

JANUARY 24, INTERNATIONAL EDUCATION

Repeatedly violated law in the city of Melilla.
12.02.2023

Today, on International Education Day, we want to report how Melilla violates the constitutional right to education for minors living in the autonomous city, a right guaranteed both by the law of minors and foreigners, various judgments of the Constitutional Court, and by international law.

For almost two decades now, various entities, including the organization Pro Derecho de la Infancia (Prodein), have been denouncing how up to 400 children in Melilla have been denied access to education. The explanation of the authorities, without any legal basis, is based on the fact that these children cannot prove their residence in the city, despite the fact that they have been living there for years and that most of them were born there. [Access to the residence](#) and, as a requirement, to the census, is barred to them because one of their parents has an irregular immigration status. These are facts that reveal how racism permeates local institutions.

After years of advocacy by different bodies and organizations, in 2022, the Ministry of Education changed the admission process to enable the schooling of these children in Melilla. However, a trap has been set up: the padrón is no longer required for these families, but other requirements are made more flexible in order to continue denying other basic rights to these people.

A school year has already passed since most of these children have been admitted into the educational system and attended school, despite all the bureaucratic repression that continues to dictate their lives.

The reality in the classroom is foreign to all these great laws, there is little point in recognizing rights if there are no resources or measures to carry them out. Inclusion in the classroom of these children, many of whom are illiterate, has largely failed. These newly enrolled children in the schools are not attended to in a specific way; there are no resources or measures to make the teaching and learning process effective. The schools delegate to the classroom teacher practically all the competencies in this regard, who are not adequately trained.

In addition, the teachers are usually in charge of stimulating the motivation of these children to acquire all the basic knowledge that the administrations have so far

denied them, since education in Melilla is governed by methodologies commonly dominated by threat and punishment.

In addition to the violence of immigration bureaucracy, several of the families have received a notice of an expulsion process for unlawful presence in Melilla. This is a procedure that would never have been initiated if they had not demanded the schooling rights of their sons and daughters.

The only educational alternative that these children have had, due to the impossibility of enrolling in a Spanish public school, during the last decades is the Residence for Moroccan Students. This school is not subject to any control by the Ministry of Education, the inspectors of this ministry cannot even enter the school, being this the only foreign educational center that the Ministry of Education cannot access. [The Spanish education system does not recognize](#) the diplomas issued by this school.

Any foreign educational center that carries out teaching activities in Spain must comply with a Royal Decree. The Ministry has called the attention of this school for its non-compliance, however, it continues to be open and to carry out an "authorized activity" in the eyes of the Melilla authorities.

Another issue that has been worrying us for some time concerns the educational access available to minors who have arrived alone in the city and are in shelters. We have evidence that the number of these children who have access to Spanish public education is minimal. There are many occasions in which some of the children who come to our meeting places and are under the care of the autonomous city have expressed their desire to study and tell us how the educators of the center in which they reside systematically deny them this constitutional right, without any precise explanation.

Finally, we would like to mention the absolute helplessness to which the minors who find themselves on the streets of Melilla are led, a chronic problem in the city. Without any health, housing and, of course, educational resources.

We at SW denounce how Melilla has been notorious for years for the absolute disregard for human rights and the total impunity of its actors, systematically denying in this case a right as basic and crucial as education, which is repeatedly violated in the city.

It is confirmed, once again, that Melilla [does not have a model of integration](#), no objectives are set and no actions are coordinated to reduce the deep inequalities. The lack of specialized resources makes it very difficult to guarantee basic rights.

Another fact to highlight is that in Spain, unlike other European countries, compulsory schooling is limited to between 6 and 16 years of age. This has a detrimental effect on the migrant and cross-border population, because they start school later and end up leaving school earlier than their Spanish peers.

We denounce all racist, illegal and criminal policies in Melilla, practices that remain unpunished, protected and financed by the European Union and the Spanish government.

We call on the Ministry of Education to ensure that national legislation guarantees full and equal access for all children to inclusive and quality education in the public system.