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za ljudska prava

Slavica Milojević

PRISTUP MIGRANATA PRAVU NA OBRAZOVANJE U REPUBLICI SRBIJI

ACCESS TO THE RIGHT TO EDUCATION OF MIGRANTS IN THE REPUBLIC OF SERBIA

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PREDGOVOR

Svake godine stotine hiljada migranata dolazi u Evropu, od kojih mnogi prođu kroz Republiku Srbiju. Na teritoriji Srbije zadržavaju se najčešće kraće od godinu dana, a manji broj odlučuje se da tu i ostane. Među migrantima se nalazi veliki broj dece i sva ona imaju pravo na obrazovanje, bez obzira na pravni status ili status njihovih roditelja.

Države sveta, uključujući Srbiju, iznova su potvrdile svoju privrženost ovom principu usvajanjem Globalnog kompakta o sigurnim, uređenim i regularnim migracijama, kojim su izrazile spremnost da olakšaju pristup obrazovanju za decu koja ne mogu da se vrate u zemlju porekla, i to putem ulaganja u razvoj ljudskog kapitala i u programe koji ubrzavaju ispunjenje ciljeva održivog razvoja, kao i davanjem prednosti organizovanju zaštite u zajednici zarad osiguranja pristupa obrazovanju. Države su se obavezale da sprovedu aktivnosti na obezbeđivanju inkluzivnog obrazovanja za migrantsku decu i mlade, kao i da obezbede pristup celoživotnom obrazovanju putem jačanja kapaciteta obrazovnih ustanova, obezbeđivanjem nediskriminatornog pristupa razvoju, organizovanjem formalnog i neformalnog obrazovanja, strukovnih obuka, kurseva jezika i partnerstvom sa svim akterima koji mogu da pomognu u tim nastojanjima.

Ova publikacija je nastala u okviru projekta Beogradskog centra za ljudska prava – „Ka održivom modelu zaštite ranjivih kategorija migranata u Srbiji“, koji su podržale Međunarodna organizacija za migracije (IOM) i Vlada Švajcarske. Projekat predstavlja deo šireg programa švajcarsko-srpskog migracionog par-

tnerstva, nastalog na osnovu izraženih potreba nadležnih institucija Republike Srbije. Cilj programa je da doprinese jačanju i unapređenju socijalne zaštite migranata u Srbiji kroz povećanje dostupnosti i kvaliteta socijalnih usluga i programa podrške u lokalnim zajednicama.

Cilj projekta Beogradskog centra za ljudska prava je širenje usluga zaštite u zajednici, koje se pružaju ugroženim migrantima kroz izgradnju kapaciteta centara za socijalni rad, opštinskih kancelarija za mlade i drugih aktera. Poboljšanjem pristupa i dostupnosti usluga socijalne zaštite i programa zaštite u zajednici, migrantska populacija će biti manje ugrožena i verovatnije će se integrisati u srpsko društvo.

Postojeći modeli socijalne zaštite su procenjivani kroz participativno istraživanje, čiji su rezultati predstavljeni u ovoj publikaciji. Istraživanje je usmereno kako na migrante tako i na pružaoce usluga, s fokusom na ugrožene grupe i s pažnjom na rodno osetljiva pitanja. Krajni cilj je kreiranje modela održive strategije za bolju koordinaciju usmerenu na lokalnu zaštitu i pružaoce psihosocijalnih usluga, uključujući centre za socijalni rad, kancelarije za mlade, nevladine organizacije i institucije. Strategija će ponuditi predloge za mehanizme saradnje među različitim državnim institucijama koje su uključene u sistem zaštite migranata.

Autorka publikacije je Slavica Milojević, socijalna radnica i psihoterapeutkinja, rukovoditeljka Odeljenja za informisanje, promociju i podršku u Republičkom zavodu za socijalnu zaštitu. Autorka je brojnih istraživanja i analiza iz oblasti demografskih trendova i socioekonomskog razvoja, socijalne inkluzije, zaštite dece migranata i građanske participacije ranjivih kategorija. Pre Republičkog zavoda za socijalnu zaštitu radila je u Komesarijatu za izbeglice (1992–1995), Crvenom krstu i republičkom Ministarstvu za porodičnu zaštitu. Radila je kao ekspertkinja na projektima organizacija i tela Ujedinjenih nacija. Predsednica je opštinskog odbora Crvenog krsta Savski venac, osnivačica mreže istraživača socijalnog razvoja, članica Udruženja stručnih radnika socijalne zaštite Srbije i Društva socijalnih radnika Srbije. Angažovana je i kao gostujuća predavačica na Univerzitetu u Nišu.

„Države članice ove konvencije poštuju i obezbeđuju prava sadržana u Konvenciji svakom detetu pod njihovom jurisdikcijom, bez ikakve diskriminacije i bez obzira na rasu, boju kože, pol, jezik, veroispovest, političko ili drugo ubeđenje, nacionalno, etničko ili socijalno poreklo, imovno stanje, onesposobljenost, rođenje ili drugi status deteta ili njegovog roditelja ili zakonitog staratelja.“

Član 2, Konvencija o pravima deteta



PRAVO NA OBRAZOVANJE – MEĐUNARODNOPRAVNI OKVIR

Pravo na obrazovanje spada u korpus osnovnih ljudskih prava, garantovanih međunarodnim¹ i regionalnim² instrumentima za zaštitu ljudskih prava i Ustavom Republike Srbije.³ U Opštem komentaru broj 13, Komitet za ekonomska, socijalna i kulturna prava navodi da je obrazovanje „osnovno sredstvo pomoću kojeg ekonomski i društveno marginalizovane odrasle osobe i deca mogu prevazići siromaštvo i doći do sredstava pomoću kojih će u punoj meri učestvovati u svojoj zajednici.“⁴ Cilj obrazovanja je da podstiče razvoj detetove ličnosti, talenata, mentalnih i psihičkih sposobnosti, da se razvija poštovanje ljudskih prava i osnovnih sloboda i poštovanje detetovih roditelja, njegovog ili njenog kulturnog identiteta, jezika i vrednosti.⁵ Pored toga, obrazovanje mora biti usmereno ka pripremanju deteta za odgovoran život u slobodnom društvu, u duhu razumevanja, mira, tolerancije, rodne ravnopravnosti, prijateljstva među narodima i

- 1 Član 13 Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima, članovi 28 i 29 Konvencije o pravima deteta.
- 2 Član 2 Protokola 1 uz Evropsku konvenciju o ljudskim pravima i osnovnim slobodama, član 14, stav 2 Povelje o osnovnim pravima Evropske unije, član 17 Revidirane evropske socijalne povelje.
- 3 Član 71 Ustava Republike Srbije, *Sl. glasnik RS*, br. 98/06.
- 4 Komitet za ekonomska, socijalna i kulturna prava, *Opšti komentar broj 13: Pravo na obrazovanje*, 8. decembar 1999, E/C.12/1999/10, paragraf 1, dostupno na: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/04/Op%C5%A1ti-komentari-Komiteta-za-ekonomska-socijalna-i-kulturna-prava.pdf>.
- 5 Član 29, stav 1, tačke od (a) do (c) Konvencije o pravima deteta.

poštovanja prema životnoj sredini.⁶ Imajući u vidu koliko je obrazovanje bitno za celokupni razvoj deteta, Evropski sud za ljudska prava ga je svrstao u red „najosnovnijih vrednosti demokratskih društava koja čine Savet Evrope“⁷

Pravo na obrazovanje počiva na nekoliko principa: ono mora da bude dostupno, pristupačno, prihvatljivo i prilagodljivo, odnosno fleksibilno.⁸ To znači da institucije i programi moraju da budu dostupni u dovoljnom broju širom teritorije države, te moraju svima biti fizički i ekonomski pristupačni bez diskriminacije po bilo kom osnovu.⁹ Pored toga, forma i suština obrazovanja, uključujući nastavni plan i program, moraju da budu prihvatljivi, odnosno relevantni, kulturološki prikladni i kvalitetni.¹⁰ Obrazovanje takođe mora biti fleksibilno, da bi se prilagodilo potrebama menjajućih društava i zajednica i da bi odgovorilo na potrebe dece iz različitih socijalnih i kulturoloških sredina.¹¹

.....
6 Član 29, stav 1, tačke (d) i (e) Konvencije o pravima deteta.

7 *Timišev protiv Rusije*, predstavka br. 47598/08, stav 64.

8 Komitet za ekonomska, socijalna i kulturna prava, *Opšti komentar broj 13: Pravo na obrazovanje*, 8. decembar 1999, E/C.12/1999/10, paragraf 6, dostupno na: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/04/Op%C5%A1ti-komentari-Komiteta-za-ekonomska-socijalna-i-kulturna-prava.pdf>.

9 *Ibid.*, paragraf 6(a) i paragraf 6(b).

10 *Ibid.*, paragraf 6(c).

11 *Ibid.*, paragraf 6(d).



PRAVO NA OBRAZOVANJE – NACIONALNI OKVIR

Nacionalni pravni okvir Republike Srbije je prepoznao obrazovanje kao najvažniju i najznačajniju kariku razvoja i ostvarenja prava deteta. Sva deca, bez obzira na pravni status ili neku drugu ličnu karakteristiku, imaju ista prava u pogledu obrazovanja.¹² Prema tome, deca i mladi migranti koji se nalaze u Republici Srbiji uživaju ista prava kao i sva druga deca koja imaju državljanstvo Republike Srbije.

Za oblast obrazovanja migranata značajni su, svakako, Zakon o upravljanju migracijama (ZUM),¹³ Zakon o strancima (ZS)¹⁴ i Zakon o azilu i privremenoj zaštiti (ZAPZ),¹⁵ kao i zakoni i podzakonska akta koja regulišu oblast obrazovanja.

Zakon o upravljanju migracijama, pored ostalog, uređuje zaštitu prava lica u procesu migracija, uz uvažavanje, u najvećoj meri, specifičnosti njihovih potreba i interesa, u skladu s mogućnostima Republike Srbije. Licu kojem je priznato pravo na utočište obezbeđuje se uključivanje u društveni, kulturni i privredni

12 Član 2, stav 1 Konvencije o pravima deteta proklamuje da se sva prava iz Konvencije poštuju i obezbeđuju svakom detetu pod jurisdikcijom države potpisnice, bez ikakve diskriminacije i bez obzira na rasu, boju kože, pol, jezik, veroispovest, političko ili drugo ubeđenje, nacionalno, etničko ili socijalno poreklo, imovinsko stanje, invaliditet i pravni status deteta ili njegovog roditelja odnosno zakonskog staratelja.

13 *Sl. glasnik RS*, br. 107/12.

14 *Sl. glasnik RS*, br. 24/18 i 31/19.

15 *Sl. glasnik RS*, br. 24/18.

život. U skladu s tim, specifičnosti potreba i najbolji interesi dece i mladih svakako uključuju pristup obrazovnim ustanovama.

Zakon o strancima definiše prava i obaveze kako lica s regulisanim statusom tako i lica koja nezakonito borave na teritoriji Republike Srbije. U pogledu regularnih osnova za odobravanje privremenog boravka preko 90 dana, nalazi se čitav niz osnova koji se tiču obrazovanja – školovanje ili učenje srpskog jezika, studiranje, učestvovanje u programima međunarodne razmene učenika ili studenata, stručne specijalizacije, obuke i prakse, naučno-istraživački rad ili druge naučno obrazovne aktivnosti.¹⁶ U pogledu žrtava trgovine ljudima, Zakon posebno propisuje obavezu organa nadležnog za identifikaciju i koordinaciju zaštite žrtava trgovine ljudima da maloletnim žrtvama obezbedi pristup obrazovanju,¹⁷ te da se pristup stručnom usavršavanju i obrazovanju neće uslovljavati pristankom na svedočenje.¹⁸ Strancu koji nezakonito boravi na teritoriji Republike Srbije, nadležni organ donosi rešenje o vraćanju i određuje rok za dobrovoljni povratak u kome je dužan da napusti Republiku Srbiju. U slučaju da se radi o maloletnom strancu, ostvaruje se pravo na osnovno obrazovanje,¹⁹ a isto se odnosi i na maloletnog stranca kome je odloženo prinudno udaljenje.²⁰ Iako deca ni pod kojim uslovima ne bi trebalo da budu smeštena u prihvatilište za strance,²¹ ukoliko ipak dođe do toga, moraju imati i pristup osnovnom obrazovanju u zavisnosti od dužine boravka u prihvatilištu.²²

Kada je reč o tražiocima azila u Republici Srbiji, oni imaju pravo na besplatno osnovno i srednje obrazovanje, a pristup

.....
16 Član 40 ZS.

17 Član 62 ZS.

18 Član 63 ZS.

19 Član 77, stav 6 ZS.

20 Član 84, stav 4 ZS.

21 Prema članu 3, stav 1, tačka 12 ZS, Prihvatilište za strance je objekat za smeštaj stranaca kojima nije dozvoljen ulazak u zemlju ili za koje je doneto rešenje o proterivanju, udaljenju iz zemlje ili o vraćanju, ali ih nije moguće odmah udaljiti, i kojima je, u skladu sa zakonom, određen boravak pod pojačanim policijskim nadzorom.

22 Član 92 ZS.

obrazovanju maloletnom tražiocu obezbeđuje se odmah, a najkasnije u roku od tri meseca od dana kada je podneo zahtev za azil.²³ Pravo na obrazovanje lica s odobrenim pravom na azil je šire, te uključuje pravo na predškolsko i visoko obrazovanje pod istim uslovima kao i za državljane Republike Srbije.²⁴ ZAPZ potvrđuje pravo na besplatno osnovno i srednje obrazovanje u državnim školama za lica s odobrenom privremenom zaštitom,²⁵ odnosno na predškolsko, osnovno i srednje obrazovanje za lica koja se nalaze u postupku dobrovoljnog povratka.²⁶

Konkretna pitanja od značaja za sistem obrazovanja u Republici Srbiji bliže su definisana Zakonom o osnovama sistema obrazovanja i vaspitanja,²⁷ Zakonom o predškolskom vaspitanju i obrazovanju,²⁸ Zakonom o osnovnom obrazovanju i vaspitanju,²⁹ Zakonom o srednjem obrazovanju i vaspitanju,³⁰ Zakonom o visokom obrazovanju.³¹ Kod priznavanja stranih školskih isprava značajne su odredbe Zakona o nacionalnom okviru kvalifikacija Republike Srbije³² i Zakon o profesijama od posebnog interesa za Republiku Srbiju i uslovima za njihovo obavljanje.³³

Zakon o osnovama sistema obrazovanja i vaspitanja propisuje da svako lice ima pravo na obrazovanje i vaspitanje, a za strance konkretizuje da imaju pravo na obrazovanje i vaspitanje pod istim uslovima i na način propisan za državljane Republike Srbije.³⁴ Strani državljani, lica bez državljanstva i lica tražioci državljanstva imaju pravo na obrazovanje i vaspitanje pod istim

23 Član 55 ZAPZ.

24 Član 64 ZAPZ.

25 Član 76, stav 1, tačka 5 ZAPZ.

26 Član 85, stav 3, tačka 4 ZAPZ.

27 *Sl. glasnik RS*, br. 88/17, 27/18 – dr. zakoni i 10/19.

28 *Sl. glasnik RS*, br. 18/10, 101/17, 113/17 – dr. zakon, 95/18 – dr. zakon i 10/19.

29 *Sl. glasnik RS*, br. 55/13, 101/17, 27/18 – dr. zakon i 10/19.

30 *Sl. glasnik RS*, br. 55/13, 101/17 i 27/18 – dr. zakon.

31 *Sl. glasnik RS*, br. 88/17, 27/18 – dr. zakon i 73/18.

32 *Sl. glasnik RS*, br. 27/18.

33 *Sl. glasnik RS*, br. 73/218.

34 Član 3 Zakona o osnovama sistema obrazovanja i vaspitanja.

uslovima i na način propisan za državljane Republike Srbije, a za decu i učenike iz ovih grupa, kao i za prognana i raseljena lica i decu i učenike koji su vraćeni u zemlju na osnovu sporazuma o readmisiji, koja ne poznaju jezik na kome se izvodi obrazovno-vaspitni rad ili pojedini programski sadržaji od značaja za nastavak obrazovanja, škola organizuje učenje jezika, odnosno pripremu za nastavu i dopunsku nastavu, po posebnom uputstvu koje donosi ministar.³⁵

Uvidevši konkretne poteškoće i dileme s kojima se suočavaju škole i nastavno osoblje prilikom uključivanja dece migranata u obrazovni sistem, Ministarstvo prosvete, nauke i tehnološkog razvoja je 2017. godine izdalo Stručno uputstvo³⁶ koje sadrži način upisa u ustanove vaspitanja i obrazovanja, plan podrške na nivou škole, plan podrške učeniku, procenu i praćenje, kao i vođenje i izdavanje dokumentacije. Stručnim uputstvom definisan je način provere znanja, kao i postupak za izradu plana podrške škole za uključivanje učenika, uključujući načine angažovanja prevodilaca, a od posebne koristi su pripremljene nastave za decu migrante u trajanju od dve nedelje do dva meseca, u cilju postepene adaptacije učenika, program intenzivnog učenja srpskog jezika, individualizacija nastavnih aktivnosti i uključivanje u vannastavne aktivnosti.³⁷

.....
35 Član 23 Zakona o osnovama sistema obrazovanja i vaspitanja.

36 Stručno uputstvo za uključivanje učenika izbeglica/tražilaca azila u sistem obrazovanja i vaspitanja, br. 601-00-00042/2017-18 od 5. maja 2017. godine, Ministarstvo prosvete, nauke i tehnološkog razvoja (2017).

37 Više na: <http://azil.rs/deca-migranti-u-srbiji-i-pravo-na-obrazovanje/>.

IV.

OSTVARIVANJE PRAVA NA OBRAZOVANJE DECE MIGRANATA U REPUBLICI SRBIJI

I pored dobrog normativnog okvira, u periodu do 2017. godine izostalo je sistemsko uključivanje dece migranata u obrazovanje. Tek zahvaljujući podršci koju je UNICEF, u saradnji s partnerskim organizacijama, od sredine 2016. pružio Ministarstvu prosvete, nauke i tehnološkog razvoja, od 2017. godine počelo je organizovano uključivanje dece migranata koja borave u centrima za azil i prihvatnim centrima, kao i institucijama socijalne zaštite, u obrazovni sistem.

Složenost migrantskog statusa dece i zahtevne administrativne procedure su, nažalost, često usporavale i usporavaju uključivanje dece migranata u školski sistem. Problemi su brojni, a vezani su za upis deteta bez ličnih dokumenta, nemogućnost ostvarivanja komunikacije zbog nepoznavanja jezika, nemogućnost provere znanja i nemogućnost uvida u rezultate prethodnog školovanja.

Uredbom o načinu uključivanja u društveni, kulturni i privredni život lica kojima je priznato pravo na utočište³⁸ predviđeno je da se deci uključenoj u predškolsko, osnovno i srednje obrazovanje, kao i odraslim nepismenim licima kojima je priznato pravo na utočište, obezbeđuje pomoć prilikom uključivanja u obrazovni sistem u Republici Srbiji. Pomoć se obezbeđuje u vidu: 1) obezbeđivanja udžbenika i školskog pribora; 2) pomoć

38 *Sl. glasnik RS*, br. 101/16, 56/18.

ći u započinjanju procedure priznavanja stranih školskih isprava; 3) obezbeđivanja pomoći pri učenju; 4) finansijske pomoći radi uključivanja u vannastavne aktivnosti. Pomoć se obezbeđuje u saradnji sa školama i udruženjima. Odraslim nepismenim licima obezbeđuje se pomoć radi uključivanja u programe opismenjanja odraslih, u saradnji s ministarstvom nadležnim za poslove obrazovanja.

Svega nekoliko osoba kojima je odobren status izbeglice uspelo je da potvrdi svoju diplomu ili da se upiše na studije. Glavni izazovi u tom pogledu su visoki troškovi i nemogućnost pribavljanja neophodne dokumentacije. Nemogućnost podnošenja dokaza o stečenom obrazovanju proističe iz činjenice da se često radi o osobama koje dolaze iz ratnih zona, gde su institucije koje bi trebalo da obezbede ovu vrstu potvrda uništene. Neke od preporuka koje su organizacije civilnog društva davale Ministarstvu prosvete, nauke i tehnološkog razvoja u pogledu prava na obrazovanje izbeglica i migranata odnosile su se na neophodnost uspostavljanja programa za proveru stečenih znanja u zemlji porekla, uvođenja inkluzivnog kurikuluma koji podstiče interkulturalni dijalog i sprečava diskriminaciju i slično.³⁹

Veoma značajna pretpostavka za ostvarivanje prava na obrazovanje jeste podizanje profesionalnih kompetencija i osnaživanje prosvetnih radnika za rad s ovom posebno osetljivom grupom. U tom kontekstu, Grupa za socijalnu inkluziju Ministarstva prosvete, nauke i tehnološkog razvoja je u prethodnom periodu, uz podršku kancelarije UNICEF-a u Srbiji i Švajcarske agencije za razvoj i saradnju, organizovala obuke o inkluzivnom obrazovanju za više od 500 savetnika, spoljnih saradnika i prosvetnih radnika iz 17 opština, na čijoj se teritoriji nalaze škole u blizini centara za azil i prihvatnih centara.

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39 Sonja Tošković, *Ljudska prava migranata i izbeglica u Republici Srbiji, uz poseban osvrt na pravo na rad i pravo na obrazovanje*, Beogradski centar za ljudska prava, 2017, str. 57, dostupno na: http://azil.rs/azil_novi/wp-content/uploads/2018/03/Ljudska-prava-SR.pdf.

V.

OBRAZOVANJE IZ PERSPEKTIVE
MIGRANATA

Postojeća zakonska rešenja i Stručno uputstvo daju nastavnom osoblju pregled stručnih postupaka za adekvatno uključivanje migranata u obrazovni proces. Uprkos tome, škole se u praksi suočavaju s različitim praktičnim izazovima i problemima. Neki od najčešćih izazova odnose se na postupak procene prethodnog znanja dece migranata i obezbeđivanje kontinuiteta školovanja za decu srednjoškolskog uzrasta, s obzirom da srednje obrazovanje nije obavezno i da mnoga deca nemaju motivaciju da nastave obrazovanje. Istraživanje⁴⁰ koje je Beogradski centar za ljudska prava sproveo u periodu od maja do avgusta 2019. godine u centrima za azil i prihvatnim centrima u Republici Srbiji pokazalo je da su jezička barijera i nemogućnost komunikacije s lokalnim stanovništvom, uključujući zaposlene u sistemu obrazovanja, jedan od najvećih izazova s kojima se suočava sistem obrazovanja prilikom uključivanja migranata u redovno školovanje.

„Deca idu u školu, ali ne razumeju ništa, pa decu sâm učim matematiku. Čerka ide na kurs jezika, a sin na radionice. Ja sâm nisam išao na kurseve jer su organizovani uglavnom za decu i žene.“ (muškarac, s porodicom, 28 godina, smešten u Pirotu)

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40 Istraživanje je sprovedeno tokom maja, juna, jula i avgusta 2019. u okviru projekta „Ka održivom modelu zaštite u zajednici ranjivih kategorija migranata u Srbiji“.

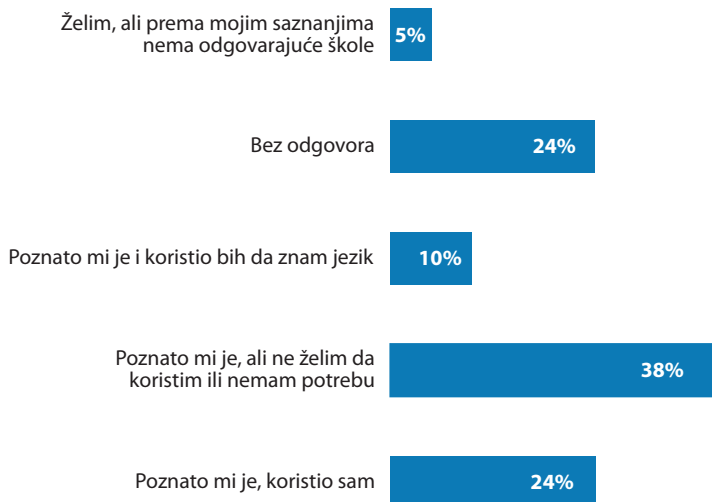
„Zbog jezičke barijere ne mogu da se upoznam sa lokalnim stanovništvom. U školi mi je teško da pratim nastavu zbog jezičke barijere.“ (muškarac, sâm, 16 godina, smešten u Sjenici)

U porodicama u kojima ima dece, roditelji se oslanjaju na svoje znanje srpskog jezika i prepoznaju i uvažavaju značaj aktivnosti u pogledu organizovanja časova učenja srpskog jezika koje sprovede Komesarijat za izbeglice i migracije i sve nevladine organizacije koje rade u centrima za azil i u prihvatnim centrima.

„Ćerka je na kursu u organizaciji nevladinih organizacija naučila srpski, a zatim je krenula u školu i završila je sada drugi razred. Puno nam pomaže.“ (muškarac, s porodicom, 47 godina, smešten u Bujanovcu)

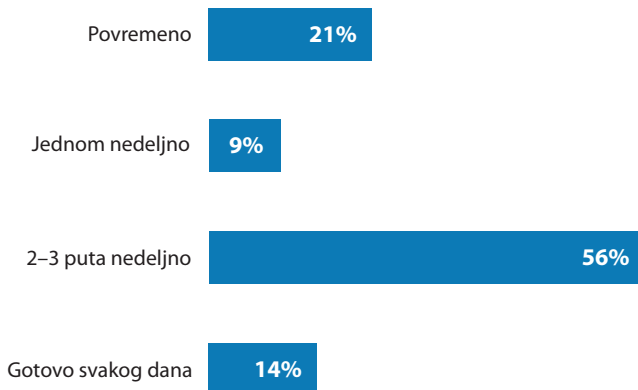
Tokom terenskog istraživanja, ispitivano je koliko su migranti informisani o mogućnostima obrazovanja, koliko često koriste raspoložive usluge i koliko su zadovoljni tretmanom koji dobijaju u vrtićima, školama i na fakultetima. Dobijeni podaci pokazuju da je stepen informisanosti o obrazovnim ustanovama relativno visok, odnosno da oko 76% migranata zna da u njihovim mestima postoje vrtići i škole, bilo da su za njih i članove njihove porodice označeni kao odgovarajući ili ne. Podatak kome treba posvetiti posebnu pažnju jeste da 48% migranata zna da u njihovoj blizini postoje škole, ali da ne žele da idu u njih, odnosno da tamo upisuju svoju decu. Na pitanja istraživača o razlozima za odbijanje uključivanja u obrazovni sistem, najčešći odgovor je bio da ne znaju jezik.

Grafikon 1. INFORMISANOST O POSTOJANJU OBRAZOVNIH USTANOVA U MESTU BORAVKA



Kada je reč o redovnosti pohađanja vrtića odnosno škola, podaci do kojih se došlo u ovom istraživanju pokazuju da većina dece migranata neredovno pohađa obrazovne ustanove, odnosno da preovlađuje broj onih koji u škole odnosno u vrtiće idu dva do tri puta nedeljno. Takođe, kada je o reč o vrtićima, 21% roditelja kaže da deca idu povremeno, odnosno da decu odvođe u vrtić uglavnom u posebnim prilikama, priredbama ili manifestacijama. Devet odsto migranata u škole, odnosno vrtiće, ide samo jednom nedeljno. Samo 14% migranata, po sopstvenom priznanju, redovno pohađa nastavu, što ukazuje na potrebu dodatnog angažovanja nadležnih organa u motivisanju migranata, odnosno njihovih roditelja, za redovno pohađanje škole, kao i u motivisanju prosvetnih radnika da podstiču i podržavaju redovnost pohađanja škole.

Grafikon 2. UČESTALOST KORIŠĆENJA OBRAZOVNIH USTANOVA



Kada je reč o pitanjima o uverenjima koja se odnose na uključivanje u obrazovni sistem, istraživanje je pokazalo da među migrantima koji nisu uključili svoju decu u obrazovni sistem, 10% ispitanika smatra da nemaju pravo na obrazovanje, dok oko 5% smatra da obrazovanje nije besplatno i da bi morali da ga plate.

VI. STAVOVI STRUČNJAKA I IZAZOVI S KOJIMA SU SUOČENI

Najbolji rezultati u integraciji migranata postižu se multikulturalnim pristupom koji ističe važnost tolerancije i prihvatanja. Iako je sistem obrazovanja migranata u Srbiji još uvek u povoju, takav pristup omogućava međusobno poštovanje, otvorenost i proširivanje vidika među različitim grupama. Multikulturalno obrazovanje je alatka koja pruža jednake mogućnosti deci iz različitih etničkih, kulturnih i drugih sredina. To obrazovanje teži da deci dâ sposobnost da funkcionišu u demokratskom, pluralističkom društvu, tako što ih oslobađa opterećenja njihovih etničkih i kulturnih granica.

Podaci prikupljeni kroz intervju e i u diskusije na fokus grupama s predstavnicima obrazovnog sistema pokazuju da se većina prosvetnih radnika suočava s teškoćama u radu s decom migrantima. Naime, nastavno osoblje je istaklo da višestruko traumatizovana⁴¹ deca migranti zahtevaju poseban tretman i dodatno angažovanje, što je često nemoguće zbog jezičke barijere. Rad s ovom decom bio bi složen čak i u situaciji poznavanja jezika, a gotovo je nemoguć ukoliko nastavnik ne govori engleski

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41 Deca migranti imaju traume iz prošlosti (razorena porodica, socijalna nestabilnost, gubitak člana porodice, ratna zbivanja), traume u sadašnjosti (jezička barijera, pokidane socijalne veze, nedostatak privatnosti, kolektivni centri, materijalna nesigurnost, nova zakonska, moralna i religiozna načela) i traumu u pogledu budućnosti (neizvesnost u pogledu ostvarivanja kratkoročnih i dugoročnih ciljeva).

jezik, a dete govori, ili još teže, ukoliko nastavnik ne zna detetov maternji jezik, a dete ne govori srpski.

„Nekad mi se plače kad pogledam jednu malu koja je, kako mi se čini, svakog dana zagrcnuta od straha kad joj priđem. A ja to ne želim. Pitala bih je i pitam je redovno, što znakovima što... ne znam kako da to objasnim, ali verujem da me razume kad je pitam kako je i kako mogu da joj pomognem... Ne govori ni engleski, pa ni tako ne mogu da joj priđem. Uključujem je u predstave koje radimo i vidim da joj je to zanimljivo, ali to nije dovoljno.“ (vaspitačica u predškolskoj ustanovi, Banja Koviljača)

Organizacija nastave i česte fluktuacije dece migranata značajno otežavaju nastavni proces. Naime, na početku školske godine nije moguće predvideti koliko će dece redovno dolaziti niti koliko će se deca zadržati u Republici Srbiji i na školovanju, te u skladu s tim organizovati nastavni proces. Uz to, neophodno je usklađivati nastavu srpskog jezika sa specifičnim potrebama svakog pojedinačnog deteta, što je poseban zahtev za svakog prosvetnog radnika. Sve to dovodi do visoko izraženog doživljaja nemoći zaposlenih u sistemu obrazovanja, što se odražava i na njihovu motivaciju da istraju u pokušajima da deci migrantima obezbede najbolji mogući pristup obrazovanju, usmeren ka ostvarivanju njihovih najviših potencijala.

Na pitanja o saradnji s roditeljima dece, dobijeni odgovori ukazuju na raznovrsna, ali mahom pozitivna iskustva. Međutim, kao i s decom, najveći problem je jezička barijera. Na drugom mestu je „privremenost“ boravka u Republici Srbiji, kao faktor koji obeležava roditeljsku (ne)motivaciju da decu redovno dovode u vrtić, odnosno u školu. Uvođenje prevodilaca i kulturnih medijatora, uz podršku međunarodnih donatora i nevladinih organizacija, stvorilo je osnovne pretpostavke da ta deca i njihovi roditelji s više lakoće i poverenja mogu da komuniciraju svoje potrebe i da se lakše uključe u obrazovni proces. Međutim, prevodilaca

i medijatora nema dovoljno i ne mogu da budu dostupni baš u svakoj situaciji.

Većina nastavnog osoblja je saglasna da prioritet pri uključivanju dece migranata u škole treba da bude socijalizacija dece, a ne sticanje školskog znanja, te se shodno tome i ponašaju prema deci. Takav odnos se takođe sagledava u teškoćama u pripremi odgovarajućeg nastavnog materijala, koji bi bio prilagođen deci i njihovim specifičnim nastavnim potrebama.

Zaposleni u sistemu obrazovanja kao posebnu olakšicu prepoznaju napore Ministarstva prosvete, nauke i tehnološkog razvoja, kao i Zavoda za unapređenje obrazovanja u organizovanju relevantnih programa obuke za rad s decom migrantima.

VII. PREPORUKE

- Neophodno je redefinisati pristup obrazovanju dece migranata u zavisnosti od dužine boravka. Postojeći sistem je odgovarajući za decu koja se kraće zadržavaju, ali za decu koja borave u Srbiji duže vreme, bez obzira na njihov pravni status, potrebno je staviti fokus na intenzivno učenje srpskog jezika, kako bi deca mogla efektivno i nezavisno da prate nastavu.
- Neophodno je dodatno se angažovati na motivaciji dece migranata i njihovih roditelja i staratelja za redovno pohađanje škole, kao i na motivaciji prosvetnih radnika da podstiču i podržavaju redovnost pohađanja škole.
- U interesu podizanja nivoa razumevanja i prihvatanja između lokalne dece i dece migranata, neophodno je organizovati veći broj vannastavnih aktivnosti orijentisanih na interkulturalni dijalog i bolje međusobno upoznavanje.
- Treba raditi na pripremi za formalni obrazovni program sa decom predškolskog uzrasta i s njihovim roditeljima.
- U narednom periodu, treba obezbediti bolju pripremu i pristup obrazovnom sistemu za decu srednjoškolskog uzrasta, s obzirom da uključivanje u srednjoškolski sistem nije sistemski sprovedeno.
- Nastaviti ciklus jačanja profesionalnih kapaciteta nastavnika za prilagođavanje nastavnog materijala i realizaciju časa, tako da nastavu mogu da prate i da u njoj učestvuju svi đaci u razredu, uključujući decu migrante, kao i za razvijanje i primenu individualnih obrazovnih programa.



FOREWORD

Many of the hundreds of thousands of migrants coming to Europe every year pass through the Republic of Serbia. Most stay in Serbia less than a year; some decide to settle down in it. Children account for a large number of migrants and all of them are entitled to education, regardless of their or their parents' legal status.

Countries across the world, including Serbia, reaffirmed their commitment to this principle by adopting the Global Compact for Safe, Orderly and Regular Migration, in which they expressed the readiness to facilitate access to education to children who cannot return to their countries of origin, investments in human capital development, programmes accelerating the fulfilment of sustainable development goals and to favour community-based care arrangements that ensure access to education. The states committed to implementing activities to provide quality education to migrant children and youths, as well as lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development, formal schooling, non-formal education, vocational and language training and by fostering partnerships with all stakeholders that can support this endeavour.

This publication was developed within the Belgrade Centre for Human Rights (BCHR) project "Towards sustainable community-based protection for vulnerable migrants in Serbia," supported by the International Organization for Migration (IOM) and the Swiss Government within a broader Swiss-Serbian Migration Partnership, which was developed to respond to the expressed needs of the competent institutions of the Republic of Serbia. The goal of the programme is to contribute to

strengthening and improving the social protection of migrants in Serbia through increasing the availability and quality of social services and support programmes in local communities.

This project seeks to expand the community-based protection services extended to vulnerable migrants through capacity building of social work centres, municipal youth offices and other stakeholders. The improvement of access to and availability of social care services and community-based protection programmes will reduce the vulnerabilities of the migrant population and facilitate their integration in Serbia's society.

The existing social protection models were assessed in a participatory research, the results of which are presented in this publication. The research focused on both the migrants and service providers, notably on vulnerable groups, whilst devoting attention to gender-sensitive issues. The ultimate goal has been to create a sustainable strategy model to improve coordination focusing on community-based protection and psychosocial service providers, including social work centres, youth offices, non-government organisations and institutions. The strategy will offer clear rules of conduct and mechanisms of coordination among various state institutions involved in the migrant protection system.

The publication was authored by Slavica Milojević, a social worker and psycho-therapist, who heads the Outreach, Promotion and Support Department of the Republic Institute for Social Protection. Ms. Milojević has conducted numerous researches and analyses of demographic trends and socio-economic development, social inclusion, protection of migrant children and civic participation of vulnerable categories. Before joining the Republic Social Protection Institute, Ms. Milojević worked in the Commissariat for Refugees (1992–1995), the Red Cross and the Family Protection Ministry. She has been engaged as an expert on projects implemented by UN bodies and organisations. Ms. Milojević chairs the Savski venac Municipal Red Cross Committee. She founded the network of social development researchers and is a member of the Association of Social Protection Professionals of Serbia and the Society of Social Workers of Serbia. She is a visiting lecturer at the University of Niš.

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Article 2, Convention on the Rights of the Child



RIGHT TO EDUCATION – INTERNATIONAL LEGAL FRAMEWORK

The right to education is a fundamental human right enshrined in international¹ and regional² human rights protection instruments and the Constitution of the Republic of Serbia.³ In its General Comment No. 13, the Committee on Economic, Social and Cultural Rights said that education was “an indispensable means of realizing other human rights” and “the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.”⁴ Education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities, the development of respect for human rights and fundamental freedoms, and the development of respect for the child’s parents, his or her own

- 1 Article 13 of the International Covenant on Economic, Social and Cultural Rights, Articles 28 and 29 of the Convention on the Rights of the Child.
- 2 Article 2 of the Protocol No. 1 to the European Convention on Human Rights, Article 14(2) of the Charter of Fundamental Rights of the European Union, Article 17 of the European Social Charter (Revised).
- 3 Article 71 of the Constitution of the Republic of Serbia, *Sl. glasnik RS* 98/2006.
- 4 Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The right to education*, 8 December 1999, E/C.12/1999/10, paragraph 1, available at: <https://www.refworld.org/docid/4538838c22.html>.

cultural identity, language and values.⁵ In addition, education shall be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples and the development of respect for the natural environment.⁶ Given the importance of education for the child's overall development, the European Court of Human Rights ranked it among those enshrining "the most fundamental values of the democratic societies making up the Council of Europe."⁷

The right to education is based on several principles: it must be available, accessible, acceptable and adaptable, i.e. flexible.⁸ That means that functioning educational institutions and programmes have to be available in sufficient quantity throughout the jurisdiction of the state, and that they must be physically and economically accessible to everyone, without discrimination on any grounds.⁹ Furthermore, the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality).¹⁰ Education also has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.¹¹

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5 Article 29, paragraph 1, sub-paragraphs (a)-(c) of the Convention on the Rights of the Child.

6 Article 29, paragraph 1, sub-paragraphs (d)-(e) of the Convention on the Rights of the Child.

7 *Timishev v. Russia*, App. No. 47598/08, paragraph 64.

8 Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The right to education*, 8 December 1999, E/C.12/1999/10, paragraph 6, available at: <https://www.refworld.org/docid/4538838c22.html>.

9 *Ibid.*, paragraphs 6(a) and 6(b).

10 *Ibid.*, paragraph 6(c).

11 *Ibid.*, paragraph 6(d).



RIGHT TO EDUCATION – NATIONAL LEGAL FRAMEWORK

The Serbian legal framework has recognised education as the pivotal element for the development of children and exercise of the rights of the child. All children, regardless of their legal status or other personal characteristics, enjoy the same education-related rights.¹² Therefore, migrant children and youths in the Republic of Serbia enjoy the same rights as all other children who are nationals of Serbia.

The following laws are relevant to the education of migrants: the Migration Management Law (MML),¹³ the Law on Foreigners (LF)¹⁴ and the Law on Asylum and Temporary Protection (LATP),¹⁵ as well as the laws and by-laws governing education.

The Migration Management Law provides, inter alia, for the protection of migrants, whilst respecting their specific needs and interests to the greatest extent possible and commensurate with Serbia's capacities. Persons granted asylum shall be ensured integration in the country's social, cultural and economic

12 Article 2(1) of the Convention on the Rights of the Child declares that States Parties shall respect and ensure the rights set forth in that Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

13 *Sl. glasnik RS*, 107/12.

14 *Sl. glasnik RS*, 24/18 and 31/19.

15 *Sl. glasnik RS*, 24/18.

life. The specific needs and best interests of children and youths therefore definitely comprise access to educational institutions.

The Law on Foreigners defines the rights and obligations of foreigners, both those regularly and irregularly present in the Republic of Serbia. A number of education-related grounds are listed among those on which foreigners may be granted temporary residence exceeding 90 days – schooling, Serbian language learning, university studies, participation in international pupil and student exchange programmes, specialist professional training and internship, involvement in scientific research or other scientific or educational activities.¹⁶ As per human trafficking victims, the LF lays down the obligation of authorities, which are charged with identifying human trafficking victims and coordinating their protection, to provide underage victims with access to education,¹⁷ and prohibits these authorities from conditioning the latter's access to vocational training and education by their agreement to testify.¹⁸ Foreigners illegally present in the Republic of Serbia shall be issued rulings, by the relevant authorities, ordering their deportation unless they leave the country of their own accord by the specified deadline. Underage foreigners are entitled to exercise their right to primary education,¹⁹ as are migrant children whose deportation has been stayed.²⁰ Although children should not be referred to the Shelter for Foreigners²¹ under any circumstances, the ones that are must be provided with access to primary education, depending on the length of their stay in the Shelter.²²

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16 Article 40, LF.

17 Article 62, LF.

18 Article 63, LF.

19 Article 77(6), LF.

20 Article 84(4), LF.

21 Under Article (3(2)(12)) of the LF, the Shelter for Foreigners is designated for the accommodation of foreigners refused entry into the RS, foreigners against whom rulings ordering their deportation, removal or return have been issued but cannot be enforced immediately, and foreigners who have been ordered into detention under enhanced police supervision in accordance with the law.

22 Article 92 LF.

Asylum seekers in the Republic of Serbia are entitled to primary and secondary education free of charge; asylum-seeking children shall be provided with access to education immediately, within three months from the day they applied for asylum at the latest.²³ Children granted asylum have a broader right to education, including the right to pre-school and tertiary education under the same conditions as nationals of the Republic of Serbia.²⁴ The LAMP confirms the right to free primary and secondary education in state schools of all foreigners granted temporary protection,²⁵ and the right to preschool, primary and secondary education of all foreigners pending their voluntary return to their country of origin.²⁶

Specific issues of relevance to the Serbian education system are more thoroughly defined by the Education System Law,²⁷ the Preschool Education Law,²⁸ the Primary Education Law,²⁹ the Secondary Education Law³⁰ and the High Education Law.³¹ The Law on the National Qualifications Framework of the Republic of Serbia³² and the Law on Professions of Particular Interest to the Republic of Serbia and Conditions for Their Pursuit³³ apply to the recognition of foreign school certificates and diplomas.

Under the Education System Law, everyone is entitled to education and foreigners are entitled to exercise their right to education under the same conditions as nationals of the Republic of Serbia.³⁴ Foreign nationals, stateless persons and applicants

23 Article 55 LAMP.

24 Article 64 LAMP.

25 Article 76(1(5)), LAMP.

26 Article 85(3(4)), LAMP.

27 *Sl. glasnik RS*, 88/17, 27/18 – other laws and 10/19.

28 *Sl. glasnik RS*, 18/10, 101/17, 113/17 – other law, 95/18 – other law and 10/19.

29 *Sl. glasnik RS*, 55/13, 101/17, 27/18 – other law and 10/19.

30 *Sl. glasnik RS*, 55/13, 101/17 and 27/18 – other law.

31 *Sl. glasnik RS*, 88/17, 27/18 – other law and 73/18.

32 *Sl. glasnik RS*, 27/18.

33 *Sl. glasnik RS*, 73/218.

34 Article 3, Education System Law.

for Serbian citizenship shall exercise the right to education under the same conditions as nationals of the Republic of Serbia and in the manner prescribed by law. For these children, exiled and displaced children, and children returned to the country under readmission agreements, who cannot speak the language of tuition or have not mastered specific curriculum content of relevance to continuing their education, the schools shall organise language lessons and preparatory and catch-up tuition in accordance with guidance enacted by the minister charged with education.³⁵

Having identified the specific difficulties and dilemmas schools and teachers have encountered during the integration of migrant children in the education system, the Ministry of Education, Science and Technological Development (MoESTD) in 2017 issued Professional Guidance³⁶ on their enrolment, school support plans, individual support, assessment and monitoring plans, and keeping of and issuance of documentation. The Professional Guidance defines the procedure for testing the children's knowledge and the procedure for developing the school integration support plans, including engagement of interpreters. It, notably, also envisages preparatory classes for migrant children to facilitate their gradual adaptation to school, which should last between two weeks and two months, intensive Serbian language courses, individualised teaching activities and involvement of the children in extracurricular activities.³⁷

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35 Article 23. Education System Law.

36 Professional Guidance on Integration of Refugee and Asylum Seeking Pupils in the Education System, No. 601-00-00042/2017-18 of 5 May 2017, Ministry of Education, Science and Technological Development (2017).

37 See more in Serbian at: <http://azil.rs/en/migrant-children-in-serbia-and-the-right-to-education/>.

IV

EXERCISE OF THE RIGHT TO EDUCATION BY MIGRANT CHILDREN IN THE REPUBLIC OF SERBIA

Despite the good normative framework, the systemic integration of migrant children in education remained lacking until 2017. The organised integration of migrant children living in asylum and reception centres, as well as social protection institutions, in the education system started in 2017, thanks to the support UNICEF and its partner organisations began extending the MoESTD in mid-2016.

The complexity of the migrant children's status and demanding administrative procedures have, unfortunately, slowed down their integration in the school system. The problems are numerous and regard the enrolment of children lacking identification documents, communication difficulties due to the language barrier, the impossibility of testing the children's knowledge and perusing the results of their prior schooling.

The Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia³⁸ lays down that children enrolled in preschool, primary or secondary schools and illiterate adults granted asylum shall be provided with assistance in integrating in Serbia's education system. Such assistance shall be provided in the form of: 1) textbooks and school supplies; 2) initiating the foreign school certificate or diploma recognition procedure, 3) study help, and

.....
38 *Sl. glasnik RS*, 101/16 and 56/18.

4) financial aid to facilitate their involvement in extracurricular activities. Such assistance shall be provided in cooperation with schools and associations. Illiterate adults shall be provided with assistance in enrolling in adult literacy programmes, in cooperation with the ministry charged with education.

Only a few migrants granted the status of refugee succeeded in confirming their diplomas or enrolling in college. High costs and the inability to collect the requisite documentation are the main challenges in these areas. The migrants' inability to submit proof of education can be ascribed to the fact that they come from war zones, where the institutions that should issue such certificates have been destroyed. The recommendations regarding the refugees' and migrants' right to education that civil society organisations gave the MoESTD included the one on establishing a programme for testing the knowledge they had acquired in their countries of origin, on introducing inclusive curriculum content fostering intercultural dialogue and understanding and addressing discrimination, et al.³⁹

Building the school staff's professional competences and empowering them to work with this extremely vulnerable group is an extremely important pre-condition for the migrant children's exercise of their right to education. In that context, the MoESTD's Social Inclusion Group organised training on inclusive education with the support of the UNICEF Office in Serbia and the Swiss Agency for Development and Cooperation, which was attended by over 500 advisers, associates and teachers in 17 municipalities with schools in the vicinity of asylum and reception centres.

.....

39 Sonja Tošković, *The Human Rights of Migrants and Refugees in the Republic of Serbia – with Special Focus on the Right to Work and the Right to Education*, BCHR, 2017, p. 57, available at: <http://azil.rs/en/wp-content/uploads/2018/03/Ljudska-prava-ENG.pdf>.

V.

EDUCATION FROM THE MIGRANTS' PERSPECTIVE

The law and Professional Guidance provide the teachers with an overview of professional procedures for the adequate integration of migrants in the education process. Schools have, nevertheless, faced various challenges and problems in practice. They include assessing the migrant children's knowledge and ensuring continuity of education for children of high school age, given that secondary education is not mandatory and many children are not motivated to pursue their education. The research⁴⁰ the BCHR conducted in asylum and reception centres in the Republic of Serbia in the May-August 2019 period showed that the language barrier and the migrants' inability to communicate with the local population, including school staff, was one of the greatest challenges education professionals faced in the integration of migrants in regular schooling.

"The children go to school, but they don't understand anything, so I teach them Math myself. Our daughter is attending language lessons and our son is attending the workshops. I didn't attend any courses because they're mostly organised for women and children."
(28-year-old man, accommodated in the Piroć Centre with his family)

.....
40 The research was conducted in May-August 2019 within the project "Towards sustainable community-based protection for vulnerable migrants in Serbia".

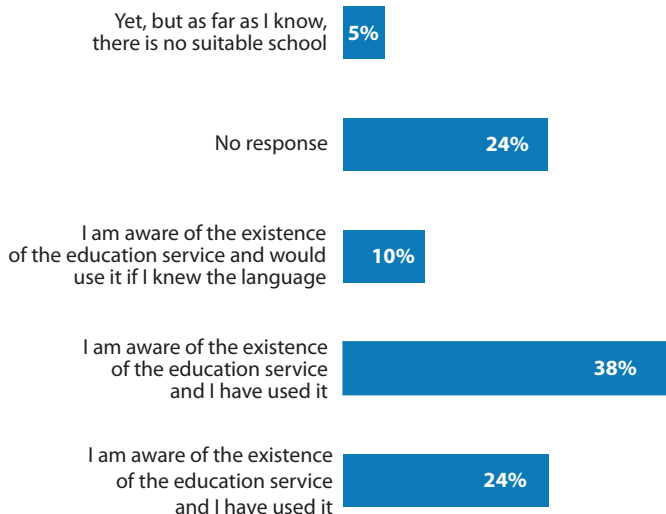
“I can’t get to know the local population because I don’t know the language. I have trouble following class because of the language barrier.” (16-year-old boy, living in the Sjenica Centre).

In families with children, the parents rely on their children’s knowledge of Serbian and recognise and appreciate the importance of the language courses and related activities organised by the Commissariat for Refugees and Migration and all non-government organisations working in asylum and reception centres.

“Our daughter learned Serbian at a course organised by NGOs and then she started school. She finished second grade now. She helps us a lot.” (47-year-old man, living with his family in the Bujanovac Centre)

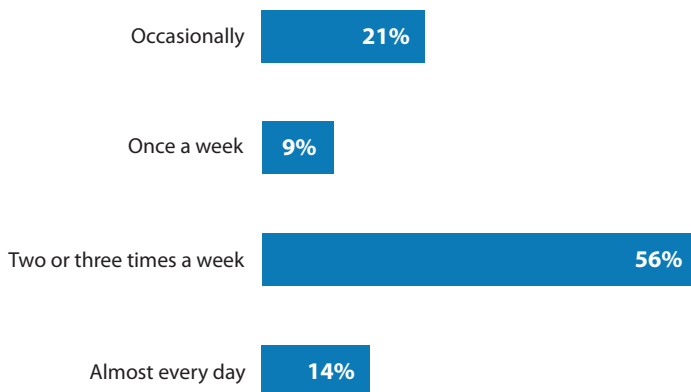
The field research aimed at ascertaining how well the migrants were informed of education opportunities, how often they used the available services and how satisfied they were with their treatment in kindergartens, schools and colleges. The data indicate that they are quite well informed about the educational institutions – around 76% of the migrants are aware that there are kindergartens and schools in their towns, whether or not they considered them adequate for themselves and their family members. Special attention needs to be devoted to the finding that 48% of the migrants are aware that there are schools in their vicinity, but that they do not want to attend them or enrol their children in them. When asked why they refused to integrate in the education system, most of them said it was because they did not know the language.

Graph 1 MIGRANTS' AWARENESS OF THE EXISTENCE OF EDUCATIONAL SERVICES IN THE TOWNS THEY ARE LIVING IN



As per regular attendance of kindergarten and school, the research findings show that most migrant children attend kindergarten or school two or three times a week rather than regularly. Twenty-one percent of the parents of kindergarteners said that their children attended kindergarten occasionally, that they took them there only on special occasions, to attend a performance or event. Nine percent of the migrant children attended school or kindergarten only once a week. Only 14% of the migrants said they attended school regularly, which indicates that the relevant authorities need to invest additional efforts in motivating the migrant children and/or their parents to make sure the former attend school regularly, as well as in motivating school staff to encourage and support regular attendance.

Graph 2 FREQUENCY OF ATTENDING EDUCATIONAL INSTITUTIONS



As far as the migrants' views on integration in the education system are concerned, the research showed that 10% of the migrants who have not enrolled their children in kindergarten or school thought that they were not entitled to education, while 5% believed that education was not free and that they would have to pay for it.

VI.

PROFESSIONALS' VIEWS AND THE CHALLENGES THEY FACE

The best results in the integration of migrants are achieved by applying the multicultural approach, which highlights the importance of tolerance and acceptance. Although the migrant education system in Serbia is still in its infancy, such an approach facilitates mutual respect, openness and expansion of horizons among different groups. Multicultural education is a tool providing equal opportunities to children from different ethnic, cultural and other settings. Such education endeavours to equip the children with the ability to function in a democratic and pluralistic society by freeing them of the ballasts of their ethnic and cultural boundaries.

The data collected during the interviews and focus group discussions with education professionals show that most teachers have difficulties working with migrant children. Namely, they underline that migrant children, who have been exposed to multiple traumas,⁴¹ require special treatment and additional engagement, which they often cannot extend them because of the language barrier. Work with these children would be complex even if they spoke the same language; it is extremely hard if the teacher does not speak English and the child does, and vir-

41 Migrant children have traumas of the past (broken families, social instability, loss of a family member, war), of the present (language barrier, severed social ties, lack of privacy, life in a collective centre, financial uncertainty, new legal, ethical and religious principles) and of the future (uncertainty whether they will achieve their short- and long-term goals).

tually impossible if the teacher does not speak the child's native language and the child does not speak Serbian.

"I sometimes feel like crying when I look at this little girl, who seems to choke on her fear every time I approach her. I wish that weren't so. I have been asking her regularly, by signing, in other ways... I can't explain it, but I do believe she understands me when I ask her how she is and how I can help her.... She doesn't even speak English, so I can't get through to her that way either. I keep on involving her in the plays we are doing and I see that she finds that interesting, but that isn't enough (Kindergarten teacher in Banja Koviljača)

Organisation of tuition and frequent fluctuations of migrant children significantly impede the teaching process. Namely, at the beginning of the school-year, the kindergartens and schools have no way of knowing how many migrant children will be attending school regularly or how long they will stay in Serbia and attend kindergarten or school. They need to know this in order to organise the teaching process accordingly. Furthermore, they need to tailor the Serbian language lessons to the specific needs of each child, which is particularly taxing for all teachers. All this has left them feeling extremely powerless, which has reflected on their motivation to persevere in their efforts to secure the migrant children the best possible access to education, directed at the achievement of their greatest potential.

The teachers' answers to questions on their cooperation with the children's parents reflect diverse, albeit mostly positive experiences. However, the language barrier is again the greatest problem. The "temporariness" of the migrants' stay in the Republic of Serbia is the second problem since this factor contributes to the parents' (lack of) motivation to take their children to kindergarten or school regularly. The introduction of interpreters and cultural mediators, with the support of international donors and NGOs, has put in place the basic prerequisites for these children and their parents to communicate their needs more easily

and trustingly and integrate in the education process more easily. However, there are not enough interpreters and mediators and they cannot be available in every single situation.

Most of the teaching staff agree that the migrant children's socialisation, rather than their acquisition of knowledge, should be the priority of their integration in education, and that is what they focus on. Such a view also reflects the difficulties in preparing adequate teaching material that would be tailored to the children and their specific needs.

Educational professionals are highly appreciative of the efforts of the MoESTD and the Education Improvement Bureau, which have been organising relevant training programmes on work with migrant children.

VII. RECOMMENDATIONS

- Redefine access to education of migrant children depending on the duration of their stay in Serbia. The existing system is suitable for children staying in Serbia shorter periods of time. As for children staying in Serbia longer periods of time, notwithstanding their legal status, focus needs to be put on intensive Serbian language lessons to enable them to follow class effectively and independently.
- Invest additional efforts in motivating the migrant children and their parents and guardians to regularly attend school and in motivating teaching staff to encourage and support regular attendance.
- With a view to improving understanding and acceptance between the local and migrant children, organise more extracurricular activities focusing on intercultural dialogue and better mutual understanding.
- Invest efforts in preparing migrant pre-schoolers and their parents for the formal education programme.
- Ensure that children of high school age are better prepared and have better access to the education system given that integration in the secondary education system has not been implemented systemically.
- Continue the cycle of strengthening the teachers' professional capacities to adapt the teaching material and hold class, in order to ensure that all pupils, including migrant children, are able to follow class and take part in class activities, and to develop and apply individual educational programmes.

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