



Child migration and access to Early Childhood Care and Education


Limitations in legal frameworks and other concerns

June 2021



Right to Education

This brief was developed by Right to Education Initiative. It was written by Rajakumari Michaelsamy, with input from Delphine Dorsi and review and comments from Yoshie Kaga, UNESCO Education Specialist on ECCE.



Early childhood, defined as the period from birth to eight years old¹, is a crucial time for the physical, cognitive, social, and emotional growth of children. Access to quality early childhood care and education² (ECCE), therefore, can be vital in laying the foundations for children's long-term development, well-being, learning, and health. Despite this, universal and equitable access to free, quality, and compulsory pre-primary education³ is one of the major education challenges. One out of two children⁴ does not receive pre-primary education. While access to quality pre-primary education is inadequate globally, the opportunities for pre-primary education are drastically restricted for migrant children. Significant inequalities exist between migrant and local-born children in terms of quality access to pre-primary education.

Globally, over one sixth of forcibly displaced persons are children under the age of five⁵. Between 2018 and 2020, an average of between 290,000 and 340,000 children per year were born into a refugee life⁶. A significant number of these children face severe restrictions in the enjoyment of their rights in their early childhood, as guaranteed to them by the Convention on the Rights of the Child⁷. Young children in migrant families are less likely to participate in pre-primary education when compared to local-born children. This may be as a result of numerous factors, including limited awareness of ECCE options, language and cultural barriers, lack of space for immigrant children in existing programmes⁸, discrimination, differential educational policies, and importantly, lack of inclusion of the ECCE agenda in migration response strategies and policies. Furthermore, the lack of an adequate legal framework on ECCE for universal access to free and compulsory pre-primary education both

¹ Committee on the Rights of the Child, General Comment No.7(2005), Implementing Child Rights at Early Childhood, Available from: [Link](#) (accessed 01 August 2021) UN Doc. CRC/C/GC/7/Rev.1

² UNICEF refers early childhood care and education to a range of processes and mechanisms that sustain, support holistic development of a child's social, emotional, cognitive, and physical needs from birth to age eight years. The [International Standard Classification of Education 2011\(ISCED\)](#) which categories the levels of education programme classifies early childhood education (ECE) as an 'O' level programme. According to ISCED, early childhood education is usually school-based or otherwise institutionalised care and learning (e.g. Centre-based, community-based, home-based), that promotes holistic development across all developmental domains for children from ages 0 to the official start of primary education. ISCED further classifies ECE into two subcategories by age group: early childhood educational development for children ages 0-2 years, and pre-primary education for children aged three years to the official start of primary education.

³ As defined by ISCED 2011, Pre-primary education or preschool is a defined as the initial stage of organised instruction, designed primarily to introduce young children between 3 years to the start of primary school, to a school-type environment, that is, to provide a bridge between home and a school-based atmosphere.


⁴ UNICEF (2019), A world ready to learn: Global report on pre-primary education, Available from: [Link](#) (accessed 28 September 2021)

⁵ UNESCO, Global education monitoring report 2019, *Migration, Displacement and Education: Building Bridges Not Walls*, Available from: [Link](#) (accessed 20 June 2021)

⁶ UNHCR, Refugee data finder, Available from: [Link](#) (accessed 15 June 2021)

⁷ NGO Committee on Migration (2016), *Positive Effects of Innovative Early Childhood Development Programs on Refugee Youth Resilience*, Available from: [Link](#) (accessed 05 June 2021)

⁸ UNESCO, 'The Impact of Global Migration on the Education of Young Children', (April -September 2008), Available from: [Link](#) (accessed 11 March 2021)



at the international and national level leaves young migrant children in a difficult situation. With a lack of adequate interventions and protective relationships, these children may face long-term mental health⁹ and developmental issues which affect lifelong education.

This brief focuses on some of the important issues related to young migrant children's access to ECCE and pre-primary education, and the key challenges in the existing legal framework. It further proposes to strengthen the legal framework and policy development for the inclusion of ECCE in-migrant response strategies.

1. ECCE empowers migrant children and communities to access human rights

Quality ECCE sets a strong foundation for learning and makes education systems efficient by enabling young children to complete primary and secondary education.¹⁰ In addition, ECCE serves as a powerful equalizer.¹¹ It has the potential to expand opportunities for disadvantaged children¹² and offers a potential route out of poverty and other vulnerabilities including social alienation. Various studies conducted on the impact of ECCE on children's learning and development demonstrate that it has long-term individual and social benefits for inclusion.¹³ Furthermore, ECCE helps young children to develop the resilience that is required to cope with traumatic and stressful situations like the conflicts and other emergencies.¹⁴ Thus, in the context of migration, ECCE can provide possible solutions for many issues that the young migrant children face in exercising their right to education, including trauma, mental health challenges and exclusion.

⁹ UNESCO, Global education monitoring report 2019, *Migration, Displacement and Education: Building Bridges Not Walls*, Available from: [Link](#) (accessed 20 June 2021)

¹⁰ UNICEF (2019), *A world ready to learn : Global report on pre-primary education*, Available from: [Link](#) (accessed 28 September 2021)

¹¹ Michel Vandenbroeck (2015), *Ethnic Diversity and Social Inclusion in ECCE in Europe*, P. T. M. Marope and Y. Kaga (eds) *Investing against Evidence: The Global State Early Childhood Care and Education* UNESCO Publishing, p 106. Available from: [Link](#) (accessed 27 September 2021)

¹² UNESCO (2021), *Right from the start: build inclusive societies through inclusive early childhood education*. Available from: [Link](#) (accessed 10 August 2021)

¹³ Ibid

¹⁴ UNICEF (2019), *A world ready to learn : Global report on pre-primary education*, Available from: [Link](#) (accessed 28 September 2021)

1.1 ECCE serves as an important protective function in traumatic crisis settings

Young migrant children, especially those who experience forced displacement, are likely to be affected by trauma due to experiences before, during, and after migration, such as witnessing violence, losing family members, and forced relocation to a new environment.



Some children might have experienced this directly, while others may be affected second-hand through their parents or other family members.¹⁵ These experiences may have developmental and psychological consequences and can be devastating because the first five years of life play a vital role in the formation of intelligence, personality, and social behaviour.¹⁶ Importantly, traumatic experiences can affect children's lifelong learning, well-being, and education. However, ECCE programs have the potential to play a

crucial role in identifying and addressing the mental health challenges faced by young children and their families.¹⁷ ECCE can help develop resilience to alleviate childhood trauma, toxic stress, and deprivation. Various studies have indicated that young children who have supportive relationships have greater ability to cope with stress and build a buffering system which is fundamental to its long-term development¹⁸. Therefore, ECCE plays crucial role in guaranteeing *Article 29 (1)* of the CRC: 'States Parties agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential'.

1.2 ECCE is a gateway for inclusion and addressing education barriers of child migrants

Migrant and displaced children face enormous challenges in exercising their right to education due to discrimination, insecurity, poverty, restricted mobility, social tensions, and other resource constraints.¹⁹ In addition, they also face hardships due to prejudice in schools and a lack of accommodation for different cultural and linguistic backgrounds.²⁰ This may result in psychological distress, low performance in school, and issues in cultural and social

¹⁵ Maki Park, Caitlin Katsiaficas, (2019), *Mitigating the effects of Trauma among young children of immigrants and refugees: The role of early childhood programs*, Migration Policy Institute, Available from: [Link](#) (accessed 08 June 2021)

¹⁶ NGO Committee on Migration (2016), *Positive Effects of Innovative Early Childhood Development Programs on Refugee Youth Resilience*, Available from: [Link](#) (accessed 05 June 2021)

¹⁷ Maki Park, Caitlin Katsiaficas, (2019), *Mitigating the effects of Trauma among young children of immigrants and refugees: The role of early childhood programs*, Migration Policy Institute, Available from: [Link](#) (accessed 08 June 2021)

¹⁸ Heyam Loutfi El Zein and Maysoun Chehab (2015) Young children on the frontline: ECCE in emergency and conflict situations, P. T. M. Marope and Y. Kaga (eds) *Investing against Evidence: The Global State Early Childhood Care and Education* UNESCO Publishing, p.126. Available from: [Link](#) (accessed 27 September 2021)

¹⁹ UNICEF (2020), *UNICEF working paper: Education Solutions for migrants and the displaced children and their host communities*, Available from: [Link](#) (accessed 05 June 2021)

²⁰ UNGA, 'Report of the Special Rapporteur on the Right to Education' (2017), Available from: [Link](#) (accessed 23 August 2021) UN Doc.A/72/496

integration. Some of these long-lasting consequences could be attenuated and even prevented by early intervention with ECCE.²¹ Studies show that ECCE helps disadvantaged children not only in terms of enhancing their well-being but also in their ability to complete primary and secondary school. ECCE also helps children with social integration and adapting to a new environment with ease.

ECCE is also essential to reduce the risk of older children dropping out of school due to either engaging in childcare at home or involving child labour to supplement families' income. In many migrant or refugee settlements, in the absence of ECCE services girls are often expected to stay at home and support their families by taking care of their siblings, particularly if they are the eldest child. This puts even greater pressure on them to drop out of school.²² In some situations, elder children are often obliged to work to supplement the family income rather than attending school.²³ Access to a quality ECCE service will pave the way for migrant women to participate in income generating activities, thereby minimising the risk of elder children working rather than studying.



1.3 ECCE can promote gender equality and economic growth among the migrant communities

Additionally, an equitable ECCE intervention is an effective strategy to promote gender equality and economic growth²⁴ within migrant communities. When young children attend pre-primary education, their caregivers, who are predominantly women, can exercise their right to work and earn, thus increasing the family income. For example, a World Bank study in Indonesia found that access to public preschool for two hours a day led to a 13.3 per cent increase in women's participation in the workforce.²⁵

²¹ NGO Committee on Migration (2016), *Positive Effects of Innovative Early Childhood Development Programs on Refugee Youth Resilience*, Available from: [Link](#) (accessed 05 June 2021)

²² UNICEF (2020), *UNICEF working paper: Education Solutions for migrants and the displaced children and their host communities*, Available from: [Link](#) (accessed 05 June 2021)

²³ Ibid

²⁴ UNICEF (2019), *A world ready to learn : Global report on pre-primary education*, Available from: [Link](#) (accessed 28 September 2021)

²⁵ Ibid



2. Discrimination and inequalities in access to quality ECCE impinge on migrant children's right to education

The children of migrant families often experience discrimination and have limited access to early childhood care and education due to their legal status, differential education policies for migrants, unequal funding, language education policies, lack of awareness on the laws and policies in the host country, the age duration of compulsory education, and many other factors. While international agencies like UNICEF and UNHCR, and civil society organisations have integrated ECCE in their interventions with the migrants and displaced communities, the ECCE needs of migrant children are not a developmental priority in most of the host countries. According to UNICEF, access to pre-primary education is available for only a fraction of refugee children under the age of eight.²⁶ Inequality in access persists in many countries for children from migrant and refugee backgrounds.²⁷ UNESCO's policy paper on inclusive early childhood education entitled "Right from the Start" noted the second European Union Minorities and Discrimination Survey (EUMIDIS II) which indicates a disparity in the early childhood participation rate between the Roma and the general population across nine countries. In Greece, for example, only 28 percent of Roma children are in pre-primary education, compared with an overall enrolment rate of 84 percent.²⁸

Various studies conducted in the last decade indicate that children from poor migrant families have limited access to ECCE. For example, a study conducted by the Migration Policy Institute²⁹ in nine upper middle- and high-income countries³⁰ in Europe and North America indicated: 'Country-wide responses to the ECCE needs for young refugee and asylum seeker children have been extraordinarily weak despite the legal obligation in most countries to serve this population. National responsibility and accountability are largely lacking.' Even in countries offering ECCE services, providers are often ill-equipped to address refugee children's cultural and linguistic diversity, and possible trauma.

Some of the examples provided in the study are:

- Canada, offering some services for new arrivals, but only as childcare for parents enrolled in publicly financed language courses

²⁶ Ibid

²⁷ UNESCO (2021), *Right from the start: build inclusive societies through inclusive early childhood education*. Available from: [Link](#) (accessed 10 August 2021)

²⁸ Ibid

²⁹ Maki Park, Caitlin Katsiaficas & Margie McHugh, (2018), *Responding to the ECEC Needs of Children of Refugees and Asylum Seekers in Europe and North America*, Migration Policy Institute, Available from: [Link](#) (accessed 12 March 2021)

³⁰ These countries include Belgium, Canada, Germany, Greece, Italy, The Netherlands, Sweden, Turkey, and United States

- The Netherlands, having no national policy to provide education to refugees below compulsory education age
- Sweden, where non-native speakers in pre-school (23% of enrolment) have a legal right to develop their mother tongue, but where just 39% receive such support³¹

Some of the reasons³² that the study indicates as reasons for weak implementation include:

- A shortage of qualified, multilingual staff with cultural knowledge
- Young children below the compulsory school age of education being assumed to be safe in the hands of their parents. Providing social and educational services to the group is often viewed as less urgent
- A disconnect between refugee and asylum services, which are managed by national governments and international agencies, and ECCE services, which are largely the domain of sub-national governments
- A high degree of mobility and displacement among refugee and asylum-seeker families, even after arrival in a host country
- Lack of coordination among disparate government departments, NGOs, and other key stakeholders results in programs often act in isolation from another
- Lack of long-term funding is a barrier to achieve scale and stability

Notably, the pre-primary education of young migrant children has been severely neglected in migrant response strategies and policies. Young children in refugee or migrant settlements are often “invisible”, with the assumption made that they will be automatically taken care of by their families/parents. Therefore, the educational needs of migrant children are not viewed as urgent. According to UNESCO’s 2019 Global Education Monitoring Report, the pre-primary agenda is not part of many humanitarian and refugee responses. It says, ‘A review of 26 active humanitarian and refugee response plans revealed that nearly half made no mention of learning or education for children under 5 and less than one-third specifically mentioned pre-primary education’.³³ The UN Special rapporteur on the right to education points out the limited ECCE provisions that are available for one of the oldest refugee groups – Palestinians. ‘Almost five million Palestinian refugees registered with UNRWA live in Jordan, Lebanon, and the Syrian Arab Republic, as well as Gaza and the West Bank. In 2015, UNRWA provided primary and lower secondary education to around half a million Palestinian children. In Gaza, more than 95 percent of school-age children attended school in the

³¹ Maki Park, Caitlin Katsiaficas & Margie McHugh, (2018), *Responding to the ECEC Needs of Children of Refugees and Asylum Seekers in Europe and North America*, Migration Policy Institute, Available from: [Link](#) (accessed 12 March 2021)

³² Ibid

³³ UNESCO, Global education monitoring report 2019, *Migration, Displacement and Education: Building Bridges Not Walls*, Available from: [Link](#) (accessed 20 June 2021)

2015/16 academic year, but early childhood provision remains limited, except at schools in Lebanon'.³⁴

2.1 Access to ECCE for-child migrants in the context of COVID -19

Access to ECCE for migrant children has been further hit by COVID-19 and its devastating impacts on education. In 2020, more than 180 countries shut down schools³⁵, including ECCE



services, affecting 155 million pre-school children³⁶ among them significant numbers of migrant children. Nearly 52 percent of migrant children and over 90 percent of displaced children live in low and middle-income countries where health systems have been overwhelmed and under capacity for protracted periods. In these countries, children and their families often live in deprived urban areas or slums, overcrowded camps, settlements, makeshift shelters, or

reception centres with limited access to health services, clean water, and sanitation³⁷ and consequently are at a greater risk of being infected by Covid-19. In situations like this, with the mass closure of ECCE services, these children were denied the opportunity of learning and access to other health, nutrition, and immunisation services. In Thailand, for instance, following the closure of border points and many businesses, most migrant workers rushed home. But those who retained work faced difficulties keeping their young children safe due to the closure of migrant learning centres or day-care centres – where many children of migrants used to secure food and basic learning.³⁸ This risks children becoming developmentally delayed, malnourished, and neglected, with potential lifelong impacts on their development, education, and well-being. Despite the importance of ECCE, these issues have not been taken into consideration enough and they did not get prioritised in the education response strategies of COVID 19 pandemic.

³⁴ UNGA, 'Report of the Special Rapporteur on the Right to Education' (2018), Available from: [Link](#) UN Doc. A/73/262

³⁵ Oxfam International (2021), *The inequality virus*. Available from: [Link](#) (accessed 12 February, 2021)

³⁶ UNESCO,(2020), *New drive to protect early childhood education in the context of the COVID 19 crisis*, Available from: [Link](#) (accessed on 10 June 2021)

³⁷ Danzhen You, Naomi Lindt, Rose Allen, Claus Hansen, Jan Beise & Saskia Blume (2020), Migrant and displaced children in the age of COVID-19: How the pandemic is impacting them and what can we do to help. *Migration Policy Practice*: X (2) Available from: [Link](#) (accessed 10 June 2021)

³⁸ Ibid

3. Lack of explicit recognition of ECCE as a right under international law prevents states being held accountable for guaranteeing ECCE rights of migrant children

The right to education begins at birth. It is recognised in the Universal Declaration of Human Rights (UDHR) and enshrined in international human rights treaties, including the Convention on the Rights of the Child (CRC). Article 29 (1) of the CRC stipulates that ‘States Parties agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential’. Article 6 (2) of the CRC stipulates that ‘States Parties shall ensure to the maximum extent possible the survival and development of the child’.

The Committee on the Rights of Child, in its General Comment 7³⁹ reaffirms young children as right holders and reiterates that ‘the Convention on the Rights of the Child is to be applied holistically in early childhood taking account of the principle of the universality, indivisibility and interdependence of all human rights’ and reaffirms the ‘right to education during early childhood as beginning at birth and closely linked to young children’s right to maximum development.’

Further, the Committee on the Protection of the Rights to All Migrant Workers and Members of their Families (CMW) and the Committee on the Rights of the Child (CRC), in a joint general Comment 4 (2017)⁴⁰ affirm that all migrant children, irrespective of their migration status, should have full access to all levels and all aspects of education, including early childhood education based on equality with nationals. Comment 4 further recognises the provision of early childhood education as one of the appropriate measures to promote equality and overcome education barriers. Hence it affirms: ‘State efforts should include the provision of early childhood education as well as psychosocial support’.

Various international agreements affirm the right to early childhood education for migrant and refugee children. In the New York Declaration for Refugees and Migrants adopted by the UN General Assembly in 2016, states commit to ‘protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child’. The Declaration further commits

³⁹ Committee on the Rights of the Child, General Comment No.7(2005), Implementing Child Rights at Early Childhood, Available from: [Link](#) (accessed 10 June 2021) UN Doc. CRC/C/GC/7/Rev.1

⁴⁰ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child, Joint General Comment 4.(2017), Available from: [Link](#) (accessed 10 June 2021) UN Doc. CMW/C/GC/4-CRC/C/GC/23

states to ‘comply with the obligations under the Convention on the Rights of the Child’ and ‘support early childhood education for refugee children’.⁴¹

The Global Compact for Migration⁴², adopted in July 2018, affirms early childhood development as one of the basic services to migrants as part of the education process. Consequently, one of the action plans calls upon states to ‘Provide inclusive and equitable quality education to migrant children and youth, as well as facilitate access to lifelong learning opportunities, including by strengthening the capacities of education systems and by facilitating non-discriminatory access to early childhood development.’

A call for inclusive early childhood care and education⁴³, which implicitly includes children from migrant and refugee backgrounds, is embedded in the UN Sustainable Development Goals. The international community committed to ‘ensure that all girls and boys have access to quality early childhood development, care, and pre-primary education so that they are ready for primary education’ by 2030, leaving no one



behind. In the Education 2030 Framework for Action, one indicative strategy is to ‘put in place integrated and inclusive policies and legislation that guarantee the provision of at least one year of free and compulsory quality pre-primary education, paying special attention to reaching the poorest and most disadvantaged children through ECCE services’.

The Nurturing Care Framework for Early Childhood Development considered equity, and implicitly inclusion, as a guiding principle⁴⁴ and made a call for governments to focus early childhood interventions on ‘groups that are excluded, marginalised or vulnerable in other ways’. In the case of early childhood education, it called for interventions ‘promoting respect and inclusion among children of diverse backgrounds’.⁴⁵

Despite these developments, there is no explicit recognition in international law to guarantee young children’s universal access to early childhood education. For instance, one year of free


⁴¹ New York Declaration for Refugees and Migrants, UNGA Res.71/1 (19 September 2016) Available from: [Link \(accessed 25 August 2021\)](#)

⁴² Global Compact for Migration (2018), *Global compact for safe, orderly and regular migration*. Available from: [Link](#) (accessed 21 May 2021)

⁴³ UNESCO (2021), *Right from the start: build inclusive societies through inclusive early childhood education*. Available from: [Link](#) (accessed 10 August 2021)

⁴⁴ Ibid

⁴⁵ Ibid



and compulsory quality pre-primary education has not been recognised yet as a right under international human rights law, creating binding obligations for states.⁴⁶ In the absence of such recognition and legally binding commitments to ECCE, states may not give due importance to guarantee early childhood education to young children and this will have a detrimental effect on migrant children who are often more excluded.

4. ECCE is not an explicit right in many of the countries that host migrant children

ECCE has gained momentum recently, and as a result, some countries have adopted legal provisions to make ECCE free and compulsory. Some countries guarantee migrant children the right to pre-primary education, regardless of the legal status of the children or parents. For instance, in Italy⁴⁷, the 1998 Immigration Act guarantees migrants the right to instruction

in the same manner as it does for Italian citizens, regardless of migration status.⁴⁸ Moreover, the right to mandatory school education recognised under Italian law is interpreted to include the right to access pre-school, regardless of the legal or administrative status of the children or their parents. In a 2008 Order, the Tribunal of Milan ruled that access to pre-school could not be restricted or made more burdensome by discrimination based on citizenship, legal or residential status; indicating that pre-school, although not properly within the definition of the mandatory school system, is fundamental for the preparation of the latter.⁴⁹ In 2010, the municipality of Florence acknowledged the right of undocumented children to attend pre-school. Other Italian cities have followed suit.⁵⁰

In Serbia, article 14 of the Law on Preschool Education permits foreign citizens including refugees or displaced persons and children from vulnerable groups to enroll in a preschool and/or school delivering the preparatory preschool programme without proof of residence or other personal identity documents under the same conditions and in the manner regulated for the citizens of Serbia.⁵¹ In Sweden, under Ordinance 2001:976, children and young people

⁴⁶ UNESCO (2021), *Right to pre-primary education: A global study*, Available from: [Link](#) (accessed 21 May 2021).

⁴⁷ Right to Education Initiative (2018), *The status of the right to education of migrants: International legal framework, remaining barriers at national level and good examples of states' implementation*, Available from: [Link](#) (accessed 15 June 2021)

⁴⁸ UNICEF (2010), *Examples of Good Practices in the Implementation of the International Framework for the Protection of the Rights of the Child in the Context of Migration*(Draft) Available from: [Link](#) (accessed 15 June 2021)

⁴⁹ Tribunal of Milan, Order (*Ordinanza*) of February 11, 2008

⁵⁰ Right to Education Initiative (2018), *The status of the right to education of migrants: International legal framework, remaining barriers at national level and good examples of states' implementation*, Available from: [Link](#) (accessed 15 June 2021)

⁵¹ UNGA, 'Report of the Special Rapporteur on the Right to Education' (2017), Available from: [Link](#) (accessed 23 August 2021) UN Doc.A/72/496



who are seeking asylum have essentially the same right to education in preschool as those who are Swedish residents.⁵²

However, the legal frameworks in most countries are not adequate to implement international rights and goals for universal pre-primary education. UNESCO's global study on the Right to pre-primary education, which provides an overview on the status of the legal framework at the national level for the adoption of free and compulsory pre-primary education points out just 46 of 184 countries, or 25%, have legal provision for free and compulsory pre-primary education. Among the 184 countries surveyed 63 countries have adopted free pre-primary education, 51 (28%) adopted compulsory pre-primary education, and 46 (25%) countries have adopted free and compulsory pre-primary education.⁵³

According to UNICEF data⁵⁴, Africa and Asia host three out of every five child migrants. But most of the countries in these two regions do not have legal provisions for free and compulsory pre-primary education. Asia hosts 39 percent (14 million) of all migrant children in the world. However, out of 44 countries that UNESCO surveyed, only five countries in the Asia Pacific region have adapted free and compulsory pre-primary education. Africa hosts 18% of migrant children (11 million), but out of 47 countries UNESCO surveyed, only four countries in the region have adopted free and compulsory pre-primary education.

Similarly, if we take the top 20 countries that host migrant children, only six have adopted free primary education, and just three have adopted free and compulsory pre-primary education. Data is not available for five countries.

⁵² Ibid

⁵³ UNESCO (2021), *Right to pre-primary education: A global study*, Available from: [Link](#) (accessed 21 May 2021).

⁵⁴ UNICEF (2021), *Child Migration*, Available from: [Link](#) (accessed 01 June 2021).

Top 20 hosting countries of international migrants under 18 years of age, 2020 (in millions)
and the status of legal provisions for free and compulsory pre-primary education.

No.	Name of the country	Percentage of migrant children	Free pre-primary education (number of years)	Compulsory pre-primary education (number of years)
		As per UNICEF data ⁵⁵	As per UNESCO's Global Study on Right to Pre-Primary Education ⁵⁶ .	
1	United States of America	3.3	Not available	Not available
2	Saudi Arabia	2.3	0	0
3	Jordan	1.6	Not available	Not available
4	United Arab Emirates	1.4	0	0
5	Turkey	1.3	2	0
6	Iran	1.2	0	0
7	Germany	1.1	Not available	Not available
8	Uganda	0.9	0	0
9	United Kingdom	0.9	2	0
10	France	0.7	3	3
11	Colombia	0.7	1	1
12	Mexico	0.7	3	3
13	Australia	0.6	Not available	Not Available
14	Canada	0.6	Not available	Not available
15	Russian Federation	0.6	0	0
16	Sudan	0.6	0	0
17	Kuwait	0.6	0	0
18	Bangladesh	0.6	0	0
19	Spain	0.6	3	0
20	Lebanon	0.5	0	0


Provision for the ECCE needs of young migrants has been extraordinarily weak, even in countries that have legal guarantees to free and compulsory pre-primary education. And this will be worse in countries that have no legal recognition for free and compulsory pre-primary education. In such a scenario, the risks to migrant children are even greater, as state parties are unlikely to include ECCE as a right in migrant response strategies.

Conclusion

The international community pledged to ensure equal and quality access to early childhood development, care, and pre-primary education for all by 2030. Further, they embraced the commitment to leave no one behind by reaching out to the poorest and most disadvantaged

⁵⁵ Ibid

⁵⁶ UNESCO (2021), *Right to pre-primary education: A global study*, Available from: [Link](#) (accessed 21 May 2021).



children, in recognition of the fact that this pledge requires political, financial, and social commitment from governments and inter-governmental organisations. Governments and intergovernmental agencies must take steps to overcome the range of barriers that hinder equal access to early childhood care and education, particularly for disadvantaged children such as migrants. Keeping inclusion as a guiding principle, global and national actions should be driven towards:

- **Developing an international human rights framework** that recognises more clearly and explicitly the right to early childhood care and education, including a right to one-year free, quality pre-primary education for all including children from migrant and refugee backgrounds. The framework should create binding obligations for states to protect the rights of young children to have equal access to early childhood care and education, irrespective of their migrant status.
- **Evolving legal and policy framework at the national level** that ensures free pre-primary education with special provision to reach out the children from disadvantaged background including children from migrant and refugee backgrounds.
- **Ensuring adequate public investment for ECCE:** State Parties should assure secure governance, a financing commitment, and adequate technical and human resource allocation to pre-primary education of migrant children to facilitate the sustainable implementation of the rights-based framework. Emphasis should be placed on the addressing of children's holistic needs (including health, nutrition, psychosocial and educational needs), their cultural and linguistic diversity, and the importance of working with parents to make ECCE more accessible, welcoming, and inclusive.
- **Recognising ECCE as a priority** in all resolutions and declarations related to education, all migrant policies at the national and international level, all humanitarian and refugee response plans, and in the education response strategies of the Covid-19 pandemic is key to ensure universal access for free, equal, and quality early childhood and pre-primary education for all children.