



The Right to Education Denied for Rohingya Refugees in Bangladesh

“If you want to harm a community, you don’t need to kill them, just don’t let them study.”



BURMESE ROHINGYA ORGANISATION UK

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Abstract

A year after almost 700,000 Rohingya fled violence in Myanmar's Rakhine state, education delivery in 27 Refugee camps in Bangladesh remains a significant challenge. This study looks at the main barriers to fulfilling the Right to Education among Rohingya refugees, identifying the key obstacles and proposes recommendations for fulfilling this in the long term. It concludes with recommendations to be considered by aid agencies.

The Denial of Education

Before Mohammed came to the Kutupalong refugee camp, his education was mapped out and the possibilities for future learning open to him. In his small village in Western Rakhine state he attended a government school, a small school but staffed by qualified government teachers and with a mixed cohort of students like him, Rohingya, and also Rakhine. Despite the discrimination he faced from his teacher it was possible to learn, to travel and to one day assume a position at the region's main university in Sittwe.

"This changed in 2012" he said, recalling that sectarian violence which swept across Rakhine state the second half of that year "After that, the teacher kept us in separate classes. One for Rohingya, one for Rakhine. They gave them all the attention - all the resources. The teacher would call us 'Kalar'¹ and would no longer want to teach us".

"If the other students' call me 'Kalar' I can suffer it, maybe. But when the teacher says it..." Mohammed motions toward his chest "It hurts me here. What can I do?"

Mohammed then moved to Buthidaung, a small town in Western Rakhine state. But in his new school the conditions were the same, if not worse. His community and education had become segregated. Some government teachers either refused to work at Rohingya schools or when they did - subjected students to humiliating punishment and neglect. Education became degraded. In 2017, widespread violence erupted against the Rohingya – and with little choice – Mohammed fled Myanmar to neighbouring Bangladesh - along with almost 700,000 others.

Now living in a refugee camp Mohammed no longer attends school. His mobility is restricted, his access to basic social services and protection dependent on his residency in a refugee camp. Education is delivered not by his government, but with the help of international agencies to prepare him for an uncertain future - one that may or may not involve the future education he had in mind.

His own education was interrupted by conflict and effectively denied by long standing discrimination. What education Mohammed does have he uses in a reconstructive capacity in the camps - he now works as a teacher himself. During the week he teaches Rohingya children in shelters - some no bigger than a small living room - with little resources and little training. In a highly illiterate population and formally uneducated

¹ 'Kalar'; a derogatory term used in Myanmar to describe Rohingya or people of South-Asian appearance.

population, Mohammed finds himself one of the more educated members of his community.

“I’m an educated person, that’s why I have a responsibility to teach. But If I don’t have a proper education myself how can we teach at all?”

Mohammed would like to study in the future but believes this pathway is closed to him. He talks about the future for the younger children and the possibilities they may have to study.

“If you want to harm a community you don’t need to kill them. Just don’t let them study, don’t let them move - in a way that’s bad enough.”

Background to the conflict

Since August 2017 almost 800,000 Rohingya have fled to Bangladesh following violence in Myanmar’s Rakhine state. They join almost a quarter of a million who fled in previous years to what is now the world’s largest refugee camp.²

The Rohingya have fled following a decades-long campaign of discrimination from the Myanmar government implemented through a series of laws and policies, including the removal of Rohingyas’ citizenship and severely restricting their freedom of movement. For Rohingya in Myanmar, the authorities have effectively imposed racial segregation in Rakhine State since 2012 - denying Rohingyas access to university, and restricting them to concentration camps³ with little to access to outside aid or the services they once reached. In 2017 this long-standing campaign came to a head when the Myanmar authorities retaliated against ARSA attacks on police outposts, triggering a response the government described as ‘clearance operations’. However the authorities targeted Rohingya civilians with mass killings, sexual violence and arson - amounting to crimes against humanity.⁴ While the Myanmar government repeatedly denies their security forces committed any such atrocities, a UN-commissioned report recently called for Myanmar’s top military leadership to be investigated and prosecuted for crimes against humanity and genocide.⁵

This is not the first time Rohingya have fled Myanmar to Bangladesh and the makeup of the refugee camps reflects this. Rohingya have fled into Bangladesh since at least the late 1970s, with refugee flows increasing considerably during Myanmar military operations in 1978 and the early 1990s, bringing the total refugee population in Cox’s Bazar to more than one million. Since 1992, however, the Bangladeshi government has not allowed

² Altman, J 2018, *Rohingya Crisis: A firsthand look in the world’s largest refugee camp*, accessed Sep 1st 2018, <<https://wfpusa.org/articles/a-firsthand-look-into-the-worlds-largest-refugee-camp/>>

³ TIME, 2014, *These aren’t refugee camps, they’re concentration camps, and people are dying in them*, accessed August 24 <<http://time.com/2888864/rohingya-myanmar-burma-camps-sittwe>>

⁴ <https://www.hrw.org/tag/rohingya-crisis>

⁵ <https://www.theguardian.com/world/2018/aug/27/myanmars-military-accused-of-genocide-by-damning-un-report>

newly arrived Rohingya to be registered as refugees. The differences between camps housing pre- and post-1992 arrivals are significant - in the two 'registered' camps the populations are officially recognized as refugees and have access to a Bangladesh-government sanctioned non-formal education programme. Those who arrived after the 1990s – including during the massive refugee influx from 2017-18 - do not.⁶

Education before displacement

In Rakhine state, Myanmar, many Rohingya were either denied access to education or what was received was of a poor quality. Prior to the initial sectarian violence in 2012, Rohingya could attend government schools with their Rakhine peers and were also eligible to attend higher education at the region's main university in Sittwe. However in late 2012, following a campaign of state-organized violence, the Myanmar authorities confined many Rohingya to 'open air prisons'⁷ – denying them access or completion at university and permitting them only to study at understaffed and under resourced schools.⁸

As a consequence there is a high level of illiteracy among the Rohingya, with about 73% self-identifying as illiterate.⁹ Rohingya is largely an oral language, so literacy rates reflect comprehension in Burmese only. Teachers in government schools were often Rakhine or Burmese and in some cases represented the main or only source of Burmese language exposure for some Rohingya communities.

Even with access to government schools, overall education in Rakhine is low - with the state having some of the lowest education indicators in Myanmar.¹⁰ Most Rohingya have extremely limited level of learning in Rakhine state, with 46% of children having not completed any grade whatsoever in the formal education system.¹¹ At best, the majority of children have completed up to grade 4 or an average of 3 grades in the Myanmar system.

In spite of this, there remain some Rohingya who have completed basic education, graduated from university, and have worked as teachers for many years. However, Rohingya teachers often had limited access to government teacher training and resources - and used the same discipline-based or rote learning common throughout the Myanmar government education system. There are also reports that since 2017, Myanmar authorities have been targeting teachers and other educated Rohingya - further aggravating the collective capacity for education.¹²

⁶ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p 27

⁷ Amnesty International 2018, *Caged without a roof. Apartheid in Myanmar's Rakhine State*, accessed 10th August 2018 <<https://www.amnesty.org/en/latest/news/2017/11/myanmar-apartheid-in-rakhine-state/>

⁸ CDHH 2016 *Rakhine State Needs Assessment II*, Yangon.

⁹ Translators Without Borders 2017, *Rohingya Zuban*.

¹⁰ REACH 2015, *Joint Education Sector Needs Assessment*, Geneva

¹¹ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p17

¹² Kung, F 2018, *Rohingya say Myanmar targeted the educated in genocide*, The Independent

The Right to Education

The Right to Education is a core feature of many international treaties and legislation for the treatment of refugee and forms a key framework for this study. It conceptualizes education as a human right and features as early as 1948 in the Universal Declaration of Human Rights (UDHR) (Article 26) and the UN Convention on the Rights of the Child. The latter formally legally requires all children within the borders of a country the right to education, regardless of whether they are citizens or refugees. The UDHR states that children have a right to free and compulsory primary education, available secondary education as well as quality and the freedom of parents to choose.

Education is also a core component of more recent movements, such as Education for All (EFA 2000), although the obligation is typically for primary education. Such Rights are often complex, as they theoretically safeguard the right to, in and through education, meaning that it protects the quality, process, and completion of learning beyond a previous narrow focus on access (Tomasevski 2001). Right to Education implies that state education should meet standards in 4 key areas which will be outlined below and will form the conceptual framework for this study.

Many governments have ratified these treaties including Bangladesh with the UN Convention of the Rights of the Child and the UDHR, although it has refused to acknowledge the majority of Rohingya as refugees and the subsequent rights and protections this designation affords.

Methodology

This study will use Katarina Tomasevski '4A's framework, developed a guide for fulfilling the Right to Education by breaking it down into 4 key components. It acknowledges the Right to Education is complex, and the framework aims to secure the right *to, in, and throughout* education.¹³ It understands that the denial of education can take place at both the point of access, but also during the process of learning and must be fully satisfied until its conclusion. For example, the ongoing discrimination of women and girls *while* studying represents a 'major source of the violation'¹⁴ of such a right *in* education, as well as potentially aggravating drop out rates denying overall completion and therefore the right *through* education.

The 4A framework breaks these components down into Accessibility, Availability, Acceptability and Adaptability. It aims to address discriminatory barriers (Accessibility) and the provision of resources such as teacher training and infrastructure (Availability). It

¹³ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

¹⁴ Klees et 2007, *The Right to Education: The work of Katarina Tomasevski*, Comparative education review 51(4) pg497-510

also recognizes context and relevance to a population (Acceptability) and finally the responsiveness of education with a long-term approach (Adaptability).¹⁵

This study was completed through visits to the Kutupalong refugee camps in Bangladesh, where focus groups and interviews were conducted with Rohingya teachers and key informants. Interviews were also held with UN agencies, international NGOs and community based organisations working in education. It also synthesized a range of secondary data and research already conducted in the region.

The Benefit of Education

For refugee populations such as the Rohingya education provides a range of benefits, beyond both for their immediate needs and more long-term aims of political and civic participation.

Quality education has a key protection benefit - keeping children safe by attending regularly in safe spaces¹⁶ which can reduce the prospect of child labour or exploitative work¹⁷ as well as gender-based violence. The socialising aspect of education provides particular benefits to adolescents, where sites of learning can promote positive social networks.

From a more societal perspective, education also has a reconstructive element, as it can provide the skills and capabilities to rebuild societies. For many Rohingya, who have been historically excluded from education in Myanmar, this is even more vital. Education can provide the “intellectual tools to shape the future” or to contribute meaningfully to the host country in which they may now reside.¹⁸ Central to this is the uncertain future the Rohingya face and therefore aspects of education such as new languages, learner-centered pedagogies and accreditation can and should prepare people to cope with any eventuality.¹⁹

From a participation point of view, it is important to note that education allows people to further engage in political processes and civic structures.²⁰ This is all the more important when we consider access to justice and legal protection - especially with the Rohingya playing a future role in legal proceedings or human rights advocacy. Education in this new context may go some way to ameliorating the historic denial of education in Myanmar and may position communities better to advocate for needs, whatever uncertainties the future may bring.

¹⁵ Ibid

¹⁶ UNCHR 2016, *Missing out Refugee Education in Crisis*

¹⁷ UNESCO 2018, *Protecting the right to education for refugees*, Paris pg 24

¹⁸ UNCHR 2016, *Missing out Refugee Education in Crisis* p

¹⁹ Dryden-Peterson, S 2017, *Refugee Education: Education for an unknowable future*

²⁰ UNESCO 2017, *Protecting the right to education for refugees*, Paris, p6

The current state of education delivery

Education in the 27 camps in Bangladesh is delivered by a range of International aid agencies (INGO) community based organisations (CBO) and other national development organisations. Responsibilities vary, however the United Nations Children's Fund (UNICEF) oversees activities through an Education Sector group which meets regularly to coordinate all programming - including curriculum design, teacher training and the development of a new learning framework. Many organisations have educational responsibility for a handful of camps - managing many of the 'temporary learning centres', secular education in Madrassas and 'Child Friendly spaces' as well as coordinating and training teachers.

In practice many of these groups operate very differently in creating their own learning materials, the delivery of basic teacher training and how they approach coordination as a whole. Efforts appear to be made to move toward a common consensus²¹ through the creation of a Learning Framework which is designed to guide further curriculum development. At present however the approach is largely fragmented.

Many agencies are obliged to seek approval for any activities through the Bangladesh government coordinating office, the Refugee Relief and Repatriation Commission (RRRC) and official Bangladesh government policy is that formal education is not permitted.²² However, in practice many classes are permitted to be taught in shelters or religious education in madrassas. Curriculum development does happen, however the government does not permit any instruction in the Bangla language.

The relationship between agencies and the Bangladesh government appears cordial but slow. Learning Frameworks and curriculums have been submitted for approval since February 2018, but have yet to be approved at the time of writing. Non-formal education does exist in Bangladesh and many domestic agencies, such as BRAC, have experience but not the permission to use the official Bangla curriculum.²³

As a consequence, some international agencies expressed that their focus on advocacy was often purely operational - and maintaining access to deliver existing programming rather than actively canvassing for greater flexibility with education. Only a few agencies had dedicated advocacy staff, and 2018 being an election year in Bangladesh highlights the significant operational challenges which already exist, beyond just education.

Crucially, some camps primarily composed of Rohingya who arrived before August 2017, have access to a government-approved non-formal education (NFE) programme and have been officially registered as refugees under UNHCR. The provision of education is here very different, as it is permits government-sanctioned learning of Bangla language with a

²¹ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p42

²² Ibid pg 8-9

²³ IRIN News, 2018, *The Inside Story on Emergencies*, accessed 15th August 2018

<<http://www.irinnews.org/news-feature/2018/05/28/lost-generation-no-education-no-dreams-rohingya-refugee-children>>

certificate of completion. In spite of this, there is no system of accreditation and there remains no formal pathway into the National Bangladesh school system.²⁴

In May 2018 a MoU was signed between UN agencies and the Myanmar government, however it has not been made public. A leaked version revealed no reference to Rohingya ethnic identity or citizenship.²⁵

The Right to Education

Availability

Availability of education in a rights sense refers to aspects of “adequate infrastructure and trained teachers”²⁶ as well the freedom of Rohingya communities to establish their own schools. As quality education requires the availability not only of facilities but also staff, the Right to Education is also inherently linked to the rights of teachers - their training, freedom and quality of service.

Teachers

The recruitment of teachers has presented a consistent challenge in the camps, especially finding those who have fluency in Burmese and who are female. Around 3000 Rohingya teachers have been trained by education sector partners as of March 2018²⁷ although the current teacher ratio of 43:1 is still high, above the INEE minimum standards of 40:1. Many of these teachers have low levels of education themselves, impeding their ability to fully participate in teacher trainings or deliver appropriate instruction. Of the identified teachers who arrived initially in August 2017 - only 21% had post secondary education.²⁸ Previous segregation in Rakhine meant that Rohingya teachers were not permitted to travel or have access to government-run teacher training.

The gendered aspect of teaching is particularly stark, with a shortage of female teachers. Rohingya women are less likely to speak Burmese, with only 6% of female recent arrivals able to read Burmese²⁹ although the number who can speak it is likely higher. This has clear implications for Burmese-language instruction - especially if gender-segregated learning environments are a precondition of families willing to send their girls to school

²⁴ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar p27

²⁵ Refugees International, 2018, *5 Key Priorities to Address for the Rohingya Crisis*, accessed 16th August 2018 <https://www.refugeesinternational.org/reports/2018/8/22/5-key-priorities-to-address-the-rohingya-crisis?utm_medium=email&utm_source=engagingnetworks&utm_campaign=Rohingya&utm_content=2018-08-22+5+Priorities+Rohingya+Crisis>

²⁶ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

²⁷ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar p34

²⁸ UNICEF 2018, *Education Capacity Self-Assessment*, Cox’s Bazar p18

²⁹ Translators Without Borders 2017, *Rohingya Zuban*

beyond puberty.³⁰ Limited female teachers has also been linked to social barriers³¹ such as Purdah, the seclusion of women after puberty which is widely practiced among the Rohingya.³² This, combined with historic denial of education in Rakhine state, presents a crucial challenge for ensuring equitable education. The shortage of female teachers could also have a multiplying effect, by perpetuating and low-enrollment and attendance by girls in the camps.

Many key informants also indicated that many qualified or experienced teachers among the Rohingya existed, but were working in other roles for NGOs.³³ Although not legally permitted to work while in Bangladesh, many refugees are volunteering their services and receive stipends. It is important to consider the opportunity cost of teaching in such situations; while many people may be capable and willing to teach.

Teacher training presents problems in any humanitarian context, with multiple issues such as training backlog, influx of untrained staff and coordination between private and donor-sponsored projects.³⁴ Indeed, significant gains have been made in the camps with positive moves towards basic teacher training.³⁵ However it is important to note that the right to education in this sense is inherently linked to the previous denial of education in Rakhine state over a significant period. While the focus on training has been for primary-level teachers- many teachers have not completed secondary education themselves³⁶ presenting something of a paradox. Dryden-Peterson notes that this focus on primary education may be logical - however it requires teachers who have completed secondary and tertiary education.³⁷ In this instance, viewing the right to primary education must also consider secondary and tertiary education as enabling this - especially for teachers.

Focus groups conducted for this study reported an extremely high level of motivation among some teachers but a low level of teaching ability and self-awareness that their education was 'not yet complete'.

Infrastructure & Facilities

The other aspect of availability concerns resources; chiefly infrastructure and facilities. The freedom of communities to establish schools has been part of international human rights law since creation³⁸ although this fundamental aspect is not being permitted. Bangladesh government policy officially forbids formal education in the camps - or any

³⁰ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar

³¹ CDHH 2016 *Rakhine State Needs Assessment II*, Yangon, p94

³² Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p23

³³ Ibid p6

³⁴ Cardarelli et al 2014, *Solving the education crisis of displaced children*

³⁵ REACH 2015, *Joint Education Sector Needs Assessment*, Geneva p35

³⁶ UNICEF 2018, *Education Capacity Self-Assessment*, Cox's Bazar p18

³⁷ Dryden-Peterson, 2010, *The politics of higher education for refugees in a global movement for primary education* 27(2) p10-18

³⁸ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

permanent or semi-permanent structure deemed to be a school. In practice this process is fairly nebulous, as many key informants have mentioned - education sites do exist under the guise of 'temporary learning spaces'.³⁹ What learning spaces do exist are often under the authority of international agencies with few exceptions being entirely led and managed by the Rohingya community.

These 'temporary learning spaces' are often people's shelters, which are small, lack the infrastructure of facilities that a school may have and are subject to overcrowding.⁴⁰ Teachers often cite the biggest barrier to their work as infrastructure limitations and a lack of basic resources for teaching⁴¹. There is often inconsistent information about facilities - as each shelter and circumstances differ - but broad reports suggest that learning spaces are often single rooms, with students of vastly different ages all attending). Focus groups echo these sentiments - with more specific concerns related to insufficient quantity of textbooks, basic stationary and inappropriate curriculum.

Some significant progress has been made with the creation of over 200 'child friendly spaces' providing key protection, psycho-social wellbeing and nutrition for young children. However these are not available for older children.⁴² There were some reports in the focus groups that the nutritional supplements being offered, while valuable - were 'pulling' children from TLSs which cannot compete in terms of resources or space.

Availability also concerns the quantity of learning spaces as well as the characteristics and resources within them. Of an estimated 919,000 refugees in the camps, more than half are children⁴³ however only 55-60% of them have attended learning centres, a statistic that is even lower for adolescents (4% girls and 14% boys respectively).

Acceptability

Although often challenging in humanitarian contexts, where even basic provision is difficult in itself, fulfilling the Right to Education in the long term requires an education system which suits the needs of the community and is acceptable to them. In a rights sense - acceptability often refers to learning that is "relevant, non-discriminatory and culturally appropriate" and which conforms to "religious, moral or philosophical convictions."⁴⁴ This acknowledges that context is a considerable variable in education - something which features in INEE minimum standards and goes some way to recognizing that education should have both a cultural relevance as well as pluralism in its design.⁴⁵ This includes language, parental choice and curriculum.

³⁹ IRIN News, 2018, *The Inside Story on Emergencies*, accessed 15th August 2018

⁴⁰ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p5 & 6

⁴¹ UNICEF 2018, *Education Capacity Self-Assessment*, Cox's Bazar p13

⁴² Save the Children 2018, *Childhood Interrupted* p17

⁴³ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p8

⁴⁴ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB p29

⁴⁵ Kumar, R 2016, *The right to education*, International Journal of International law 2(2)

The issue of language in Rohingya education is a key aspect of acceptability and presents both a logistic and political dilemma - raising questions about long-term repatriation, immediate needs and ethnic legitimacy. Most international agencies deliver education programming in Burmese and English, reflecting the widespread preference among refugees for Burmese-language curriculum.⁴⁶ Learning of Bengali in the camps is strictly forbidden by the government of Bangladesh, in the belief that refugees will soon return, even though this is cited by Rohingya parents as a desirable language to learn.

Rohingya is a distinct language not mutually intelligible with Bengali - the official language of Bangladesh. Although Rohingya is mutually intelligible with Chittagonian, a regional dialect, the similarity is only 70%⁴⁷; enough of a difference to present significant issues with interpretation, translation and cultural misunderstandings between refugees and aid staff. Many sign boards inside the camps are written in a multitude of languages; English, Burmese and Bengali for example - which few in practice are likely to understand. Many coordination meetings on thematic issues take place in Bengali - therefore excluding the key population from understanding or participating in important decisions regarding education.

Many aid agencies have reported that the language of instruction in Learning spaces is often Rohingya, used to supplement Burmese-language material as overall comprehension in Burmese among arrivals is low.⁴⁸ Needs assessments suggest that the preference for language of instruction is indeed Burmese⁴⁹ although there appears to be much diversity within a population of almost a million as to what second language should be learnt. One focus group reported a school where over 50% of parents requested their children to learn Bengali, while another showed a preference for Burmese. The desire for Burmese curriculum appears to outweigh overall competency in Burmese - presenting a further dilemma - especially if around 80% of the population is illiterate.

The Right to be educated in your mother tongue is a key feature of Education for All (EFA) and has proven benefits to learning.⁵⁰ However, as Rohingya is largely an oral language with no standardized script it presents a significant barrier for the delivery of formal education which often requires written curriculum. Resources have been developed in Burmese by many agencies though none spoken with for this report expressed any plans to develop materials in a Rohingya script citing logistical and political concerns.

Also key to acceptability in education is the notion of parental choice about what languages are studied - but it is clear that is being denied - especially for those wishing to study Bengali. The choice of languages in refugee education can present significant long-

⁴⁶ Translators Without Borders 2017, *Rohingya Zuban*

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar p6

⁵⁰ Global Partnership for Education Accessed

<<https://www.globalpartnership.org/blog/children-learn-better-their-mother-tongue>>

term challenges, not only to the acceptability of education among the Rohingya but their ability to access basic services and make decisions while in Bangladesh. UNESCO indeed appears to support mother tongue education but states that the “priority is the language of the host country in order to ensure integration.”⁵¹

Religious spaces

Different approaches to what is deemed acceptable in education is one of the barriers to the Right to Education, especially regarding camp Madrassas, Islamic religious schools often used as supplementary space for secular education. Where space is at a premium, Madrassas are often some of the largest, most spacious and well-attended sites by members of the public. They often serve as important spaces in the community where religious education can play a key role in supporting ‘spiritual wellbeing’⁵² as well as having widespread status and acceptance among the population. Even if children had not attended a learning space or school since arriving a majority of them have attended a Madrassa.⁵³ Secular education is already being run in some Madrassas, established by the community and often running outside of traditional religious classes. While some Madrassas have reportedly been hostile to secular education many are open and allow it, encouraging and allowing their space to be used for outside education.

In spite of this, the majority of International agencies were not actively working Madrassas with some privately expressing protection issues and uncertainty over their sources of funding as deterrents. However, this notion of acceptability seems at odds with what many Rohingya consider suitable, with many parents, ironically, considering Madrassas are more trusted to provide secular education than NGO-run learning spaces.⁵⁴ This clearly differs for girls, who do not generally attend Madrassas after Purdah although again some reports indicate girls have attended secular classes - suggesting that the Madrassa approach to education is by no means uniform.

In many instances the primary issue with Madrassas appears logistical; with religious activities taking precedence over secular education and teachers and focus groups reporting scheduling conflicts and limited availability of space as well as more common issues of infrastructure.

Community consultation

Acceptability in education cannot be gauged without first understanding what the community considers suitable. Since the exodus of refugees in August 2017, aid agencies have made extremely positive moves in conducting widespread needs assessments, consultations and rapid assessments in often testing circumstances. However, while this

⁵¹ UNESCO 2018, *Protecting the right to education for refugees*, Paris

⁵² Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar p38

⁵³ *ibid*

⁵⁴ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar

informs programming there remains a “gap in coordination with communities”⁵⁵ with the Rohingya themselves largely absent from genuine decision making on education.

While the nature of emergency relief often necessitates the provision of resources quickly, decisions about education have some of the longest term impacts - especially with regard to language, curriculum and pathways to higher education. As Waters and LeBlanc note, refugees themselves are not usually engaged in overall planning.⁵⁶ However it is explicitly mentioned in INEE guidelines that there should be community participation in “analysis, planning, design & implementation” of the education response⁵⁷. Several civil society organisations in Bangladesh have made progress in engaging Rohingya in decision making - however the current structure of education provision, overseen by the UN appears guided by needs assessments and consultations rather than any decision making power from the community. The focus groups echoed these sentiments - in the words of one participant “I know there is now greater funding for education, we have all heard it - but who is asking us how it should be used?”

Refugee issues such as education are inherently transnational, therefore the obligation does not necessarily fall on one nation state to meet all needs and therefore coordination is required. Focus groups echoed many of these sentiments; participants were aware of many of the political movements but were also aware that overall consultation on this process or quality control is minimal. The right to education is also a “civil and political right”⁵⁸ which permits greater political participation, agency and social organisation - however in its current form, the ‘pluralism’ and genuine participation of Rohingya in education decision making appears minimal.

Accessibility

Accessibility in an education sense often refers to the removal of obstacles to education - be they physical, legal or administrative and ensures that such access is guided by non-discrimination.⁵⁹ It recognizes that what is deemed ‘access’ to one person may present a significant barrier to another and such a process must acknowledge a diversity of needs. In a refugee context this presents a big challenge, as steps to include the most marginalized often come second to providing a general provision to as many people as possible.

In its most basic form of physical access, key barriers exist for refugees. The overall lack of learning centres for children is the most obvious, with reports of overcrowding in

⁵⁵ Ibid p28

⁵⁶ Waters, T and LeBlanc, K 2005, *Refugees and Education: Mass public schooling without a nation-state*, Comparative Education Review, 49(2) p129-147

⁵⁷ INEE 2015, *Minimum Standards for Education in Emergencies in Bangladesh* p10

⁵⁸ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB p8

⁵⁹ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

classrooms and many learning spaces at ‘full’ capacity or more.⁶⁰ While approximately 139,000 children have been ‘reached’ by education programming by the end of July 2018, it still leaves over 150,000 who have not⁶¹ despite significant progress in the creation of around 1300 learning spaces. The situation appears more insufficient when considering adolescents, especially age 15-18 who report having no access to the ‘child friendly spaces’ as they are considered too old.⁶² In this instance there is a strong correlation between education access and age - with adolescents reporting far less access to education opportunities than those aged 6-14.⁶³

Geography also plays a role in limiting access, both with high population density of the camps and a region of undulating hills restricting the expansion of new facilities. Beyond this, risks of flooding, unpredictable weather and monsoon rains put those current learning spaces at risk. In addition the distance to learning spaces has been reported as a barrier to children attending, especially among girls, who cite issues of safety.⁶⁴

The issue of limited access to education for adolescents appears a particularly significant priority, especially given that their population of around 117,000 15-18 year olds is underserved, as less than 2% of that have access to education.⁶⁵ This shortfall was echoed by focus group members, many of whom were teachers themselves but had not yet completed their own secondary education. In addition, vocational training for adolescents remains one of the most frequent requests by Rohingya parents.⁶⁶

Common practice in humanitarian relief is to give priority to supporting secondary education, often resulting in “chronic neglect of secondary education services for refugees.”⁶⁷ While access to primary education may satisfy equity goals in the short term (such as protection for women) neglect for secondary and postsecondary education has more long-term consequences for society.⁶⁸ As previously noted, the ability to satisfy the Right to Education at a primary level is often dependent on teachers who have successfully completed secondary or higher education. Long term, it is obvious that the Right to Education cannot necessarily separate the goals of primary and secondary attainment - especially if the “multiplying effect’ education has on other goals, such as gender equality, is to be fulfilled. The reports that Rohingya teachers have been targeted or killed prior to displacement⁶⁹ only heightens the need for investment in post-primary education.

⁶⁰ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar p9

⁶¹ ISCG 2018, *Situation Report Rohingya Refugee Crisis*, Inter sector Coordination Group

⁶² Save the Children 2018, *Childhood Interrupted* p17

⁶³ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar p4

⁶⁴ Ibid

⁶⁵ ISCG 2018, *Situation Report Rohingya Refugee Crisis*, Inter sector Coordination Group

⁶⁶ Cox’s Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox’s Bazar

⁶⁷ UNHCR 2015, *Secondary Education for Refugee Adolescents*, Education Issue Brief 6, Geneva

⁶⁸ Dryden-Peterson, S 2011, *Refugee education: A global reviews*, UNHCR p29-40

⁶⁹ Klung, F 2018, *Rohingya say Myanmar targeted the educated in Genocide*, The Independent, Accessed on September 3rd <<https://www.independent.co.uk/news/world/asia/rohingya-crisis-latest-myanmar-targeted-educated-muslims-genocide-refugees-a8383706.html>>

The same applies for access to higher, or tertiary education such as university. Given the scale and degree of the relief effort, it is understandable that attention to higher education has not been given. Refugee education is often financed through emergency funds, leaving little room for long-term planning.⁷⁰ However the benefits of higher education are clear; graduates are able to contribute to post conflict reconstruction⁷¹ (UNESCO 2017 protecting the right to education for refugees) and can contribute to the overall social capital of the community.

The Right to Education long-term

When considering the fulfilment of the right to education, it is important to consider the often protracted nature of conflict and the impact this has on education priorities, planning and delivery. As of 2014, the average length of exile for refugees was 25 years,⁷² almost 3 times longer than it was in the early 1990s. While Rohingya have been fleeing to Bangladesh since the 1970s, the current scale sets a new precedent in which the future scope of education is anything but certain. Acknowledging that this conflict and displacement may not be temporary requires rethinking, as often education is conceptualized as a return to 'normalcy' with the assumption that conflict will be short lived.⁷³

The debate between long-term vs short-term priorities often echoes a broader debate about competing humanitarian and development priorities⁷⁴ as education funding for this particular crisis short-term leaves little room for long-term planning. While there appears to be a long-term desire to repatriate among many Rohingya, these desires often change over a protracted stay in camps.

It is important to consider that the Rohingya are just one of many ethnic groups from Myanmar who have fled violence and currently reside in Refugee camps. Large numbers of refugees of mainly Karen or Karenni ethnic groups have been in Thailand since 1995, with the first refugees arriving in around 1984.⁷⁵ Opinions from those camps were often mixed on the future priorities - from resettlement to a third country being the most popular and remaining in Thailand the second.⁷⁶ Many of the long-term issues surrounding education parallel those in Bangladesh - from the political unpopularity to

⁷⁰ Dryden-Peterson, S 2011, *Refugee education: A global reviews*, UNHCR p29-40

⁷¹ UNESCO 2017, *Protecting the right to education for refugees*, Paris

⁷² Crawford et al 2015, *Protracted Displacement: Uncertain paths to self-reliance in Exile*, London: Overseas Development Institute

⁷³ Dryden-Peterson, S 2017, *Refugee Education: Education for an unknowable future*, Curriculum Enquiry 47(1) 14-24

⁷⁴ Dryden-Peterson, S 2010, *The politics of higher education for refugees in a global movement for primary education*. Refuge 47(2)

⁷⁵ Burmalink 2015, *Background: Thai-Burma Border refugee camps*, accessed on September 1st <<https://www.burmalink.org/background/thailand-burma-border/displaced-in-thailand/refugee-camps/>

⁷⁶ *ibid*

plan for the extended presence of refugee⁷⁷ to the creation of education systems linked neither to Myanmar nor their host country. While it may be unwise to draw conclusions at this time, it is important - for the long-term fulfilment of rights to consider what lessons can be drawn from Myanmar's history.

The issue of education accreditation may be one aspect to consider as a point of comparison; although many schools on the Thai-Myanmar border camps offer superior education to that in Myanmar, only a handful of them are accredited - and most with international certification only. Lack of accreditation presents one of the most significant long-term challenges for refugees -as it is often essential for access to the labour market and for future studies.⁷⁸ It is important here, to recognize the cross-cutting nature of education of impeding access to other rights as, both individual and collective, civil and political.⁷⁹ In its current state, no agencies on the Bangladesh border appear to be publicly pushing for any form of accreditation, with the possible exception of the registered camps who deliver semi-accredited non-formal education. Similarly, the INEE makes no mention of accreditation or certification in its guidelines.

Adaptability

The final aspect of the right to education is adaptability; shaping an education system which “evolves with the changing needs of society”⁸⁰ and aims to suit contextually specific needs. Having a flexible education system presents considerably challenges, especially in the current state for the Rohingya where even basic education needs are not satisfied. Crucially though, adaptability is often viewed from the perspective of the child as a future adult and what competencies or functional skills they need, in this case - for an uncertain future.

Adaptability is a key consideration for working children, or those who have other commitments to their families outside of school. We know that the opportunity cost of attending school is a barrier; children in the camps are often sent to collect food distributions or complete household chores on behalf of their families.⁸¹ Many participants in the focus group echoed the challenges of scheduling - with many students leaving class at points during the day to assist with food collections. The demand on their time appears to increase with age; more so as they reach adolescence (15-17), and the increased desire from parents for their education to focus around vocational training.⁸²

⁷⁷ Dryden-Peterson, S 2017, *Refugee Education: Education for an unknowable future*, Curriculum Enquiry 47(1) 14-24

⁷⁸ UNESCO 2017, *Protecting the right to education for refugees*, Paris

⁷⁹ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

⁸⁰ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

⁸¹ Save the Children 2018, *Childhood Interrupted* p17

⁸² Cox's Bazar Education Sector, 2018, *Joint Education Needs Assessment*, Cox's Bazar

In a refugee camp context, the “labour reality is very much local”⁸³ and so the demands on children outside of school are likely to be very different than when families lived in Rakhine state.

Conclusion

The Right to Education acts as an obligation on states and providers to deliver minimum standards in education so as to equip people with the political, intellectual and social tools needed for life. In a short space of time, aid agencies have made considerable progress in mobilizing resources and personnel to provide basic education, as has the government of Bangladesh in accepting over 1 million Rohingya refugees. However, decisions about education - and how the Right to Education is realized often have some of the most long-term impacts on livelihoods, access to labour and future pathways. It is clear that while many aspects of the Right to Education remain unfulfilled, some particular features merit closer consideration.

Any long-term approach to fulfilling the Right to Education must be acceptable and contextually appropriate to the Rohingya community - however without genuine decision-making power it remains to be seen how acceptable any initiatives can be to the community. Clear decision-making processes for the Rohingya are often lacking in humanitarian programming - understandable given the time and resource pressures - but the consequences of these decisions go far beyond the short-term contracts of humanitarian staff and so it is vital education begins to match genuine needs. Assessments and consultations go some way to identifying needs, but acceptability of education is unlikely to be achieved without involving the community in the important decisions.

Key to this are the removal of political obstacles working against education; namely the government of Bangladesh forbidding formal education or the learning of Bangla in the camps. It is essential to both the access and acceptability of education that communities have the freedom to establish their own schools - with the curriculum and language of their choosing. While politically unpopular - such permissions should acknowledge the reality and potentially protracted nature of the situation. The non-formal education (NFE) programme and Bangla language classes are already being delivered in the registered camps - this recognizes the reality of the situation and should be permitted for the rest of the population.

Finally, the interconnectedness of different aspects of the Right to Education should be acknowledged; particularly the relationship between primary and secondary/higher education. Long-term, one cannot exist without the other and so investment is needed in secondary level education to ensure that primary level teachers have the skills and abilities necessary to ensure that basic education is delivered. The historic denial of education for many Rohingya only adds a cumulative effect.

⁸³ Tomasevski, K, 2001 *Human Rights Obligations: making education available, accessible, acceptable and adaptable*, Gothenburg, Novum Grafiska AB

Education for the Rohingya in the refugee camps is delivered from a humanitarian emergency perspective. While it is commendable that international and local agencies have achieved a great deal, long-term education requires a different approach. It is vital that the agency of the Rohingya community to effect their own decisions on education be realized, as well as the tools and permissions to deliver the language, curriculum and skills needed for an uncertain future.

This study had clear limitations in its time frame and scope - many aspects of education for the Rohingya remain underexplored - including the more gendered aspects of education, inclusion and disability. Additionally, further research into the lessons of management and strategy for education systems in Myanmar's eastern refugee camps should be explored through research to add further context to this particular issue.

Key Barriers to education

Government restrictions: The Government of Bangladesh's policy forbidding formal education and the learning of Bangla language restricts both the choice and availability of education as well as the construction of adequate schools, delivery of teacher trainings and the broader operations of international and local agencies.

Humanitarian planning: Humanitarian education provision, while effective at mobilizing resources quickly, is often short-term in funding and focus, therefore lacking the long-term planning necessary for education in a protracted conflict. Planning for a potentially protracted stay runs counter to government permissions, as mentioned above.

Community consultation procedures: There are limited avenues for Rohingya communities to make decisions about what education looks like in the refugee camps, which has an adverse affect on the overall acceptability and adaptability of education. While consultations and assessments have taken place, genuine community decision making remains largely absent.

Infrastructure limitations: The current shortage of available learning centres, adequately trained teachers as well as significant distance to the centres presents a clear physical barrier to the access of education. This also includes the geographic limitations of the sites.

Teacher availability: The quality or availability of trained or suitable teachers among the Rohingya is low - especially for female teachers, which has a direct impact on the quality and equity of education for girls.

Recommendations

Develop clear avenues for the Rohingya community to have genuine decision making in education. It is vital for the acceptability of education both short and long-term that any

education system/s reflect the desires and direction of the population, beyond consultations and assessments.

Consider the creation of a Rohingya Education Organisation/s with program delivery capacity and teacher training. This could potentially serve as a community-led education base with which international agencies could work with as a genuine platform for community-driven decision making.

Permit formal education programmes in the refugee camps and the learning of Bangla language, if desired. This is already permitted in the older, registered camps to a degree and so the necessity and value has already been recognized. Improving the quality, delivery and funding for education is dependent on permissions granted - especially granting communities the right to establish their own schools.

Conduct research on lessons learned from other non-state education systems, especially those established in Myanmar's eastern refugee camps in Thailand. An examination into the other protracted conflicts in Myanmar and the establishment of refugee-specific education systems could aid understanding and recognition of best practices.

Invest in adolescent & secondary level education. Education programmes should acknowledge that the right to primary or basic education is unlikely to be fulfilled without having qualified teachers who have a higher level of education themselves. A long-term approach should recognise the interconnected aspects and the role of education for adults in broadening civic & political participation.

Consider Madrassas for education delivery. While this has already been recommended in existing reports - the number of organisations actively engaged with Madrassas remains small. As a key community resource and site, many Madrassas are already active in delivering education.

The Right to Education Denied for Rohingya Refugees in Bangladesh

December 2018

Burmese Rohingya Organisation UK (BROUK) was founded in 2005 by a group of Rohingyas living in the United Kingdom. BROUK highlights the plight of the Rohingya people in the international arena, including at the British Parliament, European Parliament, the European Commission, the US Congress, US State Department and US Senate, UN Indigenous Forum in New York and UN Human Rights Council in Geneva.

BROUK is one of the leading voices for Rohingya people and plays a unique role internationally in the provision of information about the situation of the Rohingya, engaging in education activities, operating on a global scale with governments, media, NGOs and Rohingya and other communities from Burma.

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