



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2021 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Education Rights of Rohingya Refugees Children in Bangladesh: An Analysis

Dewan Alif Ovi^aTanvira Mridha^b

^aUniversity of Asia Pacific, Dhaka, Bangladesh ^bUniversity of Asia Pacific, Dhaka, Bangladesh

Received 08 November 2021; *Accepted* 25 November 2021; *Published* 03 December 2021

Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion is known as Refugee. And an asylum seeker is someone whose request for sanctuary has yet to be processed. In Today's world, the rights of Rohingya refugees are very debatable. Our topic is The Educational rights of Rohingya Refugees Children in Bangladesh (an analysis). There are some social, cultural, and language barriers to providing education rights to Rohingya children and Bangladesh is not also under an obligation to do so as Bangladesh hasn't signed the 1951 convention of refugees. So basically the research is based on how to ensure the right of Rohingya children otherwise in its absence. We also tried to understand the problems, the gaps, the Bangladesh situation, and international instruments. A big question is Bangladesh has been under the duty to secure the interest of refugee education and the explanation on that by which law and convention are labile or not for refugee children's education. Bangladesh has not signed the Refugee Convention. So that, Bangladesh is not legally bound to ensure that right and no law regulates and for the administration of refugee affairs in Bangladesh or guarantees the rights of refugees. There are a lot of Refugees in Bangladesh but because Bangladesh is not a signatory state of the 1951 convention, that's why they are known as Asylum Seekers. Though Education is a very important and basic entitlement for humans still there is some debate. Being born as human refugees are entitled to have some rights and education is one of them. But now there is a lot of debate on that ground.

Keywords: *education, human rights, child rights.*

INTRODUCTION

Education is a fundamental human right as laid forth in the 1989 Convention on the Rights of the Child¹ and the 1951 Convention on the refugee convention² (UNHCR, 2016). It is a security and determination, supplying refugees with knowledge and skills to lead a healthy, integrated, and separate existence. This provides a way to function and self-sufficiency. Officially, 65.3 million individuals are either asylum seekers, internally displaced persons, or refugees (UNHCR, 2016). Children constitute half the total amount of those displaced peoples.³ War exploded in Rakhine in August 2017,⁴ and 655,000 Rohingya escaped to Cox's Bazar in Bangladesh in only 5 months ⁵And figures are going up.⁶ Today, nearly 900,000 Rohingya reside in Cox's Bazaar, with 55% of them children.⁷ Decided to carry through an embargo on schooling in Rakhine, only to live in Rakhine.⁸ The total number of refugees worldwide under the UNHCR program is 16.1 million, including 6 million children and teenagers.⁹ Below 50 percent of the six million school-age refugee children and adolescents underneath the UNHCR program were exposed to education in 2015,¹⁰ As a consequence, for refugees, schooling is largely seen as the "fourth element "or' key aspect' of Humanistic response.¹¹ This is founded on the foundation of the Universal Declaration of Human Rights

¹ Convention on the Rights of the Child 1989

² Convention on the refugee convention 1951

³ Rohingya Refugee Response - Bangladesh Factsheet - Public Health (30 June 2020) - Bangladesh' (*ReliefWeb*, 2020) <<https://reliefweb.int/report/bangladesh/rohingya-refugee-response-bangladesh-factsheet-public-health-30-june-2020>> accessed 05 November 2021

⁴ *Ibid*

⁵ 'Rohingya Refugee Crisis' (*ReliefWeb*, 2018) <<https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-refugee-crisis-cox-s-bazar-1-november-2018-covering>> accessed 05 November 2021

⁶ *Ibid*

⁷ 'For Every Child, Every Right' (*Unicef*, 2018) <<https://www.unicef.org/reports/annual-report-2018>> accessed 5 November 2021

⁸ *Ibid*

⁹ UNHCR, 'Refugees/Migrants Emergency Response – Mediterranean, p.3' (*Data2.unhcr.org*, 2016) <<http://data.unhcr.org/mediterranean/country.php?id=8>> accessed 05 November 2021

¹⁰ *Ibid*

¹¹ 'World Report 2018: Rights Trends in Burma' (*Human Rights Watch*, 2018) <<https://www.hrw.org/world-report/2018/country-chapters/burma>> accessed 05 November 2021

(UDHR),¹² in particular Article 26,¹³ where it specifically allows for the right to education.¹⁴ In late May 2018, Prime Minister Sheik Hasina of Bangladesh affirmed that she required Rohingya refugees to return to Myanmar as soon as possible.¹⁵ The Bangladeshi Government's lack of concern in recognizing Rohingya refugees' right to education isn't new.¹⁶ Since 2009, the Government of Bangladesh has firmly denied proposals from the UN Committee on the Rights of the Child to provide the right to schooling for non - registered Rohingya refugee children. The goal is to encourage refugees (especially children and adolescents) to deal with precarious circumstances and create a sustainable society.¹⁷

In camps of overcrowded services, 500,000 Rohingya children are estimated not to access schooling.¹⁸ Other foundations include food, shelter, and hygiene.¹⁹ Besides this appreciation, refugees and asylum-seekers have a strong respect for their studies.²⁰ The goal of this analysis is to examine the existing education structures and their openness to the Rohingya in Myanmar and Bangladesh, the shortcomings of these structures, and the challenges they face. Whether we are under the obligation to provide the right of education to Rohingya's, what are the international convention, legal norms have explained regarding this matter.

METHODOLOGY AND RESEARCH DESIGN

There are qualitative and analytical approaches, so we would seek to concentrate on these types. During our work, we would examine all main and secondary sources of knowledge. The number of international laws and cases pertaining to refugee protection during primary documents involves substantive regulations. The secondary resources include national the international newspaper papers, magazines, commentaries on refugee protection.

¹² *Ibid*

¹³ Universal Declaration of Human Rights, art 26

¹⁴ *Ibid*

¹⁵ Andrea Georgette, 'Rohingya children's right to education' (*newagebd.com*)

<<https://www.newagebd.net/article/44139/rohingya-childrens-right-to-education>> accessed 5 November 2021

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ Anwar Hossain Choudhury, 'Emergence Of Rohingya Refugee: Present Situation And Future Impact On Local Peoples Of Cox'S Bazar In Bangladesh' (2020) 1 Randwick International of Social Science Journal

¹⁹ *Ibid*

²⁰ *Ibid*

To address the current condition, we have based on several articles of the Bangladeshi constitution and several of the existing international laws on refugee education rights and we use the journal highlights and the news report to clarify the present status of refugee education in our nation and also to make clear the interpretation of their legal rights in the field of education. Through studying the 1951 Convention on Refugees and other legal provisions surrounding this. As to the theoretical aspect. We will focus on what and which contributes to the clarification of the more significant aspects of the right to education, which is perceived to be among the weapons of fairness and dignity for refugees and asylum-seekers. As regards the origins of knowledge utilized, the current analysis can be carried out through by review of records. Material on the analysis is complemented by different legal documents, doctrinal documents, jurisprudence, This is close to focusing on the value of education in general, as well as on why it is necessary for refugees, in order to address why we have to identify our refugees, what factors have rendered them, refugees, what instruments have been used for refugee education, the benefits of refugee education, and, ultimately, how far Bangladesh has been able to provide them with basic education and welfare and whether the nation is under the obligation to provide that or not.

HISTORICAL BACKGROUND OF INTERNATIONAL LAW RELATING TO REFUGEES

Nevertheless, the most important advances in refugee law remain tightly bound to the two World Wars. Since World War I the League of Nations invited Norwegian adventurer and humanitarian Dutchman Nansen to help with the resettlement just after The October Revolution of Russian as well as other war prisoners, and also Russian refugees. He was named High Commissioner of the League for Russian Refugees in 1921 (consequently he was named President of the Balkans and Near East), awarding him the Nobel prize for peace in 1922; shortly following his demise in 1930, the League created the Nansen Foreign Office for Refugees.²¹ This was followed by various intergovernmental treaties,²² that culminated in the

²¹ Crisp, 'Humanitarian Action and Coordination' in T G Weiss and S Daws (eds), *The Oxford Handbook on the United Nations* (Oxford University Press 2007) 479, 481

²² *Ibid*

1920s that contributed to a 1933 Convention on the International Status of Refugees.²³ However, before, during, and since the Second World War, the systematic deportations and repressions continue to this very day shaped the outlines of international law on refugees.²⁴ Several states (Belgium, Great Britain, and Ireland, India, Denmark and Iceland, Spain, France, Norway, and The Netherlands) negotiated with Germany on the Refugee Rights Convention in 1938.²⁵ New European refugee relief organizations – the United Nations Relief and Recovery Agency (1943)²⁶ and the International Refugee Organization (1947) – preceding the United Nations High Commissioner for Refugees (established in 1950) – were instituted after World War II.²⁷ The situation of refugees arising after the Second World War was addressed in Article 14 of the Universal Declaration of Human Rights of 1948, which contained the freedom to seek asylum (though it was not meant to become the fundamental right of a person, it also confirmed the ability of a person to grant asylum).²⁸ The most important change was the implementation, on 28 July 1951, of the United Nations Convention on the Status of Refugees (widely known as the Refugee Convention or the Geneva Refugee Convention). It has traditionally been defined in global refugee law with 'the much more detailed, binding international instrument' and its core requirements stay viable until this very day.²⁹

CONCEPTUAL FRAMEWORK OF REFUGEE

Refugees,³⁰ as in Chapter 1 of the convention relating to the status of Refugees (1951), apply to all people who have been in a different country and seem unable to seek asylum in their native country.³¹ One of these is the one who lives in a different country of origin. His or her

²³ N Saunders, 'Paradigm Shift Or Business As Usual? An Historical Reappraisal Of The "Shift" To Securitisation Of Refugee Protection' (2014) 33 Refugee Survey Quarterly

²⁴ *Ibid*

²⁵ United Refugees, 'Statute Of The Office Of The United Nations High Commissioner For Refugees' (UNHCR, 2020) <<http://www.unhcr.org/3b66c39e1.pdf>> accessed 10 September 2020

²⁶ *Ibid*

²⁷ Ulrike Krause and Hannah Schmidt, 'Refugees As Actors? Critical Reflections On Global Refugee Policies On Self-Reliance And Resilience' (2017)

²⁸ *Ibid*

²⁹ United Refugees, 'The Refugee Convention, 1951: The Travaux Préparatoires Analysed With A Commentary By Dr. Paul Weis' (UNHCR, 2013) <<http://www.unhcr.org/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html>> accessed 05 November 2021

³⁰ *Ibid*

³¹ 1951 Refugee Convention, art 1 A

nationality as a result of not being allowed to claim his or her security for multiple reasons, including race, religion, political views, ethnicity, etc., and fleeing his as well as her own country as a result of the inherent terror of living abroad.³² The second concerns people for not having nationality who live in a foreign country without the requisite documentation and who are from outside country of their sovereign immunity because the circumstances which led to their departure haven't yet changed and they do not wish to return to that country. Finally, in this case, a citizen of two or more ethnic backgrounds, the citizen.³³ It can be recognized as a refugee under this Convention if and has a well-founded rational reason, one of its countries of nationality has rejected asylum.³⁴

This Article 1 A (2) has also been concluded in the 1967 Protocol. Moreover, There seems to be a description of the Organization of African Unity (OAU) for Refugee Article 2 of the Convention (1969) states that "a refugee, as any citizen, is obliged to flee his or her country" because of external invasion, occupation, foreign conquest or events which deeply disrupt social safety either through a portion or even all of his or her nation of birth or nationality.³⁵ International legal frameworks and, in particular,³⁶ the 1951 Refugee Convention Developed the fundamental rights whereby the States could also give to refugees.³⁷ The basic promise of security is that States should pledge not to deport migrants to circumstances where their life and health are at threat at danger.³⁸ To decide whether or not an applicant complies with the conditions laid down in the concept of refugee status, the Countries Delegates to the 1951 Convention have defined which are recognized as 'refugee status procedures' or 'refugee protection procedures protection processes.'³⁹ The asylum system will verify if the claim of the

³² *Ibid*

³³ *Ibid*

³⁴ *Ibid*

³⁵ International Organization for Migration (2011) <<https://www.iom.int/key-migration-terms>> accessed 09 September 2020

³⁶ *Ibid*

³⁷ UNHCR Viewpoint: 'Refugee' Or 'Migrant' - Which Is Right? 28 Aug 2015' (*Data2.unhcr.org*, 2015) <<https://data2.unhcr.org/en/news/12783>> accessed 10 September 2020.

³⁸ *Ibid*

³⁹ 'Who Is A Refugee?' (*Unhcr.org*, 2019) <<https://www.unhcr.org/4d944c319.pdf>> accessed 10 September 2020

person for apprehension from repression comes throughout the context of the 1951 Convention.⁴⁰

THE RIGHT TO EDUCATION

Defining the word "education" is important. "Only after this term 's definition has indeed been explained can it seem apparent what it implies to suggest someone is the keeper of a right to education."⁴¹ In respect to the enormous importance of education,⁴² in the case of Topeka's *Brown v. Board of Education*, the Supreme Court of the United States.⁴³ "Currently, education has been the most significant feature of local and state governments. (...) it's the very basis of decent governance. Nowadays, it is a useful element in raising children to traditional standards, in grooming them for later vocational school, and in encouraging them to develop naturally to the climate. It is unlikely, these days, that every child would fairly be required to excel throughout existence if the chance for schooling is refused.⁴⁴ Thus, the US Supreme Court held that education is a core requirement for the proper exercise of the rights and duties derived from citizenship. "Education is also seen to encompass making persons aware of the cultural and spiritual values of their community. It is seen as a process of transmitting those values from one generation to the next."⁴⁵ In addition, education bestows understanding and skills that make human beings pursue educational and managerial schooling and make a living. The Court further discusses schooling as a means for coping with the conditions of daily life. Thus, schooling gives individuals the opportunity to "usually conform to their surroundings".⁴⁶ Education may then be characterized as: "all the practices under which it is carried out.

⁴⁰ *Ibid*

⁴¹ Dieter Beiter Klaus, *The protection of the Right to Education by International Law* (Leiden, Netherlands 2006)

⁴² *Ibid*

⁴³ *Brown v Board of Education of Topeka* 347 US 483 (1954)

⁴⁴ *Ibid*

⁴⁵ Dieter (n 26) 18

⁴⁶ *Ibid*

The human race emits to its offspring a set of competencies and understanding and a sense of morality that allows the group to survive.⁴⁷ Although the right to education has been one of the fundamental rights accepted by the UN as indispensable protection which makes the whole thing meaningful as a human being.⁴⁸ Excluding these, we will not develop nor truly cultivate our virtues, our intellect, our talents, and salvation.⁴⁹ They are fundamental rights of all people, without even any sort of difference of ethnicity,⁵⁰ racial background, race, state of residence, religion, language, or another status.⁵¹ As Caballero Vasques says⁵²: "basic dignity has a strong ethical quality that leads to the peace and harmony among humans via reciprocal tolerance and complete growth.⁵³ Throughout this context, the right to education under the statutes of a plurality of Nations is explicitly secured. Some other founding documents have no clear reference to the above right though. Education in either situation seems to be of paramount significance throughout the practice of the public duty of the State. Like in the case of *San Antonio Independent School District v. Rodriguez*, the United States Supreme Court,⁵⁴ Refused the right to education as a basic human right; in the case *Plyler v. Doe*, this same court later ruled that⁵⁵: "Free education is not a privilege granted by the Constitution to persons, But it also isn't solely an equivalent public "gain" from certain components of community contains provisions. ⁵⁶ Both the value of schooling in preserving our democratic structures and the enduring effect of its neglect mostly on child's development distinguishes school systems as the most important urban organization to retain.⁵⁷

ACCESS TO EDUCATION FOR REFUGEES

⁴⁷ Gaston Mialaret & M'Bow Amadou-Mahtar, *The child's right to education* (Paris: UNESCO, 1979)

⁴⁸ *Ibid*

⁴⁹ 'Universal Declaration Of Human Rights' (*Un.org*, 1948) <<https://www.un.org/en/universal-declaration-human-rights/>> accessed 10 September 2020

⁵⁰ *Ibid*

⁵¹ INEE, 'Minimum Standards for Education: legal framework and justiciability' [2010] Latin-American Journal of Inclusive Education

⁵² *Ibid*

⁵³ *Ibid*

⁵⁴ *San Antonio Independent School District v Rodriguez* 411 US 1 (1973)

⁵⁵ *Ibid*

⁵⁶ *Plyler v Doe* 457 US 202 (1982)

⁵⁷ *Ibid*

Knowledge is a fundamental human right codified in the Convention of 1989 on the Protection of the Child and the 1951 Convention on Refugees. It defends and controls to inspire, to give refugees the necessary skills and knowledge a prosperous life, Lives satisfying and autonomous. It gives a way to function and self-sufficiency.⁵⁸ UNHCR finds the school is inherently defensive.⁵⁹ It provides migrant children, including those who have seen or endured abuse, malnutrition, loneliness, and other traumatic circumstances, with a position of rationality or discipline.⁶⁰ They are shielded from adult duties and obligations that should not be part of their lives. It also presents a physical deterrent against those attempting to abuse them, such as sex trafficking, drug cartels, militant forces trying forcefully to recruit children, among others. According to UNESCO, if all girls have finished elementary school, child marriage.⁶¹ It will decline by 14 percent. If all of them had completed high school,⁶² it will drop by 64 percent. Most UNESCO reports suggest that one extra year of education A girl's wages can be raised by up to a quarter – adding gains for children.⁶³ They are themselves, their future families, and their cultures. At the high school level, though, there have only been around 7 refugee girls participating for every 10 refugee youth. In addition, there are just not enough women students to set a precedent and inspire families to take their girls to school.⁶⁴

RELATIONSHIP BETWEEN THE RIGHT TO EDUCATION AND OTHER HUMAN RIGHTS

The interdependence among human rights categories is well known in Principles of indivisibility: 'Civil rights are indivisible.⁶⁵ They are all intrinsic throughout the equality of any

⁵⁸ 'Access To Education For Refugees' (*Unhcr.org*, 2018) <<https://www.unhcr.org/5df9f1767.pdf>> accessed 10 September 2020

⁵⁹ *Ibid*

⁶⁰ *Ibid*

⁶¹ 'The right to education' (*UNESCO*, 2016) <<http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/rightto-education/browse/1/>> accessed 05 November 2021

⁶² *Ibid*

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ Louise Ridley, 'UN's Michael Møller Reveals :17 Facts That Will Change Your Understanding of the Refugee Crisis. UK' (*The Huffington Post*, 2016) <http://www.huffingtonpost.co.uk/entry/refugee-crisisfacts-un-michael-moller_uk_5734277ee4b01359f6866db0> accessed 05 November 2021

individual, either legal, social, physical, political, or cultural.⁶⁶ As a result, these have very equal validity as citizens and therefore cannot be put in a system.⁶⁷ The principle of interconnection and interconnectedness involves: Implementing one right often depends, in whole or in part, on the perception of others “The UN General Assembly also accepts that: prosperity, development, and security of all human rights and basic liberties are interdependent and jointly reinforcing.”⁶⁸ The interplay between both the right to education as well as other civil dignity is evident enough. Perhaps education allows for the protection of other individual rights. Development and sustainability problems are rooted in the way an individual and a community consider and evolve these principles and ideals.⁶⁹ It can also be shown that the connection between both the right to an education as well as other human rights represents,⁷⁰ for instance, the universal right to equality (Article 7, UDHR⁷¹).⁷² Furthermore, the right to freedom prevails in the access to education themselves, as specifically laid out in universal law. Therefore, mechanisms like the Conventions toward inequalities (CDE (Article 1)) exist.⁷³ This interconnectedness with the right to an education is sometimes referred to as the ability to demand education,⁷⁴ or more precisely where immigrants, inclusion, and equal opportunities are concerned.⁷⁵ The right to refugee education would be crucial to the growth of an Understanding and learning the skills [them as] learners can improve if they are to engage successfully in a democratic system and live together happily in multicultural liberal communities like others.⁷⁶ It will be hard to imagine how this learning and developing and engaging would proceed in the event of a breach of their right to

⁶⁶ *Ibid*

⁶⁷ “The right to education” (n 39)

⁶⁸ *Ibid*

⁶⁹ Bensalah K and others, *Education in Situations of Emergency and Crisis: Challenges for the New Century* (Paris: UNESCO, 2001)

⁷⁰ *Ibid*

⁷¹ Universal Declaration of Human Rights, art 7

⁷² *Ibid*

⁷³ Council of Europe, *European Social Charter: Collected Texts* (France: Council of Europe, 1997)

⁷⁴ *Ibid*

⁷⁵ Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (Hague- Boston- London: Martinus Nijhoof, 1999)

⁷⁶ *Ibid*

an education or even what the implications and effect may be.⁷⁷ If the same would be said of the interrelationship with the right to freedom of expression and thought (Article 19 UDHR⁷⁸).

For instance, without adequate schooling, reading, writing, appropriate language comprehension, or science or mathematical concepts will be crucial to achieving protection of those rights,⁷⁹ such as those from freedom of conscience or assembly (Article 20⁸⁰ UDHR).⁸¹ Moreover,⁸² the right to education must therefore be established in an atmosphere of equality when several other privileges intrinsic to every citizen are practiced. ⁸³The Special Rapporteur on the Right to Education discusses⁸⁴: "that schooling must be an environment of equality with all human beings, obligations and skills to be exercised and learned. ⁸⁵The right to education is the gateway to the protection of all human rights. Realizing the access to learn would provide for, amongst others, the protection of the right to be free of thought and speech as well as the right to engage in community life.⁸⁶

EDUCATION STRUGGLE AMONG ROHINGYA REFUGEES OF MYANMAR LIVE IN BANGLADESH

This study was to examine the accessible school systems and their availability to the Rohingya in Myanmar and Bangladesh, the weaknesses in these services, and the obstacles they face. Consequent analyses have been undertaken on how schooling can reduce the effects of social and economic-natural hazards as well as whether Rohingya has access to quality education in Myanmar or Bangladesh.⁸⁷ The results of this study suggest that educational opportunities for Rohingya have increased in Bangladesh, but rather to the downside of incentives for older

⁷⁷ *Ibid*

⁷⁸ Universal Declaration of Human Rights, art 19

⁷⁹ *Ibid*

⁸⁰ Universal Declaration of Human Rights, art 20

⁸¹ Convention against Discrimination in Education 1960, art 1

⁸² *Ibid*

⁸³ 'Assessment Of The Educational Attainment Of Students And The Implementation Of The Right To Education' (Report: UN General Assembly: 2 May 2014)

⁸⁴ *Ibid*

⁸⁵ *Ibid*

⁸⁶ *Ibid*

⁸⁷ A Ager & A Strang, 'Understanding Integration: A Conceptual Framework' (2008) 21(2) *Journal of Refugee Studies* 166-191

children.⁸⁸ The disparity in the provision of teenage schools in Bangladesh is extreme and of serious concern, intensifying inequality and child welfare problems. ⁸⁹Language is also a big challenge to tackle, with elevated levels of backwardness apparent.⁹⁰ Specialist expertise in the learning of second-language languages is important for the management of basic skills education. Cultural gaps were also of significance, resulting in linguistic problems and migration.⁹¹ In addition, Bangladesh did not offer refugee status to the Rohingya from Myanmar who had fled to Bangladesh after 25 August 2017. In 1992, however, Bangladesh granted refugee recognition on the premise of confidence to even more than 200,000 of the same Rohingya refugee population.⁹² And because of the refugee status riddle of Rohingya, they cannot claim such educational rights as loud as they want to.⁹³

Being non-signatory of the 1951 convention, still, Bangladesh have some Customary Duty, Constitutional Duty and basic needs which needs to be provided

Bangladesh has not acceded to the 1951 convention relating to the status of Refugees. There is no law governing the management of refugee issues in Bangladesh or ensuring the enforcement of refugee rights.⁹⁴ The lack of a regional refugee and asylum legislative/regulatory structure left refugees and asylum seekers in a vulnerable condition in Bangladesh,⁹⁵ subjected to severe security threats and wall fitted for a long-term solution to their situation.⁹⁶ The two agreements defining refugee rights are the 1951 Agreement on the Status of Refugees and the 1967 Protocol. The 1951 Convention is relevant since it determines who is a refugee and determines both the responsibilities of the host country to the refugee

⁸⁸ *Ibid*

⁸⁹ Amnesty International, *Amnesty International Report 2016/17* (London: Amnesty International 2017)

⁹⁰ *Ibid*

⁹¹ *Ibid*

⁹² L Barnett, 'Global Governance and the Evolution of the International Refugee Regime' (2002) 14(2&3) *International Journal of Refugee Law* 238-262

⁹³ *Ibid*

⁹⁴ S Buckland, *Making Assessment Count - A Look at Certification and Validation of Refugee Learners' Attainments* (University of Sussex, Sussex 2006)

⁹⁵ *Ibid*

⁹⁶ *Ibid*

and the responsibilities of the refugee to the host nation⁹⁷. The key rights of refugees defined in the 1951 Convention are the right not to be deported, not to be imprisoned for unlawful entry, work, accommodation, schooling, state benefits, and support,⁹⁸ freedom of worship, access to education, freedom of mobility, and identification and identity papers.⁹⁹ In contrast, the 1951 Convention introduced the freedom to be safe from refoulement, the involuntary deportation of a refugee to his or her home country. Although non-refoulement is specified in the 1951 Convention, it is generally customary and binding under international law irrespective of whether or not a country has ratified the Convention. It also stipulates that the refugee must abide by the laws and standards of his home country and must uphold social stability.¹⁰⁰ But Bangladesh is an independent country. Bangladesh has its constitution. According to The Constitution of the People's Republic of Bangladesh, people get some human rights, state policy, and fundamental rights.¹⁰¹

Because we allow Rohingya to stay in our country so that we have some responsibility for them. Maybe we not accept them as a refugee. We prefer to call them asylum seekers or displaced persons but still by the constitution and customary practice/law the Rohingya children can get an education. We already know that a huge number of the Rohingya are children. According to our constitution education is a state policy.¹⁰² State policy is the main policy to maintain the state. We already permit to stay there whatever by temporary or permanent so that we may give education to the Rohingya children at least for some time. Education is a basic need like food shelter etc. so we at least can give the basic need o the Rohingya children.¹⁰³

⁹⁷ M Boissiere, *Determinants of Primary Education Outcomes in Developing Countries* (Washington, DC: World Bank 2004)

⁹⁸ *Ibid*

⁹⁹ M Enghoff and others, *In search of protection and livelihoods: socio-economic and environmental impacts of Dadaab refugee camps on host communities* (Nairobi: Danish International Development Assistance, Government of Norway 2010)

¹⁰⁰ *Ibid*

¹⁰¹ *Ibid*

¹⁰² Constitution of the People's Republic of Bangladesh

¹⁰³ *Ibid*

NATIONAL LEGAL AND ADMINISTRATIVE PROTECTION FRAMEWORK

There is no national legislation controlling the regulation of refugee rights in Bangladesh because there would be no subtle nod to refugees in the laws relating to refugees (Foreign Act 1946) and evacuation (Control of Entry Act 1952).¹⁰⁴ Institutionally, the Ministry of Food and Disaster Management (MFDM)¹⁰⁵ is responsible for refugee matters and for coordinating camp-based refugee activities.¹⁰⁶ Essentially, it has entrusted to the Office of the Refugee Relief and Repatriation Commissioner (RRRC) responsibility for a range of camp administrative duties (management, delivery of assistance, education and health care, water and sanitation, and camp restoration). Other fundamental principles of Bangladesh law apply in theory to refugees but are not generally found in reality. Several of the papers in the Constitution, for example, is likely to have an impact on refugee affairs, including the duty to 'help oppressed people around the world in a just fight against imperialism, colonialism and prejudice' (Art. 24(1)(c)¹⁰⁷; the duty to 'base its international policy on values and reverence for international law and the ideals set out in the Charter of the United Nations (Art. 25¹⁰⁸);

Refugee children are excluded from getting access to formal schooling.¹⁰⁹ Education is then given informally to primary school children by refugee volunteers who have undergone minimal teacher training.¹¹⁰ The curriculum of the school is limited to Burma, Mathematics, and English. Most classes are congested and there is a shortage of adequate textbooks and other teaching materials. Higher education is not authorized.¹¹¹

¹⁰⁴ GPE, *GPE's Work in Countries Affected by Fragility and Conflict* (Washington DC: Global Partnership for Education 2018)

¹⁰⁵ *Ibid*

¹⁰⁶ *Ibid*

¹⁰⁷ Charter of the United Nations, art 24(1)(c)

¹⁰⁸ Charter of the United Nations, art 25

¹⁰⁹ *Ibid*

¹¹⁰ *Ibid*

¹¹¹ S Dryden-Peterson, 'Refugee education: Education for an unknowable future' (2017) 47(1) *Curriculum Inquiry* 14-24

CURRENT DEMOGRAPHIC PROFILE

The lack of state acknowledgment of refugee status, combined with the insecure circumstance in how many refugees and self-settled Rohingya remain, is presumed to lead to the indirect migration of Rohingya from Bangladesh to other states in pursuit of security.¹¹² These connections have recently been recognized in a report undertaken by the International Organization for Migration (IOM),¹¹³ which also reported the role of local drug groups in promoting such migrant movements.¹¹⁴ Many who have migrated out of Bangladesh in search of a more desirable security atmosphere have mostly come from the Rohingya non-competent community.¹¹⁵ There are over 250,000 speakers from Bihar Urdu in challenging circumstances in Bangladesh. Currently recognized as citizens by the High Court of Bangladesh, they don't yet enjoy successful citizenship. In addition, there is a comparatively small number of refugees and asylum seekers from different countries who, in the lieu of a state process, request refugee protection from the UNHCR underneath the mandate.¹¹⁶ The following distance review focuses mainly on the conditions of the Rohingya refugee camp community. The goal is to educate the UNHCR and other critical aspects about how to promote proper solutions to this prolonged refugee crisis.¹¹⁷

SOCIAL, CULTURAL, CURRICULUM & LANGUAGE BARRIER IS A BIG STRUGGLE FOR ROHINGYA REFUGEES AS TO GET THE EDUCATION

Although education is very important for Rohingya children then also there are some barriers to educating the Rohingya children. To overcome the barrier is the main struggle for the Rohingya children. The barriers are basically for social, cultural, curriculum, and linguistic differences. Rohingya refugee students face multiple difficulties and obstacles in entering local high schools in Bangladesh. This includes financial issues, aggressive actions by local students

¹¹² *Ibid*

¹¹³ *Ibid*

¹¹⁴ W Easterly, *The white man's burden : why the West's efforts to aid the rest have done so much ill and so little good* (Oxford University Press 2006)

¹¹⁵ *Ibid*

¹¹⁶ S Dryden-Peterson and others, *Harvard Graduate School of Education Refugee Education Policy Lab: Policy memos on access, quality and integration* (Cambridge: Harvard Graduate School of Education 2015)

¹¹⁷ *Ibid*

and others, the issue of invalidity of camp school certificates for some further research and jobs. Refugee child's academic careers are impacted by numerous economic, social, and cultural obstacles in diverse grounds of violence and bias. All students and parents recorded that they were most widely identified as 'Bormaya (Burmese),' 'Refugee' and 'Rohingya' to harass. These hurdles add to the collective drawbacks of refugee students residing in Bangladesh. To continue fighting for education, students and families use their cultural beliefs and views of education.¹¹⁸Data, language skills, and the social network, i.e. poor relations with local residents and producing new acquaintances are helping to access society's wealth.¹¹⁹ School teachers whose existence relies on environmental heritage are willing to exchange it with their students.¹²⁰ They acknowledge that refugee students are doing well in tests, well behaved and constantly planning lessons and assignments, showing self-presentation in daily learning activities by habitus.¹²¹ Discrimination on the part of the political community and collusion on the part of refugees put them in a precarious situation which causes disparities among refugees and between refugees and local people. Now we're seeing the complex reality is evolving as some residents are supporting refugee families to access schooling, while a few are throwing barriers in the road.¹²²

CONVENTIONAL NATURE OF THE RIGHT TO EDUCATION FOR REFUGEES

International human rights treaties and resolutions form a law that describes the required human rights that all individuals should be granted. These fundamental rights are therefore taken into consideration as a guideline throughout the legal frameworks of the State.¹²³ Thus, the largest regional reach inside the UN system is how these personal freedoms or, in specific, the right to education have been implemented. Many moral texts are promoting and establishing the right to education.¹²⁴ These administrative bodies are deemed to be guidelines

¹¹⁸ J Hyndman, *Managing displacement: refugees and the politics of humanitarianism* (Minneapolis: University of Minnesota Press 2000)

¹¹⁹ *Ibid*

¹²⁰ INEE (n 51)

¹²¹ *Ibid*

¹²² *Ibid*

¹²³ Mundy K & others, *The Handbook of Global Education Policy* (Oxford: John Wiley & Son Ltd 2016)

¹²⁴ *Ibid*

of a general type within international law, i.e. laws that are applicable for the whole global community.¹²⁵ The treaties and statements issued at the UN's center thus set the basic essence of human rights law. ¹²⁶The most crucial treaties implemented by this Body are therefore the subject of this research: the UDHR and the ICESCR.¹²⁷ Sections 28¹²⁸ and 29¹²⁹ of the 1989 Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)¹³⁰ shall also be factored into the equation in Sections 43¹³¹ and 45¹³² thereof. Relevant to refugee issues,¹³³ the Convention on the Status of Refugees (1951) and its Protocol of 1967 in Articles 4¹³⁴ and 22¹³⁵ and the Convention against Discrimination in Education (1960) would be discussed in Article 4.¹³⁶¹³⁷

MAIN PRINCIPLES OF THE RIGHT TO EDUCATION FOR REFUGEES

The UNESCO Constitution lays down several basic values defining the requirements that are needed whenever it comes to education.¹³⁸ These analyzes will go on to further trends in these components and equate them with those that are particularly important of disadvantaged individuals of refugees and asylum seekers.¹³⁹ Firstly, the principle of universality is the core of international law. Human rights, as a result, this definition of the UDHR is expressed in international relations, treaties and resolutions. Thus, this principle is reflected in the World Conference on Human Rights, convened in Vienna in 1993, which stipulated that 'All countries, independently of their political, economic and cultural systems, should uphold and

¹²⁵ *Ibid*

¹²⁶ Pablo Meix Cereceda, 'The right to education in international and European systems' [2014] Valencia: Tirant lo Blanch 32-35

¹²⁷ *Ibid*

¹²⁸ Convention on the Rights of the Child 1989, s 28

¹²⁹ Convention on the Rights of the Child 1989, s 29

¹³⁰ *Ibid*

¹³¹ Protection of the Rights of All Migrant Workers and Members of their Families 1990, s 43

¹³² Protection of the Rights of All Migrant Workers and Members of their Families 1990, s 45

¹³³ *Ibid*

¹³⁴ Convention on the Status of Refugees 1951, s 4

¹³⁵ Convention on the Status of Refugees 1951, s 22

¹³⁶ Convention against Discrimination in Education 1960, s 4

¹³⁷ R Lubbers and others, *Learning for a future: Refugee Education in Developing Countries* (Geneva: UNHCR, 2001)

¹³⁸ *Ibid*

¹³⁹ *Ibid*

protect all fundamental human rights and freedoms.¹⁴⁰ The Fundamental Theory is Interdependence. Centered on this principle, It must be emphasized that all human rights, 'be they human and social rights, including the right to life,¹⁴¹ fairness through the law and liberty of expression; economic, social and cultural rights, insofar as their right to work, economic protection and education; or universal rights, known are the right to development and self-determination, are indivisible, interrelated and interdependent.¹⁴²

Finally, the general concept of unity is the medium in which all States engage Different international conventions and other mechanisms emerge from their cooperation, establishing and mutually designing universal international law rules, giving birth to a society that is increasingly more diverse and created by all human beings.¹⁴³ Throughout this way, the accomplishment of the human rights goals for each State can be accomplished. An origin of both power and vulnerability is this representation of the Nations. The System is responsible, on the one hand, for fulfilling it in a sense of unity among everyone. On the other hand, though, it is a point of vulnerability that Nations are still responsible for executing, and this can happen.¹⁴⁴ Seven values are identified and built from the practical to the conceptual. Putting very clear actions into particular situations. These are connectivity, alignment, efficiency, security, cooperation,¹⁴⁵ engagement, monitoring, and assessment. Comparison with the previous UNESCO-UNICEF system in this regard provided a very near comparative study.¹⁴⁶

FINDINGS AND RECOMMENDATION

Multiple findings may be taken from the study of the case, but they have been outlined some key findings with the recommendation that are given below:

¹⁴⁰ Vienna Declaration and program for action 1993, point 5

¹⁴¹ *Ibid*

¹⁴² Office of the High Commissioner for human rights 1996-2016

¹⁴³ *Ibid*

¹⁴⁴ UNESCO, *Global Education for All Meeting UNESCO. Final Statement: The Muscat Agreement Muscat* (Oman: UNESCO, 2014)

¹⁴⁵ *Ibid*

¹⁴⁶ *Ibid*

1. There are some barriers to educating the Rohingya children such as social, cultural, and language are not the same that's why if we give the basic need (Education) to the Rohingya children then need to establish a different schooling system.
2. Primary education is quite similar in different countries especially English, Math, Counting, Science, etc. At least we can give the Rohingya refugee children that basic primary education.
3. The General People, the Government Organization, Journalists, Researchers, NGOs, and the Rohingya need to be more careful about their needs. Now, this is a great time to establish awareness because they stay in Bangladesh for a long time. If we talk about the basic needs then they already get the shelter, cloth, and treatment. Now, this is the perfect time to get an education.
4. The children are minor. The needs of major Rohingya refugees and the needs of minor Rohingya refugees are not the same. If the government can make a temporary committee for children's needs. If the committee can establish then the committee will focus on the Rohingya children's education.
5. The NGOs are working actively so this is the main duty of NGOs to create awareness in our society.¹⁴⁷
6. If we want to educate the Rohingya children, then we can make laws for them. There is no law for governing the management of refugee issues and so that there is no law for the education of Rohingya children also.
7. Both European States that have been hit by the refugee and migration crisis of 2015-2016 have made efforts to make sure that children can go to kindergarten. ¹⁴⁸In Bulgaria, Greece, and Serbia, for example, between 50% and 62% of all school-age refugees and refugee children have been absorbed into the educational system as of December 2018.¹⁴⁹ We acknowledge that Bangladesh, as a developing economy, is still in tremendous misery, but that is what we cannot conceive of or render an ambition by removing part of the population in our nation, even though we have not granted them

¹⁴⁷ *Ibid*

¹⁴⁸ Jordan J Paust, 'The Complex Nature, Sources and Evidences of Customary Human Rights' 25(147) GA J Int'l & Comp L 147-164

¹⁴⁹ *Ibid*

refugee status yet, but via adequate school capability, both in terms of resources and personnel qualified to deal with refugee and migrant children, we do know there is a language barrier, curricular barrier but still, Availability of details on school and enrolment processes and travel to/from distant refugee services can also be given to them in a small number.¹⁵⁰

8. There have been a variety of improvements in the method and the form of the changes that have taken place. All of these changes are the extent of schooling. ¹⁵¹Although keeping with the idea of early schools as a central component of security, considering the very important function it serves as a base for the rest of life's growth, the security of the right to education has been generalized to include the full scale of life¹⁵²: not just to primary but also early childhood and then secondary, professional, tertiary and ongoing learning, however in the situation of refugees is part of the process. ¹⁵³In this sense, the improvement achieved by the organization itself at the university level is very impressive. ¹⁵⁴So the inspiration has been revealed in regards to better ways of doing things and Seeking solutions to existing challenges of the length of study, acceptance, and enrolment.¹⁵⁵
9. Given the improvement that has been made, there also seems to go. There is also much trouble ahead: the lack of proper interaction among cultures and languages, the misery of poverty, which is especially affecting a few of the areas where refugees are arriving.¹⁵⁶ While Bangladesh is not obligated to provide education to the Rakhine people, this is a significant and very optimistic pledge of the Bangladeshi Government to encourage children to have educational opportunities and to achieve their hopes. Bangladesh may make a directive or regulation on how to grant the right to education, at least ensure primary education for refugees, even if they are not a party to the 1951 &

¹⁵⁰ *Ibid*

¹⁵¹ Carmen Márquez Carrasco, *Logros y desafíos en el 60 aniversario de la Declaración Universal de Derechos Humanos. Human Rights Notebooks Deusto. Num.* (Bilbao: Deusto University, 2008) 52

¹⁵² *Ibid*

¹⁵³ *Ibid*

¹⁵⁴ *Ibid*

¹⁵⁵ *Ibid*

¹⁵⁶ Kishore Singh, *Report: Assessment of the educational attainment of students and the implementation of the right to education* (UN General Assembly: 2 May 2014)

1967 refugee convention and protocol defining the rights of refugees.¹⁵⁷They have already missed two school years and therefore cannot afford to waste the time outside the classroom alluded to by the international amnesty so it is mean the Bangladesh government and many NGOs are working on this.¹⁵⁸

CONCLUSION

It should be considered that the right to education for refugees could be used as a sign of the global crisis and, in a quite particular way, of the situation in Europe.¹⁵⁹ This appears to be split seen between acts establishing and upheld and how these values have been applied to citizens.¹⁶⁰ While the route is indeed decided and the development plan is produced, there appears to be a little route, strategy, and governance.¹⁶¹ While human rights are developing more and more constructively in the international agreements, the treaties, and the laws of the nations, communities have seemed to have matured in various directions and piers: very engaged and hard-line on the one hand, and tactless to the values part of all human rights¹⁶². Those who see the alternative to the population ages, some build a fence to shield the refugees.¹⁶³ Until then, governance does seem to have disappeared, and the perception of lack of vision has prevailed.¹⁶⁴ From an angle to human rights and the path has always been to think about ways of securing the right to an education of refugees, asylum-seekers, and refugees as a means of improving their basic humanity, as a means of developing their maximum capacity, the value of their participation and the perception that humanitarian values are strong foundations at democracy to expand and become sustainable¹⁶⁵ There is, nonetheless, a view held by groups on both sides: Convince of the value of offering an effective solution to the

¹⁵⁷ Muscat Agreement (n 83)

¹⁵⁸ *Ibid*

¹⁵⁹ Vernor Muñoz Villalobos, *Report: The right to education of migrants, refugees and asylum-seekers* (UN General Assembly, 2010)

¹⁶⁰ *Ibid*

¹⁶¹ *Ibid*

¹⁶² *Ibid*

¹⁶³ Colin Power, *The Power of Education: Education for All, Development, Globalization and UNESCO* (London: Springer, 2015)

¹⁶⁴ *Ibid*

¹⁶⁵ *Ibid*

issues of refugees and their schooling. This is considered to be by far the most important topic for Europe and the world, both despite the current and the future.¹⁶⁶

¹⁶⁶ *Ibid*