



## Education For Refugee Children : A Human Right in need of Humanitarian Approach

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### Abstract

*Living life as a refugee has a unique impact on children .Education is one of the most powerful and proven vehicles for sustainable development. For millions of refugees, education remains an aspiration, not a reality. The education of refugees is pivotal to the peaceful and sustainable development of the host countries that have given asylum to refugees and to the future prosperity of their own countries. But the issues around the right to education for refugees children are not limited to their childhood because the average length of time that refugees spend in exile is more than a decade, which means they entered in their youth in an asylum only. So it is essential that a lifelong learning perspective is to be taken into account. The consummation of the right to education for refugees faces challenges, but mostly in developing countries where about 85% of refugees worldwide are hosted. The countries with a high number of refugees are dealing with substantial barriers to sustainable development. Due to a lack of resources in developing countries, they are unable to provide basic rights to their citizens including the right to education, yet they are also burdened to deal with a large number of refugees and the fulfillment of their basic human rights, including the right to education. This paper endeavors to analyze the importance of education to protect refugee children and youths from forced recruitment into armed groups, child labor, sexual exploitation, and child marriage and an attempt has been made to highlight the challenges that the millions of refugee children are facing today by not getting the benefit of their right to education. Overcoming of these global and transnational challenges is of utmost importance for realizing education as a basic human right as enshrined in the 1989 Convention on The Rights of Child and The 1951 Convention on the Status of Refugees”.*

**Keywords:** *Refugee children, education, sustainable development, International Conventions, challenges.*

वद्या धनम् सर्व धनं प्रधानम्

(Education is the supreme wealth among all kind of wealth)



## **I. Introduction**

Access to education is an internationally established fundamental human right. Education is not merely a learning process, but it is also a cultural process which includes cultural, moral values, cognitive development and social integration. Hence education is essential to the acquire knowledge and for all-round development of the child as stated in the Convention on the right of the child, 1989 and in the Universal Declaration of Human Rights as well.<sup>1</sup> Despite the universal recognition of right to education as human right, statistical data reveals that refugee children are more likely than their non-refugee peers to be out of school in the country where they took asylum.<sup>2</sup> UNHCR's annual Global Trends Report 2017, shows that nearly 68.5 million people were displaced at the end of 2017, due to violence, conflict, human rights violations, persecution, armed conflicts, environmental disaster, racial and ethnic identity etc., with more than half of that number are children under the age of 18,<sup>3</sup> including many unaccompanied or separated from their families. There is a record number of increase in displaced population, currently, almost 2/3<sup>rd</sup> of the World refugees are in a situation without finding a solution to their plight, seemingly long terms to live in exile.<sup>4</sup> It means that millions of refugee population have been displaced for decade or more in exile.<sup>5</sup> That is to say that refugee children will be in the country of asylum throughout their school years. The increasing number of refugees worldwide has had the effect, leaving inadmissible marks on refugee children. The UNHCR and the UN Refugee Agency in reports mention that more than 3.7 million of the 6 million school going children have no school to go.<sup>6</sup> Consequently refugee children have unique educational exigency because these children are among the World's most vulnerable through direct trauma they suffer at different phases of their migration, including persecution, displacement, war, armed conflicts, separation from family etc. In the midst of current global refugee crisis, since 2004 The Inter agency Network for Education in Emergencies (INEE) is working with the goal for ensuring right to quality education for all in emergencies and crisis situations, to achieve this goal effectively it also include NGO, government agencies, UN agencies, academic institution,

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<sup>1</sup>Article 26 Universal Declaration of Human Rights, 1948 stated - "...Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among... racial or religious groups".

<sup>2</sup>Judit Szente, James Hoot & Dorothy Taylor, Responding to the Special Needs of Refugee Children: Practical Ideas for Teachers, *Early Childhood Education Journal*, 34, 15-20 (2006), accessed at <https://doi.org/10.1007> accessed on 17 July 2018

<sup>3</sup> Global Trends- Forced displacement in 2017- UNHCR, at <https://www.unhcr.org> accessed on 18 July 2018

<sup>4</sup>Dr. James Milner, Prof. Gil Loescher, Responding to Protracted refugee situations: Lessons from a decade of discussion, (2011), Refugee study Centre, University of Oxford at <https://yorkspace.library.yorku.ca/xmlui/bitstream> accessed on 18 July 2018

<sup>5</sup> Ibid.

<sup>6</sup>UNHCR reports crisis in refugee education, 15 September 2016, at <https://unhcr.org/new/press/2016> accessed on 18 July 2018



schools and community<sup>7</sup>. The UNHCR also with its Refugee Education Strategy aims to ensure educational facilities to refugee children population to develop their potentiality and enable them play an active role in social and cultural changes.<sup>8</sup> In 2015, the United Nations drew up a set of 17 global goals to combat poverty, inequality, environmental destruction, discrimination against women and girls and more by 2030,<sup>9</sup> providing quality education was one the topic under 17SDGs.<sup>10</sup> Over the past several years, the education of refugee children has endured resolutely as a central concern of the United Nations. The New York Declaration for Refugees and Migrant<sup>11</sup> also recognize educating refugee children as a matter of concern and in need to address with immediate effect.

## II. Refugee Children Population in the World: An Overview

The last few decades, which witnessed an unprecedented rise in the refugee population, are also seen as the period which observe that half of the World's refugees are children. According to "United Nations Children's Fund Global Programme Framework on Children on the move", there was a 75 per cent increase in refugee children population between 2010-2015 i.e. 31 million.<sup>12</sup> Data reveals that more than 70% of all refugees are hosted in developing countries.<sup>13</sup> The statistical data of 2017 was appalling, according to which 2/3 i.e. 68% of the refugees were from only five countries: Syrian Arab Republic (6.3 million), Afghanistan (2.6 million), South Sudan (2.4 million), Myanmar (1.2 million), Somalia (986, 400).<sup>14</sup> Approximately 52% of forcibly displaced people are children below the 18 years age which is almost half of the refugee

<sup>7</sup>Dryden-Peterson, S., & Giles, W. (2012). Higher Education for Refugees. *Refuge: Canada's Journal on Refugees*, 27(2), 3–9. at <https://refuge.journals.yorku.ca> accessed on 25 July 2018

<sup>8</sup>Sandra Taylor & Ravinder Kaur Sidhu (2012) Supporting refugee students in schools: what constitutes inclusive education?, *International Journal of Inclusive Education*, 16:1, 39-56, at <https://www.researchgate.net> accessed on 29 July 2018

<sup>9</sup> The SDGS in Action at <https://www.undp.org> accessed on 29 July 2018

<sup>10</sup> Sustainable Development Goal # 4 'To ensure inclusive and equitable education and lifelong learning for all by 2030' policy documents, the Incheon Declaration and the Framework for Action, commit to developing more inclusive, responsive and resilient education system to meet the needs of children, youth and adults affected by conflict and crisis, including internally displaced persons and refugees.

<sup>11</sup>On September 2016, the United Nations General Assembly unanimously adopted the 'New York Declaration for Refugees and Migrant'. It reaffirms the obligation on member states to respect the human rights of refugees and migrants.

<sup>12</sup>"United Nations Children's Fund -Global Programme Framework on Children on the move", at 5 at <https://www.unicef.org/media/62986/file> accessed on 3 August 2018

<sup>13</sup> Ibid.

<sup>14</sup> Supra note 3



population in exile.<sup>15</sup> About 85% of World refugee population is hosted by developing countries, Turkey, Pakistan and Uganda are the top three countries, hosting a total of 6.3 million refugees.<sup>16</sup> While the developed countries are doing very less and shirking rather than sharing the responsibility to address the global displacement crisis, the developing countries are overburdened. Because many developing countries have been grappling with structural vulnerabilities such as persistent social and economic inequalities, the impact of climate change and unstable governments etc. as a result, developing countries are not able to meet the basic need of their own citizens, so providing basic human needs of refugees is a big challenge for developing countries and an even bigger challenge is the mental, physical and emotional development of refugee children and providing them opportunity for learning.

### **III. Education For Refugee Children: Global and Transnational Challenges**

Displacement is not a short term situation. Many refugees spend their whole life in camps and children grow up without knowing about their country and home. Number of sources, author come across quoted that the average length of stay in a refugee camp is relatively major part of their life.<sup>17</sup> Hence educating refugee children is essential to the conflict free, harmonious environment and for the sustainable development of the countries that has given shelter to them and to the future welfare and prosperity of their own nations. Apart from this, the concern of educating refugees is not confined to the children (5-10 years), educating refugee children between the age group of (12-18 years) specifically in need to address.<sup>18</sup> Hence it is pivotal that a cognitive and constant learning perspective is to be taken into consideration. But refugee children are most of the times denied opportunities to pursue the kind of education that would help them to cultivate the skills, knowledge and critical thinking.<sup>19</sup> The countries with the highest number of refugees are dealing with substantial barriers to sustainable development. They have limited resources available to enforce the right to education of their citizens, yet are also obliged to deal with large number of refugees and the fulfillment of their Universal Rights, including the right to education.<sup>20</sup> Therefore, many refugee children faced limited access to schooling. Their enrollment rate fall far below those of other children Worldwide. Because of the

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<sup>15</sup>Ibid

<sup>16</sup>Ibid

<sup>17</sup> Many refugees did not turn up in to camps and were defined as undocumented economic migrant.

<sup>18</sup> Y.B. Shakya, S. Guruge, M. Hynie et.al. “ Aspirations for higher education among newcomer refugee youth in Toronto: Expectations, Challenges, and strategies”, *Refugee: Canada’s Journal on Refugees*, Vol 27, No. 2, pp 65-78, at <https://refuge.journal.yorku.ca> accessed on 6 August 2018

<sup>19</sup>Supra note 6

<sup>20</sup> Jeff Crisp Christopher Talbot, et.al, ‘ Learning for a future: Refugee education in Developing Countries’, at 13 (2000) at <https://eric.ed.gov> accessed on 8 August 2018



frequent disruption they lag behind their peers. The gap between refugee and their peer is further widened at secondary school enrollment and at the higher level of education.<sup>21</sup> The enrollment of refugee children is also impeded by several others factors, including living in trauma, exploitation and exposure to immigration enforcement authorities, etc.<sup>22</sup> Along with this, there are other challenges also due to which children are deprived of their right to education such as language barriers. Refugee children usually do not speak and write the host country's language or international recognized language like English or French, hence If the mode of teaching in the country of asylum is different, children showed less interest in attending the classes because they have to learn new language for the continuation of their education.<sup>23</sup> Lack of resources is another challenge which directly affects the education of refugee children. Several hosting countries do not permit refugees to work, due to which parent are unable to send their children to school. In addition, teachers involved in educating refugee children, lack training and qualification which is much needed to meet psycho-social need and trauma experienced by children in the asylum.<sup>24</sup> Further, it is found from the data of UNHCR that the access to secondary education and higher education is very limited among refugees. Sometimes refugees denied to access opportunities for higher education because they lack proper documents like birth certificate, examination result card, nationality etc. Which is a challenge and obstacle to access their right to education.<sup>25</sup> Meanwhile, access to education for refugee girls is more challenging than boys data indicate that girls have less access to education in host countries. Involving refugee communities in the process of educating refugee children is difficult sometimes because of their language constraint and curriculum of the hosting country.<sup>26</sup> Many times teachers and highly skilled refugees or migrants, are not given a chance to teach refugee children in host countries. Author come across literature where it has been noticed that the host countries' policies to deal with refugee issues in affirmative way can reduce these challenges faced by refugees while addressing right to education of refugee children.

#### **IV. International Commitments**

Right to education is a human right. But millions of refugee children miss an opportunity to get a quality education in exile. International Human rights law guaranteed the right to education and assure its commitments toward supporting refugee's access to education, which is enshrined in number of international instruments such as The Universal Declaration of Human Rights 1948 in

<sup>21</sup> Ibid.

<sup>22</sup> Refugee Children : Guidelines on Protection and Care, p. 49 at <https://www.unhcr.org> accessed on 12 August 2018

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> AsmaZubairi& Pauline Rose, Supporting Primary and secondary education for refugees: The Role of international financing, at <https://assets.ctfassets.net> accessed on 15 August 2017.

<sup>26</sup> Supra note 18



Article 26 reflect right to quality education free at elementary stage with aim to ensure the personal development of children,<sup>27</sup>The 1951 Convention relating to the of status of Refugees in Article 22 entitle refugee children right to education<sup>28</sup>,The 1954 Convention relating to the Status of Stateless Persons in Article 22 impose obligation on the States to provide elementary education<sup>29</sup>, The International Covenant on Economic, Social and Cultural Rights(ICESCR) 1966 in Article 13 emphasis on the recolonization of right to education to everyone<sup>30</sup>, The Convention on the Rights of the Child (CRC)1989, in Article 28<sup>31</sup> impose an obligation on member states to provide access to education to all equally without any discrimination as per Article 2<sup>32</sup>. Hence the enjoyment of rights stipulated in the convention are also available to asylum seekers, refugee children with the citizen of the country. The UNHCR refers to education as a right through which one can realized other basic rights.<sup>33</sup> The New York Declaration for Refugees and Migrants 2016 reaffirms the importance of the international refugee and human rights law, it assures to protect refugees’ rights including the right to education.<sup>34</sup> The huge gap and disparities between refugees and non refugee children’s access to education is a big hurdle to maintain the resilience of refugees during their stay in host countries and to explore opportunities to lead socially and economically self-sufficient life.

## **V. Why Educating Refugee Children is Important ?**

Dr.BhimraoAmbedkar once said that education will liberate all and hence he called everyone in society to be educated, and fight against poverty, exploitation and all odds of the society. However, education is often out of reach for millions of youngsters who have been forced to escape their homes due to conflict and violence. Education in camps and outside the camps, in asylum country support refugee children to learn and enable them to develop social and mental

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<sup>27</sup>“ Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

<sup>28</sup>“The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.”

<sup>29</sup>“The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education.”

<sup>30</sup>“The States Parties to the present Covenant recognize the right of everyone to education .....

<sup>31</sup>“ Every child has the right to an education. Primary education must be free. Secondary education must be available to every child.”

<sup>32</sup>“ The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say, and whatever type of family they come from.”

<sup>33</sup>Rebecca Leela Thomas, The Right to quality Education for refugee children through social inclusion, ‘ Journal of Human Rights and Social Work, (2016) at 2.

<sup>34</sup> On September 19, 2016 the United Nations General Assembly adopted The New York Declaration for refugees and Migrants.



skills and provide them an opportunity for their personality development as well as it brings refugee children a sense of self-confidence and social security. The author believes that children should get formal and informal education, while formal education contribute to the child's learning, it will keep them in the school, informal education prepared children meet the different need and dealing with traumatic experiences. Especially young and adult (age group 13-18) who have not finished their formal education.<sup>35</sup> Informal education inculcates among them skills, knowledge and competence to obtain jobs and provide them an opportunity to access vocational training, basic literacy and also helps them to adjust in different environments. Apart from these, refugee children also need psychological and health awareness programme to overcome the effects of the trauma of transition, persecution, abuse poverty and violence they witnessed and to learn constructive behaviour.<sup>36</sup> It has been observed that education need of refugee children may vary because some have attended the school and educated formally, but another might have not attended the school, hence have insufficient knowledge and skills and might be over aged to attend school. Therefore informal education bridge this gap sometimes and help them to address their needs in host countries.<sup>37</sup> Hence educating refugee children is essential for achieving Sustainable Development Goals, as we can not achieve this leaving behind the refugee children who are half of the refugee population Worldwide. Education embodies their hope for better future.

## **VI. Education Need To Be Include as a Humanitarian Emergency**

The 1951 Convention Relating to the Status of Refugee entitled refugees with right to education<sup>38</sup>. United Nations (UN) Sustainable Development Goals have aimed to ensure access to inclusive and quality education to all children. The Convention on the Rights of Child 1989<sup>39</sup> states to promote and provide basic education to all children at primary level as it enable children to access their other rights. All international documents reflect right to education as a human right, but it has not been reflected in practice.

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<sup>35</sup>Raquel Gonzales Maldonado, Non- formal Education : A wayout (2016), <https://repository.gchumanrights.org> accessed on 25 August 2018

<sup>36</sup>Ibid

<sup>37</sup>Id. at 28

<sup>38</sup> Article 22-Public Education “The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

<sup>39</sup>Article 28-Right to education “ States Parties recognize the right of the child to education and make primary education compulsory and available free to all.”



Education is a foundation of a strong society, and it should be declared as humanitarian extremities.<sup>40</sup> Because lack of education led the refugee children to anti-social behaviour, taking drugs, sexual violence and it has been observed that alienation lead refugee adults to recruitment into forced labour, military forces and prostitution.<sup>41</sup> Therefore educating refugee children is a humanitarian emergency. Education in emergencies can help to provide a sense of regularity in life of these little people and re-establish ray of hope among refugee children of having a good future. It aware children about health issues, gender equality and prevention of gender based violence. The author believes that education programme especially, helps marginalized groups i.e. women, girls and adolescents in refugee camps and even outside the camps to protect themselves from exploitation and gender based violence etc.,<sup>42</sup> But in host countries increased number of refugee population required increased resources to ensure the inclusive and equitable quality education for refugee children. WHO, UNESCO, UNHCR and local NGO 's and State governments are developing educational programme and trying to address the education of refugee children, which would have an impact for generations to come.

## **VII. Conclusion**

The right to education is internationally recognized human right. The author reviewed the literature and found that in spite of hardship and trauma, refugee showed tremendous determination to make the best of a bad situation. Once they met the basic essentials like food, shelter and clothes their immediate concern is to ensure the education of their children. It has been found that the increasing number of refugees in recent decades creates challenges for host countries to maintain social coherence with citizens and refugee population. Further involving refugee communities in the process of educating, refugee children is challenging, but certainly possible with training and encouragement. The author believes that education makes these children to do productive in their life. Therefore schooling, whether formal or informal make them ready for future endeavour and prevent them to become a part of illegal activities. Therefore the right of refugee children to get an education in exile is their fundamental right and host countries should make it available to the children as a matter of their right and not as a charity. However it cannot be ruled out that in poor and developing nations, the refugee children are deprived of the right to education. In Worldwide on the one hand, one finds that refugee groups distinguished from each other on the basis of language, religion, race, tribe, geographical

<sup>40</sup>Alice Bestle, Education in Emergencies: Will syrian Refugee Children Become a 'Lost Generation'?, <https://ourworld.unu.edu/en/education> accessed on 25 August 2018

<sup>41</sup> Jeff Crisp Christopher Talbot, et.al, ' Learning for a future: Refugee education in Developing Countries', at 13 (2000) at <https://eric.ed.gov> accessed on 27 August 2018

<sup>42</sup>Margaret Sinclaire, Education in Emergencies' Commonwealth Education Partnerships, 2007 at 52 at <https://www.cedol.org> accessed on 27 August 2018





location, etc., while on the other, one also finds they are same being persecuted, homeless, deprived, poor and most vulnerable and uneducated. With their unavailability to access the right to education, they loose hope of healthy and safe existence. Hence, it is necessary that such an environment of education should be provided to these children which help in their all round development and not only educate them but also makes them a better human being. They are human being and their education is a humanitarian emergency.