

Refugees and Access to Primary Education

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Refugees around the world face an epidemic regarding lack of access to education, caused by a variety of factors. Due to the combined challenges of a lack of knowledge about rights, governmental and community discrimination, and a lack of available resources, the forcibly displaced often do not receive the education they have been promised under the Universal Declaration of Human Rights and international human rights law, as well as by the UN Millennium Development Goals. Using case studies from Thailand, the Middle East, and Uganda, this paper aims to explore this issue and consider solutions to this problem.

At the Millennium Summit in September 2000, world leaders from around the globe set goals to complete by the year 2015. These goals as a whole became known as the Millennium Development Goals (MDGs), and the second goal to “Achieve Universal Primary Education” was intended to improve access to education (Millennium Project, 2006). There has been some progress in the implementation of Goal #2, which was defined as: “By 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling” (United Nations, 2015). While this goal has not been fully reached, the number of children who do not attend primary school has decreased by almost half worldwide, from 100 million in 2000 to 57 million in 2015 (United Nations, 2015). Yet while access to primary education has improved for many children worldwide, refugee children and other forcibly displaced youth are often excluded from this progress and denied their basic right to an education.

This paper considers the unique problems facing refugee and forcibly displaced children that prevents them from accessing primary education. Using a variety of short case studies, this paper points toward three main factors that challenge educational rights among the displaced: a lack of knowledge about one's rights as a refugee, discrimination on local and governmental levels, and a lack of resources in host countries. Guaranteed by the Universal Declaration of Human Rights (UDHR) and a variety of binding international human rights laws, the right to a basic education includes the rights of the displaced – and this population's unique challenges require further attention, particularly given their exclusion from progress toward the achievements of the MDGs.

Brief Background

In addition to universal rights to education, international law specifically supports educational rights for refugees. The 1951 Refugee Convention defines a refugee as a person who has “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (United Nations, 1951). The Convention goes on to outline certain rights and assistance that should be given to refugees. Article 22 speaks on education, stating “the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education” (United Nations, 1951). This is significant because the Convention does not distinguish between citizens and refugees; providing an education is the responsibility of the host state, thus guaranteeing the right to a primary education. Despite these protections, however, challenges still exist for displaced children around the world; this represents a deprivation of human rights, as well as fundamental obstacles to the United Nation's hopes for sustainable global development.

Challenges to Refugee Education Rights

There are three main factors that obstruct access to primary education in refugee camps or conflict zones: 1) A lack of knowledge about one's rights as a refugee; 2) Discrimination at local and national levels against refugees; 3) A lack of resources in host countries. These factors are compounded by the fact that not all countries are party to the 1951 Convention, meaning that they are not legally bound to offer the protections that would normally be expected under international law.

Knowledge about Rights

One challenge to primary education among refugees is a lack of knowledge about education rights. A 2010 report by the Special Rapporteur on the Right to Education, for instance, noted that a lack of knowledge and visibility about refugee rights to education was widespread (Muñoz, 2010). Survey data "indicated that there is a lack of information and awareness among migrant, refugee and asylum-seeker populations about their rights, specifically those that safeguard their right to education"(Muñoz, 2010). This highlights a need for states and international organizations to create more awareness, since lack of knowledge makes it difficult for vulnerable groups to advocate for the protections they are entitled to. Indeed, "implicit in this [lack of awareness] is what it means to make informed school and educational decisions. It is essential, therefore, to provide information and logistical support to migrant, refugee and asylum-seeking populations to strengthen their capacity in this regard" (Muñoz, 2010). Without being informed of their rights, including but not limited to educational rights, refugees remain in a vulnerable position and are more likely to face harm.

To illustrate this point, consider the case study of ethnic minorities from Burma who have fled persecution to live in neighboring Thailand. Nine official refugee camps exist on the Thai-Burmese border, believed to house more than 140,000 refugees (Oh, 2010). While Thailand has not ratified the 1951 Refugee Convention, it is still subject to international normative law, which assumes that refugees

in the country should be treated fairly (United Nations, 1951). For instance, Thailand is party to the 1948 Universal Declaration of Human Rights; a framework for human rights, albeit not a legally binding one. Thailand has its own informal system for refugees, including the remote camps along the border of Burma. The government has historically viewed refugees of any ethnicity residing or working outside of refugee camps as living in the country illegally. However, since 2006 Thailand has not registered most of the populations within the camps, leaving them vulnerable (Human Rights Watch, 2012). The Thai government created a policy of not allowing refugees to access Thai public schooling, but in general has allowed refugees and outside NGOs to set up their own schools. A lack of awareness about educational rights and opportunities (even if they aren't provided by the Thai state itself), however, means that many Burmese refugee children do not receive adequate schooling. Parents of Burmese child refugees often do not speak Thai and are unfamiliar with local bureaucracies, including acts such as signing their children up for camp schools. There are also fears that accessing education will lead to deportation, so some families avoid sending their children to school at all (Oh, 2010).

Discrimination by Communities and Governments

Another obstacle for refugees hoping to access primary education is discrimination, either by governments or within local communities where refugees reside. As we see in the case study of Burmese minority people in Thailand, discrimination against refugees can be as simple as not having an internal policy for refugees in place; this relegates them to border camps where it is difficult to receive education (Human Rights Watch, 2012). However, not all cases of discrimination are this easy to point out or are even state-sanctioned. For instance, a study by the United Nations High Commissioner for Refugees (UNHCR) on Syrian refugees shows how discrimination causes struggles and challenges for refugee children in Jordan and Lebanon. The report revealed that “a large number of Syrian refugee

children are not in school, despite efforts by governments and UN agencies” (United Nations High Commissioner for Refugees, 2013).

Lebanon and Jordan have both taken in a large amount of Syrian refugees, with differing levels of success – and often leading to discrimination against refugees at the local level. This inflow of refugees has put a strain on the education systems in these nations, leading to discrimination by some nationals who believe that the quality of education has fallen due to the influx of new students. Parents of Syrian refugee children have complained about verbal and physical abuse by teachers in Lebanon, including teachers misusing corporal punishment; similar complaints have been lodged in Jordan, where “girls described how their teachers tell them ‘you have ruined your country,’ cursing Syria for sending them to Jordan” (United Nations High Commissioner for Refugees, 2013). This kind of abuse and discrimination by school officials can also create an atmosphere of bullying among students, leading to astonishing dropout rates. The World Bank recently noted that the rate of failure and dropping-out amongst Syrian children in Lebanon is at least twice the average for Lebanese children of the same age and socio-economic status. Measures have been put in place to report discrimination, but many parents of Syrian children wish to keep a low profile in their new countries, causing many cases of discrimination to go unreported (United Nations High Commissioner for Refugees, 2013). Segregation of students in Lebanese schools has also been an issue, with one officer in Lebanon aware of “some teachers physically dividing Syrians from Lebanese students in their classroom” (United Nations High Commissioner for Refugees, 2013). While segregation can take many forms, it “invariably results in discrimination and thus impedes social mobility through education” (Muñoz, 2010).

Discrimination at the national government level has been a large problem for Syrian refugees, as well. In Lebanon, security officials frequently subject Syrian refugees to arbitrary interrogations. Stops and searches not only impede Syrian refugees, but can also lead to detention if a refugee does not have their identification card on them. The searches themselves are discriminatory, based on the idea that

Syrians may be jihadists. In Lebanon, discriminatory laws have recently targeted Syrian refugees; new laws “require all Syrian refugees to pay \$200 annual fees and produce rental contracts as well as notarized letters promising they will not work in the country, forcing many to do so illegally to make ends meet” (Masi, 2015). This discrimination by the government has increased the perception that is okay to discriminate against Syrian refugees in schools. Increased discrimination and bullying by the population have followed the implementation of this legislation (Masi, 2015). State-led and community-led discrimination against Syrian refugees, in and out of school, is impeding their ability to be well educated and receive adequate schooling. Students facing bullying and discrimination do worse in school, and can develop health problems, low self-esteem, depression, and suicidal thoughts (Hazelden Foundation, 2015). Combined with experiences fleeing from a war-torn country, it becomes obvious that facing bullying and discrimination impedes a student’s access to education, as well as their overall welfare.

Lack of Resources

Even when host countries share information about refugees’ educational rights and do not actively discriminate against them, lack of adequate resources can still obstruct access to education. The Special Rapporteur on the Right to Education recently stated that “the shortage of teachers is a major obstacle to access and good quality education for refugees, asylum-seekers and migrants,” for example (Muñoz, 2010). This lack of teachers increases class sizes and provides fewer resources for educating refugee children, lowering the overall quality of education for the displaced. Research has found that overcrowded and unmanageable classes increase student dropout rates, as do inadequate material resources such as books and supplies (Muñoz, 2010).

The case of refugees in Uganda highlights some of these resource-related problems. Uganda is a signatory of the 1951 Refugee Convention and has accepted refugees from a number of areas (United

Nations, 1951), but educational rights are a concern there. It is important to note that the education of refugees in Uganda takes place in the context of education in Uganda in general, which is not usually free even for nationals. Parents or guardians of all children in Uganda often support the cost of school buildings, books, writing materials, school meals, and uniforms, as well as pay tuition for children to go to school. For refugees, this means they must either navigate the bureaucracies to attend a UNHCR school or, eventually, shoulder the cost of attending school as Ugandans do. While the UNHCR has sponsored as many as 84 primary schools that provide refugee children with tuition-free education, not all schools refugees attend UNHCR schools (Dryden-Peterson, 2003).

Beyond costs of attending school, there are a number of other concerns related to the right to education in Uganda. Pupils at UNHCR and public schools alike must deal with issues such as overcrowding, poorly trained teachers, and inadequate equipment. Buildings in UNHCR-funded schools are occasionally non-permanent, and although classrooms have adequate benches, some have no furniture and the children must sit on stones. This type of arrangement makes it difficult for children in class to pay attention, since they are uncomfortable. There are also issues with overcrowding, with some schools (serving nationals and refugees alike) having too many pupils for the number of teachers. It is not unusual for a class to end up without a regular teacher at all, and most schools have a ratio of about one teacher to every 100 pupils (Dryden-Peterson, 2003).

Conclusions and Recommendations

There are a variety of factors that play into refugees' inability to access a quality, basic education that is outlined by human rights frameworks, including the 1951 Refugee Convention and the UDHR. A lack of awareness of educational rights (which may, I believe, in some cases be even caused a malicious intent by governments to make certain rights of refugees unknown to them) contributes to lack of access to primary education. Discrimination by governments and communities has facilitated low

graduation from primary schools, as well as children not accessing education due to fear. Lastly, a lack of material resources and teachers has made accessing quality education a hardship for many refugees. These factors combine to make situations in which refugees are not receiving proper educations, making it later difficult to participate in the economics and social systems of their new homes – or elsewhere within the international community.

To remedy these problems, there are several important steps that are necessary. First, more countries need to sign and ratify the 1951 Refugee Convention and reinforce these ideals in their own domestic laws. This would provide a more solid legal foundation for protecting refugee rights around the world, leading to more fair and equal treatment of refugees in regard to education and other rights. Second, more refugees need to be informed about the rights they are entitled to. Awareness campaigns and increased transparency about rights could also help more refugees to access education. It may also serve as an important reminder to nations that have ratified the 1951 Convention to respect their obligations under international law. Third, more work needs to be done to prevent discrimination by the government and communities where refugees live. This will not only protect educational rights, but also make refugees feel safer and more secure in their new homes. Refugees registered by the UNHCR should be provided with easy ways to file complaints about discrimination, and states should be made to take these complaints seriously. Lastly, it is vital that governments work not only with the UNHCR, but also with other organizations to provide educational resources to refugees. This could make educational spending more effective, as well as boost resources for teaching training and provide incentives for good teaching.

The human right to an education is a universal right, meaning that access to education a universal right that is not limited to wealthy countries or state nationals. Despite this right, challenges to this goal – which were highlighted by the Millennium Development Goal of universal primary education – often means that vulnerable groups such as refugees are being left behind. Solutions exist for

combatting this problem, however, and the international community should continue to work toward protecting educational rights for the displaced. There is no reason why refugees should receive less of an education and higher expectations must be placed on the appropriate parties to address this issue.

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