



## A Review of the Requirements of International Human Rights Standards Concerning the Right to Education for Migrant Children

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DOI:

10.30497/flj.2024.245951.1994



### Introduction

Children are among the most vulnerable groups in society, and international human rights standards mandate special protections to ensure their growth and development. Within this population, certain subgroups—such as migrant children, including displaced, asylum-seeking, refugee, undocumented, and stateless minors—face heightened vulnerabilities. International human rights law has developed various principles to safeguard the rights of these children across multiple dimensions of life. This study focuses on the legal framework and obligations surrounding the right to education for migrant children, examining the responsibilities of states and other stakeholders globally. The realization of this right depends on the fulfillment of international obligations, domestic cooperation, and parental involvement. Central questions include: Do international norms permit differentiated educational treatment between citizen and migrant children? Can migrant children be restricted to specific educational centers within their country of residence? May a state justify limitations on this right based on resource constraints? To address these questions, the paper explores whether specific norms exist under international human rights law governing migrant children's education, or if general standards applicable to all children suffice. If the former, what are the key legal elements?

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The findings emphasize that no country is free from challenges in this area, but they also identify binding international obligations regarding the right to education for migrant children. These insights may assist policymakers, governmental authorities, and non-governmental organizations in host countries—such as Iran, which shelters hundreds of thousands of migrants—in designing more effective and rights-based educational strategies. Relevant aspects of Iran’s domestic legal framework are also discussed to contextualize the analysis.

### **Literature Review**

The scholarly landscape on the right to education for migrant children is relatively limited, particularly in Persian-language literature. Most existing research—primarily in English—has either focused on sociological or cultural perspectives or provided general legal analyses of state obligations and international instruments protecting migrants and refugees. Few studies have offered a legal deep-dive into the specific international obligations related to migrant children’s education, especially in connection with Iranian regulations. This research aims to fill that gap by providing a focused, analytical examination of international legal standards governing migrant children's educational rights, drawing from both global and Iranian contexts.

### **Methodology**

This research employs a descriptive-analytical approach, drawing on primary international legal sources, including United Nations conventions, general comments from treaty bodies, and authoritative academic literature in human rights law. Case studies and official interpretations by relevant committees are utilized to identify the core principles and components of the right to education for migrant children. Data collection was conducted using documentary research methods, and content analysis was employed to extract applicable legal obligations. The study also provides policy recommendations for Iranian educational authorities, both governmental and non-governmental, to enhance their future strategies.

### **Key Findings**

1. **Legal Obligations and Normative Alignment**  
International human rights standards require states to align their

educational policies for migrant, refugee, and stateless children with global legal definitions and obligations. The right to education must reflect the principles of equality, non-discrimination, and the best interests of the child. Educational programs should be accessible, acceptable, adaptable, and available (the 4As), and must avoid segregation or isolation, instead fostering social and cultural integration.

2. Protection of Especially Vulnerable Subgroups

Within migrant populations, some children—such as those with disabilities, girls, or those unfamiliar with the host country's language—are especially vulnerable and need tailored support. Despite varied capacities across states, even developed nations struggle to fully meet their international obligations. Thus, international cooperation and support from wealthier states remain essential. Addressing root causes of migration, such as war and instability, is equally vital.

3. Addressing Anti-Migrant Sentiment and Community Engagement

The rise of xenophobic and anti-migrant rhetoric in some countries threatens the rights of migrant children. States must counter this by promoting public education and supporting grassroots initiatives that foster inclusion. Iran presents some positive examples, including community involvement by teachers, civil society organizations, and the 2020 enactment of the "Law on the Protection of the Rights of Children and Adolescents," which has strengthened non-discriminatory access to education. Nonetheless, significant challenges remain, especially for undocumented children.

4. Bilateral Responsibilities and Strategic Planning

Considering the presence of Iranian children in refugee camps abroad, Iran's obligations extend beyond its borders. The state must not only protect foreign migrant children within Iran but also uphold the rights of Iranian migrant children overseas. Developing a comprehensive national strategy for migrant children's rights would ensure a systematic and forward-looking approach.

## **Conclusion**

Realizing the right to education for migrant children requires clear national

policies, adequate financial resources, and culturally and psychologically responsive educational programs. States must ensure legal and institutional infrastructure that reflects the principles of equality, non-discrimination, and the best interests of the child. While Iran has made commendable efforts in this area, further progress can be achieved through inter-sectoral cooperation, international collaboration, and capacity-building within the education system.

**Keywords:** State obligations; right to education; United Nations; migrant children; i

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