

PROMOTING THE RIGHT TO EDUCATION FOR REFUGEE CHILDREN

M. C. Subasinghe*

Abstract

With the increasing number of refugees worldwide, children represent more than half of the refugee population. Though childhood is a critical period of accelerated growth and development, most of the refugee children experience traumatic experiences and disrupted education. As highlighted by the United Nations High Commissioner for Refugees, the education of refugees is in crisis. Nevertheless, it is to be noted that access to quality education for refugee children determine the future of young refugees and has the potential to transform their lives. This paper provides a graphic picture of current situation of education which is a right of refugee children and the challenges encountered by them. As declared under Article 22 of the United Nations Convention on the Rights of the Child, refugee and asylum-seeking children are also entitled to education. Thus, apart from states, international organizations also share a responsibility to ensure the protection, promotion, and fulfillment of rights of all children. Therefore, the main objective of this study is to elaborate on the challenges encountered by refugee children in respect of right to education and to identify the strategies to overcome them successfully. This article will focus on the right to education of refugee children from a

human rights perspective and closes with a few concluding remarks and recommendations.

Key words: Refugee children, Education, Human rights, Social inclusion

1. Refugee Children

1.1 Who is a Refugee?

A refugee is someone who crosses boundaries to get away from persecution or violent contexts because of his/her race, religion, nationality, political opinion, or membership in a particular social group. Globally each year, millions of individuals and families flee their native countries to find safety in other nation states. They escape because their governments do not or are unable to protect them against human rights abuses. As a result of the intolerable situation of their human rights, they are unable to return to their mother countries. Consequently, they are given the status of refugees and they get the correspondent protection of states and international organizations all over the world.

According to the United Nations Refugee Convention signed in 1951, a refugee is defined as a person who, due to fear of persecution, leaves their country of origin and is unable or unwilling to access the protection of that country. Vaghri, Tessier and Whalen (2019) imply that approximately half of the overall refugee population is children under the age of 18 years. Out of them, unaccompanied and

* Final Year, Sri Lanka Law College

separated children are among the most vulnerable of refugees.

1.2 Importance of Refugee Education

In brief, education is the key to the future of individuals, communities as well as countries. Education is identified as a basic human right, enshrined in the 1989 Convention on the Rights of the Child and also in the 1951 Refugee Convention. According to UNHCR, it is protective and empowering, giving refugees the knowledge and skills to live productive and independent lives. Moreover, a quality education provides a path to employment and self-sufficiency. It is to be noted that most of the refugee children have experienced violence, isolation, hunger and other stressful situations. Getting access to enjoy child rights including education would be helpful to lead a life of normalcy.

On the one hand, children being displaced and the corresponding loss of education have perhaps the most significant impact when considering human capital. On the other hand, it results in lasting consequences on literacy, academic achievement, employment opportunities as well as socio economic status. Firstly, it is important to identify the reasons why refugee children are excluded from an equal right to access education.

- Most of the time, it is because host countries either do not have the space, capacity, or will to cater education to a large number of refugee children.
- Some other reasons may be due to poverty, gender, disability, age, ethnicity or legal status.
- The historical under-prioritization and underfunding of refugee education.

Whatever the reason, providing access to education improves the mental health and development of the child and provides the opportunity to contribute to society and achieve goals. As mentioned in UNESCO (2019), importance of refugee education can be identified under 4 key areas.

- Education is a refugee child's right and should be prioritized.
- Education helps refugee children cope and hope in their new environments.
- Education will improve their future.
- Ensuring refugee children are educated will help to bring peace and stability.

2. Education as a Human Right

The United Nations High Commission for Refugees recognizes education as a basic human right, enshrined in the 1989 Convention on the Rights of the Child. The education promotes and uplifts the full development of the child's personality, mental and physical potential and also respect for human rights. Because of the important role played by education, in 2015, the United Nations adopted Sustainable Development Goals which explicitly urges governments and civil societies to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all.

In essence, human rights are interdependent and equal. Nevertheless, in certain situations, the violation of one particular right can lead to a whole series of other rights violations elaborating on the necessity to focus on monitoring and protection efforts on these key rights. Access to education is such a right which is essential to all refugee children. For

instance, if a child is unable to attend primary school education over a five year period of displacement he/ she is unable to recover those lost years. Depriving them from education would ultimately turn a refugee child to a being full of hatred towards fellow human beings. Thus, providing access to quality education protects not only his/her fundamental rights, but also the human rights of the whole world at large.

Fernández (2017) signifies that the right to education for refugees will be key for the development of an understanding and the acquisition of the competences which need to be acquired by them to participate effectively in diverse democratic societies. The author further implies it would be difficult to understand how this learning and growing and participating could take place in the case of violation of their right to education and what the consequences and the impact could be.

Moreover, education provides a platform for social and economic promotion establishing the basis for achieving economic and social freedom which is necessary for many economic and social rights. In addition, it is through education that people will develop their full potential and exercise any other human rights, such as the right to life and health.

3. Social Inclusion

Education has been identified as a way for refugees to become integrated in a new culture and is a process involving social inclusion. When refugee children are included and integrated in the host country's mainstream education system rather than in segregated learning environments, they get an opportunity to meet other children and begin to form identities in the new culture.

Within this context, schools are identified as a key institution in the provision of education and opportunities for social inclusion. As stated by Tørslev and Børsch (2018) interventions delivered at the school setting can successfully support refugee children in reducing a great deal of psychological disorders and other difficulties associated with displacement.

As mentioned previously, schools are one of the best places to facilitate social inclusion of the refugee children. Even though schools are not equipped to deal with the unique and multifaceted challenges of refugee children, creative ways can be developed to include families and communities in a socially inclusive learning environment. It is important to realize that helping refugee students to adapt and thrive in a new learning environment and educational system is challenging. When a particular group has to resume education that has been disrupted others are introduced to formal education for the first time. Nevertheless, the school environment can provide a sense of safety and a sense of self adjustment to cultural expectations, which would provide a path toward opportunity and freedom.

In many of the cases, refugee children and families express a feeling of social exclusion due to the inability to participate in economic, social, and civic activities that directly affect their lives. Therefore, schools can be identified as a critical positive point of contact for refugee children, especially when they feel welcomed. Most importantly, institutions like schools can serve as places of both learning and growth while providing social contacts and guidance in navigating the complexities of a new culture. Because of the use of more inclusive and supportive modes of instruction by the schools, elements of the refugee child's culture and

language will be integrated into the classroom.

4. Challenges in Accessing Education

While examining the situation of recent refugees, the United Nations human rights treaty bodies have identified the barriers encountered by the refugee children as well as the challenges encountered by the host countries.

4.1 Barriers to Education Faced by Refugee Children

Even though education is considered to be one of the top priorities of refugee children, they continue to face numerous barriers that prevent them from both entering school and learning.

1. Psychological wellbeing and its impact on learning

Psychosocial wellbeing matters immensely in the process of both learning and teaching. However, according to UNICEF (2017) psychological support in schools is often lacking to assist teachers and refugee children, who may have difficulties to concentrate and learn in class due to stress and trauma accumulated in countries of origin, in transit or at destination. Moreover, this can also be related with pending family reunification and asylum procedures, as well as significant differences between education systems.

It is to be understood that young refugees will most likely be experiencing a significant period of destabilization and coping with traumatic or distressful memories of the past, as well as concerns about the future once they arrive in first asylum countries. As such, their psychosocial wellbeing will be affected

which would impact their capacity to learn. It is found that the extent to which refugee children and youth are affected by traumatic experiences will vary widely and depend on the type and frequency of their experiences, as well as on their individual coping skills and responses to a disaster or conflict.

The exposure to the traumatic events such as war, loss, fear for life and violence can cause a state of “toxic stress” which would cause direct impact on mental health and wellbeing. For instance, in a Save the Children research study of Iraqi refugee children who lived under ISIS, it was found that exposure to extreme levels of violence and deprivation caused all children interviewed to display clear signs of toxic stress. When a toxic stress response occurs continuously, there can be long-term consequences on a child’s physical and mental health, including impaired learning and academic performance.

2. Language of instruction

Language is a well-recognized challenge faced by the refugee children. There are several important issues which can be identified in respect of language. Most of the time, additional language and cultural mediation support is scarce which is essential to address language barriers and communication challenges. Majority of the refugee children lack sufficient knowledge on the language of the host country or they exhibit a low interest in learning the language of the host country.

According to Fernández (2017) learning the language of the host country is the entrance door to a new culture. In many of the cases, the way the refugees face and resolve language issues determine their stay in the country and their capacity to understand and to communicate. Most importantly, educational performance is closely linked

to good use of language by the refugee children. Similarly, school abandonment, insecurity and incapacity to move forward run parallel to the use of the language.

Therefore, ensuring that refugee children are supported in learning their new language of instruction is essential. It holds the key to whether they will be able to learn faster, keep learning in their new classrooms, and integrate and recover. When refugee children have to learn a new language and new academic content simultaneously a huge gap in academic performance is created automatically. Thus, both teachers and refugee children should be provided with facilities to overcome this challenge successfully.

3. Economic Barriers

Many of the refugee children do not come to school regularly due to financial hardships in the family. Amongst other refugee children, separated children, are the worst-affected, as they could not afford school fees or materials. At the same time, some of the refugees do not support their children either because they are unable to afford their children to attend school or want their children to take part in earning.

Therefore, poverty and child labor are major barriers to refugee children's access to education around the globe. In many of the cases it can be identified that once engaged in child labor, children's chances of re-entering school diminishes significantly. Further, some of the refugee children are likely to suffer health problems, particularly if they are involved in hazardous work. At the same time, they are also more vulnerable to physical, verbal and sexual abuse.

4. Gender, age, disability, ethnicity and legal status

In respect of gender, most of the refugee girls are deprived from education due to early marriages and pregnancies, cultural customs or safety concerns. Nevertheless, the benefits of educating girls are significant and far reaching. Age is also a barrier to education where refugee youth face a lack of secondary schools or vocational training facilities in their communities, along with increased fees and transport costs. At the same time, there is often a lack of specialized services to assist the learning needs of disabled refugee children. Bullying and discrimination have also been reported as two of the most commonly reported problems encountered by refugee children. Often, judgments based on different perceptions at school may lead to discrimination and prejudice against refugee children. Ethnicity, bullying and abuse are all found to negatively affect school performance and educational experiences as they all result in a huge impact on mental health of the refugee children. Continuous bullying and abuse would make them exhibit behavior problems and symptoms of greater anxiety, aggression, loneliness, hopelessness and depression.

4.2 Challenges Encountered by the Host Countries

Not only refugee children, but also the host countries come across specific challenges and issues in relation to providing access to education. It is to be noted that most of the host countries are not economically stable to afford the massive influx of refugees all the time. For instance, Bangladesh being a developing country has suffered substantial damages to its economy with the increasing number of Rohingya refugees from Myanmar. Therefore, some of the major challenges encountered by the host countries can be listed as follows.

1. Legal barriers

The Legal obstacles relate to the fact that refugees rarely have access to their documentation and these documents are a legal requirement to enroll at schools, universities and other educational institutions. Some other legal barriers include lack of clear provisions on compulsory education and when children do not have residence permits or international protection status, it would limit access to education for children outside certain age groups. When it comes to federal countries, like Germany, legal provisions on access to education for newly arrived refugee and migrant children may greatly vary from one region to another. At the same time there are no definite rules on how to decide the education level of refugee children when assigning school grades.

2. Administrative challenges

Inflexible registration deadlines, residence and other personal documentation requirements, are some of the administrative challenges encountered by the host countries. Such challenges cause much impact on early childhood education as well as upper secondary education and vocational training. Frequent movements of refugees and migrants from one type of accommodation to another and insufficient information provision to children and their families about procedures and services available can also seriously impact school enrolment and attendance.

3. Insufficient human and financial resources

Most of the education authorities in the host countries lack sufficient amount of human resources and financial resources. Limited places in schools, budgetary shortfalls and

insufficient training for teachers who work with refugee children have caused various difficulties in providing a quality education for refugee children.

5. Recommendations for Action

Getting access to quality education may be the sole way for a refugee child to gain better living conditions one day. In addition, well-educated refugee children can make a positive impact on the social integrity. Therefore, it is crucial to address the psychosocial, language and inclusion challenges faced by refugee children to ensure their right to quality education.

1. Prioritizing and allowing refugee children to enroll in schools and begin learning as soon as possible. Further, facilitating access to catch-up programmes and accelerated learning opportunities, regardless of their refugee status.

2. Supporting refugee children to recover learn and progress. In other words, fostering an inclusive school climate, this promotes students well-being and belonging and protects against instances of discrimination of refugee children through dedicated resources.

3. Prioritizing and investing in psychosocial support programming, as well as in social and emotional learning approaches in refugee educational settings.

4. Providing teachers with specialized professional development training programmes to implement these approaches effectively and support teacher wellbeing.

5. Strengthening the linkages between schools and other critical public services to ensure that barriers to school enrolment and factors contributing to early school leaving are addressed.

6. Maximizing students' successful transition from learning in their mother tongue to a new language of instruction through bridging or remedial programs.

7. Supporting refugee children's inclusion in education through increased investment in flexible learning opportunities that would meet refugee children's distinct needs. That is because most of them are excluded from education due to poverty, gender, disability, age, ethnicity or legal status. Thus, host countries, implementing agencies and donors have a major responsibility to collectively support the diverse education needs of refugee students and bridge gaps in public provision.

8. Allocating adequate resources at national and international level to ensure quality of relevant data and statistics on refugee children's access to services, including education, through existing databases. This will allow for effective monitoring and timely decision-making for their betterment.

6. Conclusion

Access to receive quality and equitable opportunities for education is one of the key rights of a child despite the fact of being a refugee. The traumatic journey of the resettlement process can cause psychological impacts to them which can be offset by welcoming communities including schools. Depriving refugees from the right to education would not be merely a breach of a human right but results in negative impacts on the whole society at large.

With quality education, refugee children get an opportunity to improve their social status. However, there are many challenges encountered by both refugee children and the host countries in the course of ensuring right to education. As these children are often marginalized in schools due to

language and cultural differences, necessary measures needed to be implemented to ensure their right to education. When schools begin fostering social inclusion, refugee children begin to find a place of support to rebuild their lives. Nevertheless, refugee enrolment in school will not improve without a combined and coordinated effort at all levels of society including governments, businesses, charities and also members of the public.

Within this context, it is crystal clear that providing access to quality education for refugee children is of great importance. They should be treated as a part of the community without discrimination while promoting the best interest of the child.

7. References

Fernández, J. G. (2017) International Legal Protection of the Right to Education for Refugees and Asylum Seekers – Developments and Challenges. Retrieved from: https://repository.gchumanrights.org/bitstream/handle/20.500.11825/516/Gonzalez_Fernandez.pdf [Accessed 27 April 2020]

Tørslev, M. K. and Børsh, A. S. R. (2017) Refugee and Immigrant Children's Right to Education - A Comparative Analysis of Education Policies targeting Immigrant Children in the Nordic Countries. Retrieved from: https://www.researchgate.net/publication/327272582_Refugee_and_Immigrant_Children%27s_Right_to_Education_A_Comparative_Analysis_of_Education_Policies_targeting_Immigrant_Children_in_the_Nordic_Countries [Accessed 26 April 2020]

United Nations Children's Fund (UNICEF) (2017) Education Uprooted for every migrant, refugee and displaced child, education. Retrieved from: <https://www.unicef.org/media/files/E>

[ducation Uprooted DIGITAL.pdf](#)[Accessed 28 April 2020]

United Nations Educational, Scientific and Cultural Organization (UNESCO) (2019) Enforcing the right to education of refugees A policy perspective. Retrieved from:<https://reliefweb.int/sites/reliefweb.int/files/resources/251076E.pdf>[Accessed 28 April 2020]

Vaghri, Z., Tessier, Z. and Whalen, C. (2019) Refugee and Asylum-Seeking Children: Interrupted Child Development and Unfulfilled Child Rights. Retrieved from:<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6915556/>[Accessed 28 April 2020]

MANURAWA 2020