 2005-2006 to academic year 2012-2013, the Reinforcement, Orientation and Support Plan (known by the Spanish acronym PROA), which resulted from cooperation between the Ministry of Education, Culture and Sport and the educational administrations of the autonomous communities, has led to a series of compensatory education actions geared to centres supported by public funds which provide compulsory primary and secondary education.

Although the PROA was ended at state level as of academic year 2014-2015, a large part of the autonomous communities have continued the activities that were carried out under this programme. In the case of the autonomous cities of Ceuta and Melilla, during the financial year 2014-2015, drawing on the experience with the PROA, the Educational Support Programme (known by the Spanish acronym PAE) was launched to improve academic results in centres with a high percentage of pupils in a disadvantaged socio-educational situation and at risk of leaving school early.⁸

Challenges regarding the education system

The UNHCR has made a number of recommendations needed to address the immediate and serious state of access to protective and high quality education for the majority of refugees in the national education system so that education turns out to be a long-term solution for them. However, progress on this front has been limited up to now. According to Alejandro Tiana, Rector of the Distance Education University (known by the Spanish acronym UNED), the basic challenge faced by the education system to guarantee the right to education for displaced,

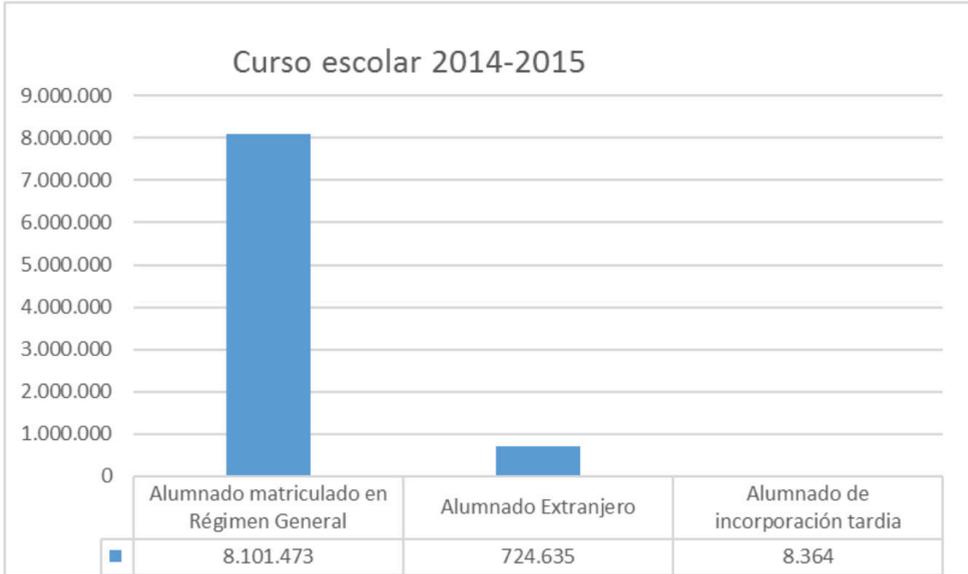
⁸ The specific normative actions and innovations of each autonomous community relating to educational reinforcement, orientation and support actions during the academic year 2014-2015 can be consulted in Consejo Escolar del Estado (2017), and in MECED (2016).

refugee, asylum seeking, stateless and migrant children consists of ensuring the necessary conditions for successful schooling. In this respect, as shown in graph 1, it is important to bear in mind that the Spanish education system has integrated a sizeable number of students of foreign origin with mixed success. Thus, the absence of serious difficulties or conflicts notwithstanding, the data provided by national and international assessments show that these children have not always attained a satisfactory level of education. According to Mr Tiana, this experience suggests that the educational success of refugee minors may prove very problematic, exacerbated by potentially traumatic experiences for many of them, which require special attention and corresponding means and resources.

María Antonia Casanova, professor at the Camilo José Cela University and director of the Institute for the Promotion of Education, reports that the schooling of children of foreign origin has not been accompanied by a difficulty in the Spanish context in recent decades. She stresses that the right to education has been respected over and above the administrative condition of the families of migrant pupils, the number of which has gradually increased. In this respect, she considers that the obligation to guarantee this right is potentially more patent or less ambiguous for the refugee population, given its explicit regulation at the international level.

The challenges faced by the education system in receiving refugee minors would therefore be those currently faced by the system in attending to diversity. The inclusive education framework recognised at state level requires the system to be flexible as and where necessary, and to offer diversified responses in the classroom to deal with differences that each pupil may show at all levels of education, and more specifically in compulsory education.

Graph 1



Source: Ministry of Education, Culture and Sport

In a similar vein, Miguel Recio, director of the IES Vega del Jarama, in Madrid, pointed out that schooling refugee pupils should not entail any extraordinary challenge nowadays, in as much as this population represents approximately 0.1% of the more than 8 million non-university students that start school every year in Spain. The main difficulty in this context therefore lies in the lack of investment into equal opportunities to attend to this pupil profile. Mr Recio pointed to possible actions, including training for the teachers of the centres where pupils with this profile are schooled, the issue of materials to facilitate their integration in the Spanish education system and the recruitment of support (translators, social workers) and educational staff and compensatory teachers to facilitate the integration of refugee children.

Challenges regarding the accreditation of diplomas

The recognition and accreditation of diplomas for displaced, refugee, asylum seeking, stateless or migrant persons, who wish to continue their education or teaching work in Spain entails significant complications of a practical nature, due particularly to the great difficulty of gathering the information that the process requires. It is moreover worth noting that no specific procedures have been defined for refugees. These elements make it particularly difficult to integrate refugee teachers. Alejandro Tiana, rector of the UNED, points out that: “It is a complicated process, which generally applies protectionist criteria that make accreditation difficult. If refugee teachers are to be integrated, an official programme must be launched that facilitates the process, since it cannot be expected to accredit a significant number of diplomas through the usual channels.”

The accreditation of diplomas of minors is less complicated, particularly if the minors in question are still in compulsory education. Nevertheless, Miguel Recio cites certain habitual problems when it comes to schooling such pupils, especially the use of the “preventive” grade repetition as a levelling mechanism. “The Support and Schooling Services, as they are called in Madrid, educate children and teenagers, sons and daughters of refugees, according to age, and have them repeat a grade to guarantee adequate progress.”

Challenges regarding teacher training and diversity

As Mrs Casanova (professor at the Camilo José Cela University and director of the Institute for the Promotion of Education) points out, the integration of a sizeable number of migrant pupils in the first decade of this century was accompanied by the deployment of a wide range of reinforcement and adaptation measures and actions geared to creating appropriate conditions for the inclusion of these pupils. It can therefore be assumed that the resources and measures deployed to that end are also potentially effective for the adequate integration of refugee students in the education system – even though the established system suffers from certain limitations that will seriously affect its efficacy.

The package of adopted measures included, first of all, the provision of a series of services geared to specialised attention for such pupils. These measures were integrated and helped reinforce a set of diversity mechanisms already present in the system (cf. Box 3 for a more detailed description of the current offer). However, most of these services have an insufficient number of units given the number of pupils with special education needs, which will presumably make it difficult to pursue lines of work geared specifically to refugee pupils.

Beyond this group of measures of a more immediate nature (or geared to mitigating the most urgent effects of the arrival of migrant pupils), many teacher training and professional development programmes were implemented, together with separate support mechanisms for teachers and other education professionals who have a role to play in receiving such pupils. These courses were coordinated or managed by teacher training and cooperation centres, and were generally related to the needs that had arisen in the education system, including the teaching of Spanish as a second language, methodological strategies, personalised assessment models, development of materials, coexistence in diversity, etc. At the same time, for the Community of Madrid at least, various studies were published on teacher orientation and on training in these issues.⁹

However, budget cuts in the education sector have had a negative impact on the availability of such programmes and especially autonomous community plans for continuing teacher training, thereby diminishing their potential applicability to refugee minors. As Mrs Casanova points out: “This gradually declined over the years, both owing to the labour situation in Spain (which has diminished immigration and fostered emigration by Spaniards and foreign nationals) as by the approaches of the education system, which have focused more on technology and languages, than on diversity. There is not much training on offer at present for teachers who have to attend to arriving refugee pupils, and such training is not a priority for the Administrations”.

⁹ These materials can be consulted at: www.madrid.org (Consulted on 5 August 2017).

Diversity mechanisms

The main units that attend to diversity currently in ordinary education centres are as follows:

- Educational and Counselling Orientation Teams (known by the Spanish acronym EOEP), Early Attention Teams, and General and Specific Orientation teams. Units responsible for orientation in pre-school and primary education are also active in nursery schools. They determine the specific support needs that the pupils may have owing to special educational needs, special learning difficulties and high capacities.
- Support Service for Migrant Pupils (known by the Spanish acronym SAI). Counselling service for Education, Youth and Sport of the Community of Madrid geared to advice and support to facilitate the educational integration of migrant pupils in the system during the academic year, especially when they are not proficient in the vehicular language of instruction.¹⁰
- Translation and Interpreting Service (known by the Spanish acronym SETI).¹¹
- Therapeutic pedagogy, listening and speech and other suchlike teachers (only in nursery and primary schools).
- Compensatory education teachers linked to diversification programmes (PMAR) (only in secondary schools).
- Technical teachers for services to the community, i.e. welfare workers (only in secondary schools).

¹⁰ For more information, see: <http://www.educa2.madrid.org/web/sai-capital/> (consulted on 5 August 2017).

¹¹ For more information, see: http://www.madrid.org/dat_oeste/seti.htm#quees (consulted on 5 August 2017).

Challenges regarding the inclusion of refugee pupils in education centres

Refugee, displaced, asylum seeking or stateless pupils face inclusion difficulties similar to those experienced by students of migrant origin. As Teresa Vivancos, director of a primary school in the Community of Catalonia, points out, a significant part of those difficulties stem directly from the lack of knowledge and the absence or fragility of a social support network: “They leave their homeland, part of their family and friends, and arrive in an unknown country. They have to adapt to a new culture, a new environment, learn a new language and make new friends. The first months are particularly hard. They go to school every day, but they do not understand the language”.

In a similar vein as Vivancos and Gaztañaga, Luis Muedra, director of a secondary school in the Community of Valencia, also cites language difficulties and “cultural misunderstanding” as one of the main challenges faced by refugee pupils, amplified by the emotional impact from a forced displacement which is often traumatic. Mr Muedra is highly critical of the lack of mechanisms designed specifically to tackle these challenges, and of the dependence on volunteering from professionals to provide appropriate guidance and support to these minors.

One of the possible mitigating actions for such difficulties is the reception classroom, which was developed in Catalonia and is geared to specialised attention for migrant pupils who are less familiar with the vehicular languages of instruction in the region (Spanish and Catalan). This system provides for the deployment of human resources necessary to create reception groups in centres with a high number of pupils from other countries, through which the migrant pupils work several hours a week on an intensive language programme, geared to providing them with basic vocabulary and linguistic structures so that they can communicate as rapidly as possible. As Vivancos points out, this mechanism entails recruiting language support staff as a fruitful means of attending to refugee children, advised and supported by a corresponding team of facilitators to facilitate communication with the family, and teacher training in diversity.

Another approach to this integration process is the proposal by Jaione Gaztañaga, director of the Sansomendi Education Centre, Learning Community of Votira-Gasteiz, in Basque Country. Mrs Gastañaga suggests deploying the relevant professionals (speech therapists, special education teachers, etc.) in the classroom to avoid separating recently integrated students and to maximise the hours of contact with the rest of the students, so as to accelerate the inclusion and language learning process.

Responses from organised civil society

Despite a lack of a normative framework and institutional infrastructure specifically designed to attend to refugee, forcefully displaced, international protection seeking and migrant minors, Spanish civil society and the local authorities have often assumed a leadership role on this matter. In this respect, it is worth pointing out that in spite of the economic crisis, Spain is currently the largest private donor to the UNHCR – an element of which, as pointed out by that institution's representative, Francesca Friz-Prguda, is indicative of the readiness of citizens to welcome and protect refugees.¹² Similarly, local and autonomous governments, private institutions and universities have launched a series of specialised actions which have contributed significantly to guarantee protection for these people, at least partially.

At the autonomous level, the experience of local citizens' networks in the Basque Country and Catalonia stand out in particular. In the first of these regions, the Refugee Aid Commission (CEAR EUSKADI)¹³ recently launched a civic mobilisation campaign to call on the autonomous government to provide services that guarantee the rights of refugees received in the region, as well as minimum standards for such a reception.

In Catalonia, the so-called Educational Network in Support of Refugees¹⁴ was designed and organised in 2016. It was joined by schools, institutes, families, leisure centres, social movements, and associations and was open to participants in an individual capacity.¹⁵ This initiative currently groups more than 114 bodies organised into municipal and district groups that operate as mutual support networks to attend to refugees locally.

On the national scale, another prominent action is the so-called INCLUD-ED project (Flecha, 2015), popularly known as "learning communities." Promoted by the CREA¹⁶ research group, the initiative consists of a series of actions geared to social transformation through educational action, including the training of adults in precarious situations, the articulation of interactive groups, the inclusion of the families of pupils in an exclusion situation in the decision-making processes of educational centres, and the opening of the colleges to the community during extra-curricular activities. Even though the initiative is not geared to refugee pupils, the success of the project in including minority and migrant groups suggests that it would constitute a good practice for the reception of displaced people.

12 Diario de Sesiones de las Cortes Generales – Comisiones Mixtas. N°8 (Record number 219/000037 – Congress, 715/000001 – Senate). Available at: http://www.congreso.es/public_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDF (consulted on 5 August 2017).

13 For more information, see: <https://www.cear-euskadi.org> (consulted on 5 August 2017).

14 For more information, see: <https://obrimfronteres.wordpress.com/> (consulted on 5 August 2017).

15 Source: <http://diarieducacio.cat/> (consulted on 5 August 2017).

16 *Community of Research on Excellence For All* - research group linked essentially with the University of Barcelona.

Finally, another prominent programme is the so-called Roma Project, geared to promoting and ensuring inclusive education. The model, proposed and developed by Miguel López Melero (Professor of Education and School Organisation at the University of Malaga) can prove a major source of inspiration to guarantee the right to education to children who are refugees, displaced or applying for international protection, who are schooled in our education system.

This proposal has given rise to the idea that it is the education system that has to change to deal with diversity in the classrooms, and not the other way around. Consequently, it is assumed that their learning difficulties cannot be attributed to mere personal difficulties, but to the curriculum structure, thus pointing to the need to develop methodologies for adjusting to particular necessities. Similarly, it is understood that exclusion cannot be eliminated only through educational actions, research and innovation, but also through social justice and the sphere of values. The inclusive school must therefore be built on a new form of thinking, communicating, feeling and acting.

Initiatives from the university sector

The universities and other organisations connected with higher education are among the social agents that have provided responses relating to the reception of refugee pupils. These institutions have made a substantial contribution towards guaranteeing the right to education for the displaced population through institutional declarations and the implementation of support programmes. Some of the most prominent actions are described below.

Declarations and commitments

One of the first organisations to take an active part in this sphere of action is the Conference of Rectors of Spanish Universities (known by the Spanish acronym CRUE), a non-profit association formed by a total of 76 universities (56 public and 26 private). This body acts as the contact and main representative of the universities with central government, and plays a key role in all normative developments that affect higher education in Spain. This organisation has on several occasions reiterated its commitment and determination to act as agents of reception, thereby showing that the universities are prepared to cooperate in the reception of refugees, offering support and aid in areas under their purview. Furthermore, the CRUE has repeatedly helped to bring the refugee crisis to the centre of the public debate, calling on European governments to honour their international commitments under Humanitarian Law and International law – whether by providing asylum or by avoiding a massive expulsion of those seeking protection.¹⁷

¹⁷ For more information, see: <http://www.crue.org/Documentos%20compartidos/Comunicados/2016.04.08%20Comunicado%20Refugiados.pdf> (consulted on 5 August 2017).

Another organisation that has had an impact on the public debate and opinion is the Conference of Rectors of Universities in Madrid (known by the Spanish acronym (CRUMA)).¹⁸ At its meeting of 16 September 2015, this body agreed to articulate a common and coordinated position so as to provide a better response to the needs of refugees. Two main types of action are thus being considered: basic support for recently arrived refugees (through language reinforcement and assistance with learning Spanish, plus support for translating documents, etc.), and actions for the longer term and/or geared to the social integration of refugees (through support to continue their studies, find a job and housing, etc.).

Scholarships, aid and reception

Some Spanish universities have launched different initiatives, with greater or lesser coverage, to support refugees who wish to start or continue their studies in Spain. These include in particular:

- The launch of a Refugee Reception Plan¹⁹ by Complutense University of Madrid.
- An effort to cooperate with Arab countries with a humanitarian orientation driven by the University of Barcelona,²⁰ which enabled three Syrian students to enrol in academic year 2015-2016.
- The cooperation of the University of Barcelona in the creation of the Arab-Euro Higher Education Conference (known by the Spanish acronym AECH), a bridge between the Association of Arab Universities (AARU) and the European University Association (EUA). The third edition of the AECH, held in 2016, included a section dedicated entirely to refugees. That same body is endeavouring to launch projects that can be financed by the Madad Fund, an EU fund for the Syrian crisis.
- The reception of 10 students from conflict zones²¹ by the Camilo José Cela University in Madrid in 2016, through the participation of this institution in the Integra Project, in which UNICEF, UNHRC, and the Tres Culturas del Mediterráneo [Three Cultures of the Mediterranean] Foundation also participated. The purpose of the project is to make it easier for refugee or asylum seeking students to access training programmes in different disciplines as well as their personal, social and academic integration in Spain and attention to basic needs (housing, sustenance).

18 Consisting of the University of Alcalá, the Autonomous University, Charles II University, Complutense University, Polytechnic University, and King Juan Carlos University.

19 For more information, see: <http://www.ucm.es/ucmrefugiadas> (consulted on 5 August 2017).

20 The University of Barcelona stands out for its track record in receiving forcefully displaced person or victims of armed conflicts. In the 1990s, the University of Barcelona signed agreements with the ACSAR to support students fleeing the War in the Balkans.

21 Specifically, from Syria (Damascus, Aleppo and Homs), Iraq, Ukraine (Xercoh) and Afghanistan.

- The preparation of a Refugee Support Plan by the University of Malaga (UMA) in November 2016. Designed in cooperation with NGOs, this plan provides measures for including refugees in the university.²²
- The launch of the Support Programme for Refugees by the University of Santiago de Compostela. This programme has made it possible to receive 2 Syrian refugees, paying for their registration fees and a monthly stipend for sustenance, free accommodation, Spanish courses and practical training in the summer in the university.

²² For more information, see: <http://www.uma.es/sala-de-prensa/noticias/la-uma-presenta-el-plan-de-apoyo-personas-refugiadas-un-proyecto-pionero-elaborado-de-forma-conjunta-con-ong/> (consulted on 5 August 2017).

PART III: ACTIONS BY TRADE UNIONS

The main trade unions at state level have in general shown a proactive attitude to the reception of refugees. This is particularly the case of Comisiones Obreras (CCOO), the leading trade union in education which covers all levels, from nursery school to university education. This trade union has contributed actively towards putting this issue on the political agenda, especially through the intervention of its main leaders and representatives in public debate forums. This is the case of the intervention of Francisco García, General Secretary of the Education Federation of CCOO, in the Education Commission of the Lower House of Parliament in March 2017.²³ Mr García stressed the unavoidable connection between the right to education and the right to inclusive education, whilst advocating diversity as a key value for learning and cooperation. On that same occasion, Mr García pointed to the redistribution policies and the fight against school segregation as key actions towards universalising the right to education, and to teacher training commensurate with the magnitude of the challenge. Ignacio Fernández Toxo, General Secretary of CCOO, pursued a similar line of argument in 2016 when he stressed that Europe must find a way out of an insufferable crisis that is consistent with its history.

Beyond these public statements, the CCOO has also worked on a report on Educational Diversity (FECCOO, 2015b), prepared by the Education Federation of this union (FECCOO). The aim is to shed light on the importance of instruments and actions for diversity and the risks associated with the marginalisation of this line of work in the education legislation in force (LOMCE). As argued in the previous section, these policies play a key role for the inclusion of migrant and refugee pupils, as well as for the principle of equal opportunities.

In order to move forward in a normative and institutional framework that can respond to these challenges, FECCOO has laid down a series of principles for an institutional response (FECCOO, 2013). These include in particular:

- The importance of training in values, both those geared to promoting democratic citizenship and those for the affective, emotional and sexual development of pupils, and the necessary planning of those circular aspects with contents, objectives and evaluation methods with the rest of the circular elements. aspectos curriculares con contenidos, objetivos y métodos de evaluación como el resto de los elementos curriculares.

²³ Source: http://www.fe.ccoo.es/noticia:234631--CCOO_exige_una_financiacion_suficiente_para_garantizar_el_derecho_a_la_educacio



- The definition of a basic diversity framework for all levels of education, agreed and assumed by the Autonomous Communities, that ensures the provision of the necessary human and material resources, reduces the student/teacher ratio and the number of pupils per class, reinforces the acquisition of basic skills and enables personalised attention for all students.
- The defence of a secular, critical, multilingual and transforming education for peace and democracy in action. In an increasingly diverse schooling context (in cultural, social, religious and linguistic terms), it is vital to ensure those principles that contribute to living together and to respect for diversity. In this regard, it is important to ensure co-education in all schools for the same reasons.

The aim is equity in education through policies for equal opportunities and for redressing inequalities, so as to impart basic skills for all pupils without discrimination on the basis of socio-economic or geographic origin.

CONCLUSION AND RECOMMENDATIONS

All the consulted sources, testimonies and recorded experiences for this report suggest that the Spanish educational administrations are confronted with multiple and complex challenges when it comes to guaranteeing the right to education to refugee and asylum seeking minors. It is worth pointing out first that the Spanish state is not very responsive or open to receive applicants for international protection and perhaps worse still, minors. In this respect, a first step towards ensuring protection for these people necessarily requires correcting this situation and ensuring higher levels of cooperation on the part of the country for the protection of refugees and asylum seekers in general.

Second, it is noted how the lack of specific guidelines and legal provisions on the protection of refugee or asylum-seeking minors tends to complicate considerably the development and implementation of effective actions for these minors, as well as the allocation of the resources necessary to that end. Although this element results in large measure from the limited number of refugees received, its effects are no less prejudicial to a comprehensive reception. Therefore, it would be necessary to endow the Spanish educational framework with a provision specifically geared to ensuring the protection and inclusion of said minors, as well as to guaranteeing their rights, especially the right to education.

Third, the splintering and fragmentation of the (limited) existing actions call for a higher level of coordination between the different sectors and tiers of government involved. Similarly, the leading role of the separate civil society, academic and basic organisations call for more attention to be paid to expert knowledge generated by said social agents to chart a duly informed action. Finally, it should be noted that against the background of budget cuts by the Spanish State, and especially the reduction of resources to guarantee equity in education, actions geared to the protection of the most vulnerable segments – including refugees – tend to be put on the backburner. In this respect, it would be convenient to recover and/or amplify redistribution mechanisms that can lead to progress in equity in education and the inclusion of minors in exclusion or risk situations.

In global terms, these challenges clearly require focusing on the education system and education policies to create the conditions for decent reception with guarantees, so as to help improve international protection and the right of those minors to education. More specifically, a number of recommendations that can help improve the various indicated dimensions are set out below. However, it is worth noting that the list is by no means exhaustive, but constitutes an initial proposal which can be enriched with such suggestions as other social agents would want to make.

As regards equal opportunity policies in education:

- Adopt education funding legislation with clear objectives that guarantees a level of investment comparable to the EU average and protects those sections with greater redistributive capacity. Although this concerns a general action, not necessarily focused on refugee minors, it is believed to constitute a key step towards the levels of equity in education required to receive these minors.
- Devise and implement a flexible curricular framework to address the specific needs of refugee pupils without obstacles to obtaining the regular qualifications. The curricular adjustment that may ensue from this action should be accompanied by assessments and instruments in line therewith, as well as by specific monitoring mechanisms to detect and anticipate learning difficulties that may arise.
- Establish a programme of scholarships and aids geared specifically to this group, to offset and mitigate the socio-economic difficulties they often face. It would also be advisable to establish a specific line for unaccompanied foreign minors, given their greater vulnerability to and risk of social exclusion.

As regards the development of a legal and institutional framework to guarantee the right to education:

- Work on improving the data gathering systems on participation and performance in education by refugee pupils in order to conduct an accurate needs analysis for this group and be able to provide an appropriate institutional response.
- Define clear standards, as well as foreseeable procedures for the recognition and accreditation of foreign diplomas so as to integrate refugee students in upper (academic or technical) secondary education.
- Organise work teams to enable the various stakeholders of the local education community (schools, municipal school boards, parents' associations, etc.) to participate in the coordination of the reception and integration of refugee pupils.
- Draw up reception protocols geared to coordinating the local educational authorities with other relevant social services so as address the different (educational and extra-curricular) needs of minors fully.

As regards inclusion policies for schools:

- Articulate and define transition teams composed of teachers, families and volunteers capable of providing guidance to

this group in times of transition between educational levels, including from primary to secondary school, and from the latter to higher education. These teams could help secure continuity between cycles and familiarise the stakeholders with the Spanish education system so that they can take informed decisions.

- Provide support and/or language assessment for refugee pupils and their families to secure their academic progress and gradual proficiency in the vehicular language(s) used in the education systems of each of the autonomous communities.
- Develop teacher training courses geared to refugee pupils, and include them in teacher training programmes in universities and in the continuing training programmes of the various autonomous communities.
- Endow the centres with human and material resources, including special education support staff, language professionals and specialists in cultural mediation, plus additional staff to give this group the care they need, by reducing the student/teacher ratios, arranging groups by level, etc.
- Identify barriers to access to education and learning for the pupils, including those displaced by force, migrants, stateless individuals, applicants for international protection and refugees, and seek methods to address their specific needs.

As regards the international protection of minors:

- Provide safe and legal paths to the asylum procedure, with the possibility of applying for asylum in Spanish embassies and consulates, making it easier to issue visas on humanitarian grounds, complying with commitments to relocation and easing family reunification requirements.
- Proceed to receive in Spain refugees who find themselves in Greece and Italy, in accordance with the relocation agreements in the European Council.
- Put an end to the forced return of migrants and refugees at the borders of Ceuta and Melilla.
- Facilitate the asylum application and processing procedure for unaccompanied minors by easing the acceptance requirements and taking support and monitoring measures, in accordance with the regulations concerning the recognition of the basic rights of these minors.
- Transpose the European directives on asylum and approve the regulation and institutional deployment provided under the Asylum Act in Spain adopted in 2009.



- Devise and implement training programmes on human rights and gender for public employees who come into contact with persons displaced by force, migrants, stateless individuals and applicants for international protection and process their files.

REFERENCES

- Consejo Escolar del Estado (2017). *Informe 2016 sobre el estado del sistema educativo curso 2014-2015*. Madrid. Ministerio de Educación Cultura y Deporte.
- Federación de Enseñanza de Comisiones Obreras (FECCOO). (2013). *Más y mejor educación para tod@s. La propuesta de CCOO*. Madrid: FECCOO.
- Federación de Enseñanza de Comisiones Obreras (FECCOO). (2015a, May). *Revista TE, trabajadores/as de la enseñanza - Monográfico Atención a la Diversidad*. Madrid: FECCOO.
- Federación de Enseñanza de Comisiones Obreras (FECCOO). (2015b). *Atención a la diversidad y calidad educativa en la nueva secundaria. Cuando la diferencia se convierte en desigualdad*. Mayo 2015.
- Federación de Enseñanza de Comisiones Obreras (FECCOO). (2016). *Informes. Crisis económica y financiación educativa: Evolución de la Inversión (2009-2013)*. Madrid: FECCOO.
- Flecha, R. (Ed.). (2015). *Successful Educational Actions for Inclusion and Social Cohesion in Europe*. Heidelberg/New York/Dordrecht/London: Springer International Publishing.
- MECD (2016). *Informe 2016 sobre el estado del sistema educativo curso 2014-2015*. Madrid. Ministerio de Educación Cultura y Deporte.
- Movimiento Contra la Intolerancia (2015). *Informe Raxen – Especial 2015*. Madrid: Movimiento Contra la Intolerancia. Available at: https://www.empleo.gob.es/oberaxe/ficheros/documentos/Raxen_Especial_2015_15.pdf (consulted on 5 August 2017).
- Ombudsman [Defensor del Pueblo] (2016a). *Estudio sobre el Asilo en España. La protección internacional y los recursos del sistema de acogida*. Madrid: Defensor del Pueblo. Available at: https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Asilo_en_España_2016.pdf (consulted on 5 August 2017).
- Ombudsman [Defensor del Pueblo] (2016b). *Los niños y los adolescentes en el informe del Defensor del Pueblo 2015*. Madrid: Defensor del Pueblo. Available at: https://www.defensordelpueblo.es/wp-content/uploads/2016/05/Menores_INFORME_2015.pdf (consulted on 5 August 2017).

Databases consulted:

Ministry of the Interior. Documentation and Publications – Asylum and Immigration: <http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/extranjeria-y-asilo> (consulted on 5 August 2017).



Eurostat – Population and social conditions: <http://ec.europa.eu/eurostat/data/database> (consulted on 5 August 2017).

Ministerio de Educación, Cultura y Deportes. Estadísticas de Educación: <https://www.mecd.gob.es/servicios-al-ciudadano-mecd/estadisticas/educacion.html> (consulted on 5 August 2017)

Ministerio de Empleo y Seguridad Social. Observatorio Permanente de la Inmigración. <http://extranjeros.empleo.gob.es/es/ObservatorioPermanenteInmigracion/> (consulted on 5 August 2017).



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Spain: Hope through diversity

Begoña López Cuesta
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