**Maat for Peace’ submission on “Cultural Rights and Migration”**

**Executive summary:**

An estimated 281 million people, or 3.6 percent of the global population, live outside their countries of origin, according to the International Organization for Migration (IOM) data for 2020. From a legal point of view, these people are classified into refugees, displaced persons and migrants. In fact, there are many reasons behind displacement, asylum and migration. Some may choose to leave their home country voluntarily in pursuit of job opportunities and better living conditions, and many others are forced to leave due to poverty, lack of health care, poor education, insufficient water, food, inappropriate living conditions, and adverse consequences of environmental degradation and climate change. Others were forced to flee with their families from persecution, conflicts, wars and escalating clashes, especially in the countries of the Middle East and Africa[[1]](#footnote-1).

These people, regardless of their legal status, are exposed to grave human rights violations of their civil, political and economic rights in the countries of destination. These violations include expulsion or forcible return to countries where their life may be at serious risks, and where they could be subjected to arbitrary detention, forced detention, and denial of the right to residence and security of health and work, among other violations that may be less severe than the previous violations, but are no less important for these people, such as the violations of cultural rights, the main focus of the current intervention. In this context, Maat noted in many countries of concern that Migrants and refugees face violations in countries of destination related to their cultural rights under international human rights instruments, including violations of the right to express and communicate in their own language freely, violations of the right to education and integration into the educational system, and violations of the right to express their beliefs and values religious customs, traditions, arts and methods of a life associated with them freely.

In fact, the severity of the previous violations varies from one country to another according to the extent of cultural harmony between the migrant on the one hand and the majority of population at the destination countries on the other. The greater the cultural harmony between the two, the less there will be violations related to the cultural rights of migrants. The cultural rights of migrants in cases of cultural difference and disharmony with the majority of the population in the countries of destination, while cultural violations against migrants are exacerbated in cases of cultural difference and disharmony with the majority of the population in the countries of destination, which is inferred from the experience of migrants and refugees fleeing from the countries of the Middle East enjoying cultural rights in both the neighboring countries of the Middle East with a common cultural background, and the countries of the European Union that enjoy The majority of its residents have different cultural backgrounds than the Middle Eastern immigrants residing in it. In light of the above, Maat for Peace, Development and Human Rights presents its interventions by answering some of the questions from the questionnaire attached to the invitation, focusing on the cultural rights of immigrants and refugees from the countries of the Middle East residing in some countries belonging to the same region, and in the countries of the European Union, as follows:

**Survey questions:**

**What are the issues of cultural rights do you see in migration processes? Please provide relevant information regarding laws, regulations, programs, measures, services and practices that appear relevant?**

Maat believes that among the main issues related to cultural rights in the context of migration, is the issue of depriving migrants and refugees from exercising their cultural rights in the countries of destination, including the right to express and communicate in their own language, to express their religious beliefs, values ​​and ways of life. In European Union countries, specifically France, for example, Migrant Muslim women and girls are prevented from expressing their religious beliefs and values they are also prohibited by law From showing their own traditions and ways of life that express their belonging to Islam, which is a violation of their cultural rights represented by customs, traditions and religious beliefs, according to the law issued by the French authorities in 2004 on secularism in schools, immigrant Muslim girls are prohibited from wearing the Islamic headscarf and symbols Other visible religious in government schools and in public places, is also prohibited Migrant women are required to wear the Islamic hijab in France or hide their face in public under a law passed by the authorities in 2010[[2]](#footnote-2). In addition, the Court of Justice of the European Union (CJEU) allowed employers in European Union countries by a decision issued in July 2021 to prevent Muslim migrant workers from wearing the headscarf and other Visible symbols of the Islamic religion, which is a restriction on immigrant women's exercise of their cultural rights to show their own traditions, clothing and lifestyles that express their affiliation with Islam[[3]](#footnote-3).

**Can migrants access the services and cultural institutions of the host community? What about undocumented immigrants, asylum seekers and refugees?**

Educational institutions are among the most important cultural institutions that migrants and refugees have to access in host societies. Despite this importance, Maat has noticed by tracking the conditions of migrants and refugees around the world, that those face many challenges that prevent their access to educational institutions and other cultural institutions in host societies, which has led to a low rate of their enrollment in education around the world. According to the latest statistics obtained by Maat, nearly half of all refugee and migrant children at school age, that is 48% worldwide, are still out of school. The enrollment rate of refugee and migrant children in pre-primary education around the world during the academic year (2020-2021) did not exceed 4%, while the enrollment rate of those children the same academic year in primary education reached 68%, in secondary education reached 37 %, and higher education 6 %, which indicates the existence of significant structural barriers preventing migrants and refugees from accessing education in the host societies around the world[[4]](#footnote-4).

In the European Union countries, refugee and migrant children face great difficulties in accessing education, which is one of the most important cultural rights. This is reflected in the obstacles that some of these countries place before migrant and refugee children in a way that hinders their integration into the educational process. For example, the Greek authorities impose discriminatory policies that prevent migrant children from enrolling in education, including discriminatory policies of delaying the opening of classes for children who do not speak Greek and not providing transportation to refugee children from camps to schools. According to the latest statistics from office of the Greek Ombudsman, more than 86 percent of refugee and migrant children living in camps on the mainland and the Aegean islands did not go to school in early 2021, and only 7 out of more than 2,000 school-age children were enrolled in camps Island, according to the same statistics. Data from the Greek government indicates that of the 31,000 school-age refugee children living in Greece both inside and outside camps during the 2019-2020 school year, only about 13,000 were enrolled in the educational process[[5]](#footnote-5).

In the State of Spain, the Spanish authorities continued to impose obstacles that prevent immigrant children from enrolling in public schools. In this context, Maat monitored several incidents in which the Spanish authorities refused to enroll immigrant children of Moroccan origin in Spain because of their lack of regular immigration status, or due to their inability to provide documented evidence of residency. In March 2020, for example, a Moroccan mother living in Melilla complained that the local authorities in the Spanish city of Melilla were refusing to enroll her child in education on the grounds that there was no evidence that he had obtained a legal residence permit, and that Although the Spanish police confirmed that the child and his family have been living in Melilla since 2013, which is a violation of the cultural rights of these migrant children[[6]](#footnote-6).

**What are the steps taken by relevant local and national authorities to ensure the protection of the rights of migrants to access, exercise, maintain and transfer living cultural resources, in particular of forced migrants?**

Given the efforts made by governments around the world to guarantee the protection of migrants’ rights to access, exercise, maintain and transfer living cultural resources, Maat found that very few governments around the world have supported the rights of migrants to preserve and transmit their cultural resources across generations. Countries around the world often ignore these resources and cultural legacies, and seek to integrate them within the legacies and cultural resources enjoyed by the majority of their population, which has been observed in the experience of Muslim refugees and migrants fleeing the countries of the Middle East to Europe, where some European Union countries have erased the Arab and Islamic culture by banning certain practices, customs and cultural manifestations that express the Islamic religion, such as the ban on wearing Islamic clothing, including the hijab in public places in France, and giving employers the right to prevent their Muslim migrant workers from wearing the veil and other visible symbols of the Islamic religion In all countries of the European Union. However, Maat noted that few countries around the world have protected the rights of migrants to access, exercise, maintain and transfer their living cultural resources. In the Arab Republic of Egypt, for example, the Egyptian authorities have allowed Syrian refugees and migrants to set up many Syrian educational centers, which seeks to preserve the Syrian culture and pass it on to future generations, by teaching Syrian children of school age the Syrian heritage, culture, and customs, and holding events and celebrations celebrating the essence of Syrian culture[[7]](#footnote-7).

**What is the position of government authorities when the cultural practices of migrants are not in line with those of the majority of the population?**

Maat believes, by tracking the conditions of migrants and refugees around the world, that in cases of cultural differences and dissonance between migrants and refugees on the one hand and the majority of the population in the host societies on the other, or in cases where the cultural practices of migrants are not in line with the practices of the majority of the population, that the government authorities at the host communities seek to ignore the cultural practices of the migrants in favor of the survival and dominance of the cultural practices adopted by the majority of the population in the host communities. They work to assimilate the different cultural heritages of migrants as well as the various origins, languages, lifestyles, clothing, arts, and religious beliefs into the mainstreaming one, in a clear violation of the cultural rights of these immigrants. Maat illustrates this point by the situation of the Islamic migrants from the Middle East countries living in the European Union after the spread of the phenomenon of Islamophobia, caused by fear of everything related to Islam, in wake of the widespread crimes and terrorist operations whose perpetrators claim to represent Islam. A cultural clash occurred between the majority of the Western population and the Middle Eastern migrants living in the European Union, which prompted government authorities in more than European countries to try to ignore Islamic cultural practices and legacies and completely erase them from their societies, which was manifested in the prohibition of wearing clothes and other visible religious symbols that express Islam in public places and in workplaces, whether governmental or private, in a number of European Union countries such as France and Germany[[8]](#footnote-8).

**What challenges do immigrants currently face in practicing, preserving and transmitting their culture, particularly when they are new and/or involuntary immigrants?**

Migrants and refugees face a major challenge in practicing, preserving and transmitting their culture to future generations, which is the challenge of conflicting the legacies and cultural practices of migrants and refugees with the legacies and cultural practices of the majority of the population inhabiting the host communities, such as a cultural clash between the legacies and cultural practices of new immigrants and the majority population in host countries, which in turn encourages host country governments to adopt policies and laws that limit the tyranny of cultural practices of new immigrants in favor of the domination of the cultural legacies of the majority of the population inhabiting these countries, as is the case in the cultural clash observed by Maat among migrants from Middle Eastern countries and the majority of the population of the European Union, as previously mentioned.

1. World Migration Report 2022, International Organization for Migration, link: <https://bit.ly/3DKDTYn> [↑](#footnote-ref-1)
2. France’s headscarf ban: the effects on Muslim integration in the West, the forum, MAY 14, 2019, link: <https://bit.ly/3Ug3tuN> [↑](#footnote-ref-2)
3. EU companies can ban headscarves under certain conditions, court says, reuters, July 15, 2021, link: <https://reut.rs/3ztxrTo> [↑](#footnote-ref-3)
4. All Inclusive The Campaign for Refugee Education-UNHCR Education Report 2022, UNHCR, link: <https://bit.ly/3DNby3W> [↑](#footnote-ref-4)
5. Greece: Stop Denying Refugee Children an Education, Relief web, 29 Jul 2021, link: <https://bit.ly/3TVtH56> [↑](#footnote-ref-5)
6. UN Denounces Spain for Preventing Moroccan-born Boy From Attending School in Melilla, Morocco world news, June 15, 2021, link: <https://bit.ly/3FBysMG> [↑](#footnote-ref-6)
7. Cultural Survival Among Syrians in Cairo: The Role of Syrian Educators and Educational Centers, A Thesis Submitted to the Faculty of Social and Applied Sciences in Partial Fulfilment of the Requirements for the Degree of MASTER OF ARTS IN HUMAN SECURITY AND PEACEBUILDING, DECEMBER, 2018, link: <https://bit.ly/3NmfFa2> [↑](#footnote-ref-7)
8. EU companies can ban headscarves under certain conditions..court says, Previous reference [↑](#footnote-ref-8)