

DISSERTATION

ON

Right to Education of the Refugee Children: An Analysis of the United Nations High Commissioner for Refugee's Education Programs

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Sayeed Hossain Sarwar

Senior Lecturer,

(Department of Law)

East West University

Submitted By

Mushira Hossain Tazin

ID: 2018-3-66-029

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Consent Form

The Dissertation titled — **Right to Education of the Refugee Children: An Analysis of the United Nations High Commissioner for Refugee’s Education Programs** prepared by **Mushira Hossain Tazin**, ID: **2018-3-66-029** submitted to **Sayed Hossain Sarwar sir (Senior Lecturer, Department of Law, East West University)** for the fulfillment of the requirements of Course 406 (Supervised Dissertation) for LL.B. (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Signature of the Supervisor

Date:

Acknowledgement

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Declaration

I, **Mushira Hossain Tazin**, bearing student ID: **2018-3-66-029**, hereby declared that, this thesis paper titled “**Right to Education of the Refugee Children: An Analysis of the United Nations High Commissioner for Refugee’s Education Programs**” was entirely prepared by me under the supervision of **Sayed Hossain Sarwar, Senior Lecturer, Department of Law, East West University** for my graduation requirement.

I further declare that, this is my original work and the content of this thesis paper has not been submitted or published by any journal, newspaper, or article. The content and materials used for this thesis paper are acknowledged duly and recognized in the references and properly cited.

.....

Signature

Mushira Hossain Tazin

ID- 2018-3-66-029

(Department of Law)

East West University

ABSTRACT

Right to education of the refugee children's is one of the basic rights. United Nations High Commissioner for Refugees, this agency has been working since 1950 for ensuring the rights of the refugees under legal obligations. Eventually, this agency alone could not implement much in the education sector of the refugees as result more than half of the refugee children were out of school and mostly 2% to 3% of the refugee students could hardly reached to the level of higher education. Afterwards, UNHCR introduced the education programs in the beginning of the twentieth century and those programs started working to improve the education system for the refugees. Not only improved but the education programs introduced digitalization and helped the UNHCR to overcome from their various crisis as well. This study tried to analyze the accountability and obligations of UNHCR and the states also tried to identify the difference between the situation of before and after introducing the education programs by UNHCR. This research also tried to highlight that, education programs prioritize in the part of esurient the quality education for refugee students; apart from ensuring the growth of the numbers of refugee students. As education is one of the primary goals of UNHCR to achieve.

LIST OF ABBREVIATIONS

UDHR	Universal Declaration of Human Rights.
UNHCR	United Nations High Commissioner for Refugees.
UNICEF	United Nations International Children's Emergency Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN	United Nations.
IDP	Internally Displaced Persons.
ECOSOC	United Nations Economic and Social Council.
NGO	Non-Government Organization.
AAP	Accountability to Affected People.
EAC	Educate a Child.
YEP	Youth Education Program
AE	Accelerated Education
INS	Instant Network Schools.
ICCPR	The International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

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Chapter One

Introduction

1.1 Background of the Study:

The right to education is one of the basic rights of every human being around the whole world, and there's no exception about it. Similarly, this rule is also applicable for refugee children and they are also compatible to get this right according to the UDHR's universal right to education for all.¹ Though, this rule is applicable under humanitarian law apart is from this there are international declarations available to protect the rights of the refugees. This research paper aims to deal with a specific international agency and this agency is working since 1950, this is the most renowned one named, United Nations high commissioner for refugees UNHCR. This has been working to give protection to the rights of the refugees. Therefore, so many problems related refugees has been solved already but in a recent survey report from shows that, still close to half of the refugee children are out of the school² and they are almost 3.7 million in number. From the source of United Nations Educational, Scientific and Cultural Organization (UNESCO) on 2017 reported that, 63% of refugee children are taking primary school's education but only 24% of among them are moving towards the secondary education and sadly only 3% from those secondary school is moving towards the higher education.³

However, the international agency adopted by the General Assembly, the United Nations High commissioner for refugees UNHCR has failed to provide the minimum educational facilities for every refugee child and currently introduced few education programs and this research paper will analyse the international obligations of UNHCR to ensure refugee children's education, the

¹ The Universal Declaration of Human Rights, 1948, Article 26(1)

² 'Primary and Youth Education ' (*UNHCR Global EDUCATION* , 2022) < <https://www.unhcr.org/what-we-do/build-better-futures/education> > accessed 16th July 2023

³ Ibid.

situation after adopting those programs to ensure the quality education and the implementation of ensuring education for all of the refugee children.

1.2 Research objectives:

This research paper aims to identify, the reasons of not ensuring the right to education of the refugee children by UNHCR. This thesis paper aims to provide the research about the previous and current (after introducing the education programs) situation of the refugee children's education. Additionally, in which points the United Nations high commissioner for refugees UNHCR's crises and the obligations of this agency to provide education those refugee children.

1.3 Research Question:

This research deals with the following questions-

1. Whether UNHCR failed to ensure the right to education for refugee children under legal obligations without the support of the education programs or not?
2. What are the current implementations of the refugee children's education after introducing the education programs?

1.4 Research Methodology:

This is a doctrinal and qualitative research. The primary sources of this research paper are statutes, international declarations and treaties. The secondary sources of this research paper are websites, journals, articles, reports, publications. This paper will give an analysis about United Nations high commissioner for refugee UNHCR's steps towards implementing the education system by introducing education programs for refugee children and the points under which should be taken into consideration to improve those specific systems. Additionally, this research

paper will also provide an overview on the current situation of the refugee children's education under international and state obligations.

1.5 Literature Review:

All of displaced refugee children globally are included as the subject of this research paper and the significant challenges they have faced throughout their education journey the crisis of the agency UNHCR environmentally, socially and economically. The book "The Oxford Handbook of International Refugee Law" by Costello carried out the detailing about the international instruments to protect refugee rights. Another study by Ms. Kate Jastram named, "REFUGEE PROTECTION: A Guide to International Refugee Law" has mentioned gave an international overview on the protection of refugee rights. The "Problems of Protection: The UNHCR, Refugees, and Human Rights" edited by N. Steiner and others has carried out the about the crisis of UNHCR in case of protecting the right of refugee's and the periods of UNHCR are differently discussed. Apart from those books, there is "UNHCR Global website" this site concludes the statistics of each year differently, protocols, reports about refugees and every current updates. Not only those but this website also includes UNHCR Global Trends and statics of every year.

This research paper aims to identify the loopholes of UNHCR to giving protection to the refugees and prove that, introducing education programs has been effected positively on the educational part of the refugees. UNHCR alone could not ensure the education for most of the children.

1.6 Limitations of This Research:

The main limitation of this research paper is the time limit. As, right to education for the refugee children is a vast area to discuss about, there are huge materials available about this topic but due to lack of time this research paper will deals with some specific materials only. Also, there are so many journals, reports and books which are restricted to access that is another limitation. This topic is about "refugee children" so, the accurate research could be done by in- person surveys or

by taking their interviews but however, there's also a limitation for being a student to take permission from the authorities of those specific areas and travel to those places would be costly for me. That is why field research is also a limitation of this research paper.

1.7 Conclusion:

The main subject of this research paper is “refugee children” and this research paper will be specifically deal only with the right of “education” of the refugee children. This Chapter includes the essential parts of this research paper; background of the study, objects, hypothesis, research mythology, literature review and the limitations of this research. The next chapter will be discussed about the, introductory parts and conceptual definitions of this research paper; to make a clear view over the subjects and objects of this research.

Chapter Two

Conceptual Framework & Historical Development

2.1 Introduction:

The concept of ensuring refugee children's educational right is quite known to all. Whenever it is all about any of the right of refugees, the first name came into the discussion is United Nations High Commissioner for Refugee UNHCR. As this agency tried to implement the rights of the refugees since 1951 and afterwards introduced few education programs for refugees. Those education programs are playing a major role in case of implementing the education system of the refugee children. In this chapter, I will discuss about the definition of the refugee children, historical development of their (refugee children) educational right, the concept and the basic obligations of UNHCR.

2.2 Definition of Refugee Children:

The term "Refugee" basically used for those specific persons who, are forced to migrate from their own country to another country and the reason of their migration is heavily fear of being persecuted for their race, religion, nationality, political opinion or membership in a particular social group.⁴ Any one of those reasons could be the reason of their migration. The present convention mentioned that, the human beings who are below eighteen years old would be considered as child under the law.⁵ So among those refugees whoever, does not crossed the minority period (under eighteen years old) of their life are called "refugee children" here are total

⁴ The Refugee Convention 1951, Article 1(2).

⁵ Convention on the Rights of the child 1990, Article 1

43.3 million refugee children exist in the whole world and among all of the refugees, almost 40% of them are refugee children.⁶

2.3 The United Nations High Commissioner for Refugee's Concept and obligations:

The United Nations High Commissioner for Refugees UNHCR is an agency which was adopted by the General Assembly in 1950.⁷ Since then UNHCR is working to protect and assist refugees and internally displaced persons (IDPs) and faced multiple crises on giving vital protection to the refugees. This agency wanted to make sure the basic fundamental rights of any other human being to introduce as a refugee's right. As they are asylum seekers, so every other people around the world are not willing to give all the rights in every situation. However, UNHCR faced challenges to provide protection in various factors such as inadequate funding is one of the biggest problems. Also, political obstacles are also an issue here, the complex migration patterns is a challenge for this agency. Sometimes states are not cooperative towards the commission and create more difficulties and sometimes UNHCR have to face negative public sentiment or misconceptions about refugees. Even after facing all the difficulties, UNHCR is still actively working for making sure the welfare of the refugees. UNHCR is primarily accountable to the United Nations General Assembly and Social Council (ECOSOC). Years after years, this commission UNHCR has developed their working process and collaborated with governments, other UN agencies, NGOs and introduced so many programs as well. Apart from those bodies, this commission UNHCR is accountable to few policies such as Accountability to Affected People (AAP), Age, Gender and Diversity policy and (IPD) policy for internal displacement.

⁶ 'UNHCR Refugee Statistics' (*UNHCR The UN Refugee Agency, 2022*) < <https://www.unhcr.org/refugee-statistics/> > accessed 28th July 2023.

⁷ 'INTRODUCTORY NOTE' (*STATUTE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, 14TH DECEMBER 1950*) < <https://www.unhcr.org/sites/default/files/legacy-pdf/3b66c39e1.pdf> > accessed 9th August 2023

2.4 Concept of the Education Programs:

Education program refers to a set of organized learning educational activities designed to develop the knowledge, understanding, skill and opportunities for a student. The concept of introducing educational programs is not ancient. To implement the education quality, in the beginning of the 21st century most of the education programs started incarnate. UNHCR's education programs are framed by Universal Human Rights Instruments, those programs are also crucial to achieve the four goals of UN's Sustainable Development to ensuring inclusive and quality education for all.⁸ Apart from implementing the minimum or primary educational system, several scholarships are given through those education programs to create opportunities for higher studies as well.

2.5 Historical Development of Refugee Children's Educational right:

This right to education for refugee children is one of the basic rights of them and this is a universal right. UN Charter gave universal respect for all the living human being to protect their basic human rights and fundamental freedoms without any distinction.⁹ The Universal Declaration of Human Rights (UDHR) was adopted in 1948 by United Nations General Assembly.¹⁰ This declaration (UDHR) contains the outline of the basic human rights among all those rights the right to education is one.¹¹ Since, nineteenth century education right was recognized for every human being and till today, everyone have the right to get free education at least till primary or elementary level, under this declaration (UDHR). However, those rights are given under humanitarian law but there are countless examples of violating those human

⁸ 'Spotlight' (UNHCR: Global Focus, 2022) < <https://reporting.unhcr.org/spotlight/education> > accessed 7th August 2023

⁹ UN Charter 1945, Article 55.

¹⁰ 'History of Declaration the United Nations' (*United Nations Peace, Dignity and Equality on Healthy Planet*) < <https://www.un.org/en/about-us/udhr/history-of-the-declaration> > accessed 29th July 2023

¹¹ The Universal Declaration of Human Rights 1948, Article 26.

rights.¹² Even, adoption of this particular declaration internationally was the reason of experience the Second World War.

Apart from those, there are several international declarations, conventions and treaties further to the (UDHR) those specifically and expressly mentioned the rights of the refugees. An International Covenant adopted by General Assembly resolution in 1966; mentioned about educational right for in generally all, also mentioned that primary education should be compulsory and free in the whole world.¹³ The convention relating to the refugees was adopted by the General Assembly of the UN in 1950 aftermath, the Second World War and the Protocol Relating Refugees provided the criminal foundation to protect the rights of refugees in 1967.¹⁴ The outline of the Convention relating the Status of the Refugees mentioned about the freedom to give religious education to their children¹⁵ and the same convention also mentioned about the public educational right for the refugees.¹⁶ This was the very first convention which analysis the profoundness of the necessity of insuring the educational right of the refugees and discussed, refugees will get education just like any other citizen of the state nevertheless the refugees should be recognized by certificate, degrees, scholarships and diplomas. UN General Assembly's adoption of United Nations High Commissioner for Refugees UNHCR in 1950 has been a remarkable development for ensuring educational right for the refugee children. Afterwards, to implement the education system and increasing the educational facilities this commission UNHCR has introduced few education programs like, Educate A Child (EAC), DAFI Scholarship program, Youth Education Program (YEP), Accelerated Education (AE), Instant Network Schools (INS) program and many more.¹⁷ In the beginning of the 21st century those programs started working with UNHCR to implement the educational system of the refugees and

¹² 'What is International Humanitarian Law?' (*ICRC: ADVISORY SERVICE ON INTERNATIONAL HUMANITARIAN LAW*, 2004) < https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf > accessed 30th July 2023

¹³ International Covenant on Economic, Social and Cultural Rights 1966, Article 13.

¹⁴ Convention and Protocol Relating to the Status of Refugees (1967). < <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees> > accessed 12th August, 2023

¹⁵ The Refugee Convention 1951, Article 4.

¹⁶ Ibid, Article 22.

¹⁷ 'Education, Four UNHCR education programs transforming the lives of young refugees' (*Refugee Stories*, 24th January, 2023) < <https://www.unrefugees.org/news/four-unhcr-education-programs-transforming-the-lives-of-young-refugees/> > accessed 12th August, 2023

provided digital facilities of the current world. Till today those education programs are providing different education facilities to the refugee children.

2.6 Conclusion:

In this chapter, I have discussed about the introductory part, by mentioning the basic definitions on the subject of this research paper. Also, the historical part, how years after years, UNHCR worked for the rights of the refugees to be implement and the accountabilities of this agency UNHCR towards few bodies and policies briefly. However, the next chapter will be providing a brief discussion about the education and the obligations of the UNHCR and states to provide education to the refugee children in detail.

Chapter Three

Overview on the Education Programs and Obligations of UDHCR

3.1 Introduction:

Displaced refugee children also deserve the opportunity to get the proper right to get educate with their full potential however, millions of displaced refugee children are still out of school; facing various challenges to accessing education. To reach on the goal of insuring the quality education for the displaced refugee children the agency UNHCR, currently introduced education programs which are removing the difficulties for the youth. In the previous chapter, the concept of the education programs has been discussed; each of the programs is currently working differently for implementing the education system of the UNHCR. This chapter aims to analyze the brief discussion on education programs. This chapter also aims provide the discussion of those obligations of UNHCR which are relatable to the refugee children's education to analyze how much they could realize their rights under international law.

3.2 The Era of Introducing Education Programs by UNHCR:

In the beginning of the twenty first century, the agency UNHCR started introducing education programs. Those education programs are currently focusing on achieving the goals of UNHCR which is, ensuring the quality education for all of the refugee children. Education is one of the greatest investments.¹⁸ This investment on the education can convert the refugee community into

¹⁸ 'Education is a fundamental human right And it is at the core of UNHCR's mission, as a means to protect, connect, and empower refugees in both emergency and protracted situations ' (*Global Focus UNHCR Operations Worldwide*) < <https://reporting.unhcr.org/spotlight/education#:~:text=Our%20education%20programmes%20are%20also,lasting%20change%20for%20refugee%20communities> > accessed 28 August 2023

asset from liability for a state. Whereas, the agency UNHCR is trying to ensure the refugee children's educational right, the education programs bring a dimension on it. In the world of, creating various crises on the working process of the United Nations High Commissioner for Refugees, introducing education programs was one positive support of this agency UNHCR. Those programs are not that ancient and digitalization has been introduced by those programs towards the refugee children already. Around in the beginning of the twenty first century, those programs were adopted and those programs were the main reason to modernize the process of education of UNHCR. On this part of my research paper, I am going to discuss about few ongoing education program's current situation and those program's involvement to digitalize the process of insuring education to the refugee children.

3.2.1 Educate A Child Program:

Educate a Child (EAD) one of the ongoing program of UNHCR is introduced in 2012 and still working to helping refugee children to attend schools in Africa, Asia and Middle East. When more than half of the refugee children is out of the school according to the most recent annual report of (EAD), this partnership between (EAD) and the agency UNHCR helped over 1.2 million children to gain the primary education and reduced the risk of dropping out children.¹⁹

3.2.2 Accelerated Education (AE) Program:

This program basically works for those children or youth who are dropout for the reason of their migration. However, in the current situation this program is playing role for overtaking those children to school who, once went to school and that is more difficult to take an over age children return from school to took him/her back to the school again.²⁰ Those dropout children faces much more difficulties than the other students, as there would be risk of multiple age ranges and considerable protection risks in mixing between the new students and the dropout ones.²¹ Instant Networking School was introduced by UNHCR in 2013, and the motive of this

¹⁹ 'Educate a Child' (*Annual Report* , 2020) < <https://www.unhcr.org/media/educate-child-annual-report-2020> > accessed 28 August 2023

²⁰ 'The case for Accelerated Education' [2012] 1(12) Accelerated Education Brief < <https://www.unhcr.org/media/accelerated-education-brief> > accessed 28th August, 2023

²¹ Ibid.

program is to improve the quality of education through digital technology. There are total 84 Instant Networking School in different countries and currently working with UNHCR, with the vision to connect more five thousand refugee children with digital education by 2025.²² The agency UNHCR is quite ancient, and this program introduced the digitalization to the working process of this agency and digital technology made the agency's goal much easier to achieve.

3.2.3 (Albert Einstein Germany Academic Refugee Initiative) DAFI Program:

This program concludes the facilities of costs, to those students among refugee children who are successful done with their primary education and as the financial crisis is one of the main problem of their dropping out from educational institutions; especially after completing the primary education they cannot effort to study anymore. This program aims to provide various kinds of scholarship not only that, tuition fees, study materials, food, transport and accommodation.²³ This program also aims to protect the strength on education and provide the role models for refugee children by ensuring their higher education just like any other child. (DAFI) scholarship program is one of those programs who, started scholarships packages for refugee children and reduced almost fifteen percent of the rate of dropout refugee students already.²⁴ Any eligible candidate can apply for the scholarship of this program via online application.

3.3 UNHCR and State Obligations to Provide Education to The Refugee Children:

3.3.1 UNHCR's Obligations under International Covenants:

²² 'Instant Networking Schools' (*Vodafone Foundation Publication*) < <https://www.vodafone.com/vodafone-foundation/focus-areas/instant-network-schools> > accessed 28th August, 2023.

²³ 'Supporting Refugees in Higher Education since ' [1992] 06 DAFI SCHOLARSHIP PROGRAMME < <https://www2.daad.de/medien/microsites/the-other-one-percent/poster-dafi-dafi-scholarship-programme-maren-kroeger.pdf> > accessed 28th August 2023

²⁴ 'DAFI Tertiary Scholarship Program' (*UNHCR global website*, 2014) < <https://www.unhcr.org/what-we-do/build-better-futures/education/tertiary-education/dafi-tertiary-scholarship-programme> > accessed 28th August 2023

UNHCR have some obligations under international conventions, treaties and covenants to provide education to the refugee children. On this part, the obligation under those specific conventions, treaties and covenants will be discussed. The International Covenant on Civil and Political Rights (ICCPR) mentioned to undertake the respect for the liberty of parents applicability and legal guardians to ensure education of their children.²⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR) mentioned about the educational right more elaborately and particularly about the different stages of education; additionally mentioned that education of primary stage should be compulsory and free for every human being.²⁶ Apart from those international conventions UDHR mentioned about the educational right which is already been discussed and UNHCR is bound to ensure the right to education for the refugee children under those international legal obligations.

3.3.2 UNHCR's Obligations under Policies:

UNHCR has been developed their tradition of academic scholarship and many international policies and programs has been involved and become an integral part of this agency UNHCR.²⁷ Digitalization, scholarship facilities and ensuring higher education has started from this the beginning of twenty first century. From the starting of this era, UNHCR's accountability towards policies and projects arises, such as a policy covers all the persons of all ages and genders of concern to UNHCR and this policy is mandatory to follow by UNHCR.²⁸ Similarly, another policy named (AAP) under which UNHCR is accountable to persons of concern from the outset of an emergency until durable solutions are achieved.²⁹ There are many more policies of UNHCR towards whom, this agency is accountable. In this twenty first century, UNHCR overcomes with the problem of protecting the right to education and started the online registered method for the refugee students. Those obligations towards the policies have increased the

²⁵ International Covenant on Civil and Political Rights 1976 art 18(4).

²⁶ International Covenant on Economic, Social and Cultural Rights 1976 art 13 (2a).

²⁷ Costello C & others. The Oxford Handbook of International Refugee Law (1 edn, Oxford University Press 2023) 225

²⁸ 'UNHCR Policy on Age, Gender and Diversity' (UNHCR global website, 2018) < <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5bb628ea4&skip=0&query=age%20gender%20policy> > accessed 1st September 2023

²⁹ 'Programme Cooperation Agreements and other partnership arrangements' (Accountability to Affected People (AAP), 2018) < <https://www.unicef.org/esa/media/7101/file/UNICEF-ESA-Intergrating-AAP-2020.pdf> > accessed 25th August 2023

accessibility of education to the refugee students. One report on refugee's education statistics shows the graph chart of the growth of educational process and refugee's accessibility towards the schools are increasing; the gross enrolment ratio of refugee education in 2019 was up to 70% at primary level, in the secondary level is was almost 32%.³⁰ In 2015, UNICEF's development goal started working to ensure equitable education system; three key components access, quality and safety.³¹

3.3.3 State Obligations for Non-Citizens:

States also have obligations to ensure the right to education for the refugee children. As non-citizens of any state refugees got the opportunity to get those rights under international law and UNHCR is bound and accountable under those laws. International law requires states to defend the rights of the refugees.³² Also, the contracting states shall accord to refugees lawfully staying in their territory with same treatment with respect like other citizens of their country.³³ The States are bound to provide elementary education to the refugees and making the treatments as favorable as possible.³⁴

3.4 Conclusion:

In this chapter, I have discussed about the current situation of the education programs and the of the agency UNHCR on education and the education programs support throughout those years to overcome from those crisis. Those programs are introduced by the agency UNHCR and different incidents analysis related to the refugee children's education and to observe the educational growth of the refugee children.

³⁰ UNESCO Institute for statistics and unhcr (1 ed), Refugee Education Statistics: Issues and Recommendations (UNESCO Institute for Statistics 2021) 12 < <https://www.unhcr.org/media/refugee-education-statistics-issues-and-recommendations> > accessed 25th August 2023

³¹ Ibid

³² Convention relating to the Status of Refugees 1954 art 34

³³ Ibid, art 23

³⁴ Ibid, art 22

Chapter Four

United Nations High Commissioner for Refugee's Crisis Effects on Education & Support of The Education Programs to Overcome Crisis

4.1 Introduction:

United Nations High Commissioner for Refugees UNHCR working process was never easy, since the very beginning they have faced multiple crises or problems. Though, investing on education programs was one of the greatest decisions of this agency UNHCR as because; only education can bring the change in the global community and for the refugee community as well.³⁵ This chapter aims to analyze the crisis of UNHCR, how they overcome from those crises by the support of the education programs. To analyze whether, the agency United Nations High Commissioner for Refugees UNHCR needed this support of those programs to implement UNHCR's education system or not. Also, UNHCR faced multiple challenges to ensure the educational right of the refugee children. Nowadays, those education programs are incising their educational activities to make the process easier than before and digitalization has been started lately. On the previous chapter all the obligations which, UNHCR have under international law was discussed briefly and this chapter will be dealing with the analyzation over those crises which are specifically related to the education of the refugee children.

4.2 Crisis effects of The United Nations High Commissioner for Refugees UNHCR on Education:

4.2.1 Environmental Crisis Effect on Education:

³⁵ 'EDUCATION' (Global Focus UNHCR Operations Worldwide, 2023) < <https://reporting.unhcr.org/spotlight/education> > accessed 3 September 2023

Currently, there are several ongoing environmental crisis the agency UNHCR is facing. Though more or less each of the ongoing environmental crisis is effecting the education of the refugee children but among those crisis so many crisis are also effecting the education curmudgeonly and on that particular moment they cannot even think about their education, let alone about the improvement of it. The current environmental crisis named DR Congo emergency is creating miserable condition and resulting displacement of 5.8 million people³⁶ During DR Congo emergency crises almost 200 civilian were killed, two thousand houses have been destroyed not only that, the clashes of the armed groups demolished eighty schools.³⁷ That recent clash shows a huge impact on the education by demolished those schools thousands of students became dropout and might be majority of those students would not be able to move towards the school again. In reality, refugees are usually in a very miserable situation during those crises. They are not getting any shelter, food, necessary medicine, let alone education. Another ongoing crisis in Syria which is happening for recent earthquakes in February this year, those refugees came from Turkey, Lebanon, Jordan and Egypt.³⁸ Around 5.28 million refugees are facing multiple crises during the recent earthquakes of Syria by not getting enough medicine, blankets or winter clothing.³⁹ On that particular situation they are not even thinking about the education however, UNHCR is trying to overcome from that crisis and giving them necessary equipment but failed to insure the education in this situation. This natural phenomenon effected the education of the refugee children; as because other necessary things such as food, shelter became priority for those refugees of those particular areas.

4.2.2 Inadequate Funding Effect on Education:

In case of insuring the education of the refugee children funding is a major issue here. In most of the situation the agency UNHCR faced this crisis of inadequate funding. Starting from beginning is not an easy task to do, and when refugee migrated from one place to another the children have

³⁶ 'DR Congo Emergency ' (*UNHCR global website*, 1st February 2023) < <https://www.unhcr.org/emergencies/dr-congo-emergency> > accessed 23th August, 2023

³⁷ Ibid.

³⁸ 'UNHCR responds to deadly earthquakes in Turkey and Syria' (*UNHCR global website*, 7 Feb 2023) < <https://www.unhcr.org/sy/22365-unhcr-responds-to-deadly-earthquakes-in-turkiye-and-syria.html> > accessed 25th August, 2023

³⁹ 'EMERGENCY APPEAL "Syria emergency" ' (*UNHCR global website*) < <https://www.unhcr.org/emergencies/syria-emergency> > accessed 25th August, 2023

to start a fresh beginning. On this situation, education is also a way to normalize their mental condition however, people after migration do not think about insuring the education first on that particular point of their life their first priority become to ensure the shelter, food and a healthy life with necessary equipment, afterwards if those rights are fulfilled then they think of the education but in the report about the strategy took by UNHCR mentioned that, refugee children do better in countries that prioritize education of them.⁴⁰ The same thinking goes for the other people of the countries around the whole world; they also create awareness to save a refugee's life first very naturally and later on they think about education. Sometimes States are not willing to give any other funding for refugee children's education, after fulfilling the necessity. As of now, there is an option of donation via online; websites of UNHCR gave this option. Each and every person, from any part of the world is able to donate for refugee children's education. To ensure education there is needs of funding as it needs a lot of equipment to start an educational institute for refugee children. The benefits of education of the children are very clear and well documented whereas the current situations of the refugee children are vulnerable according to the recent research. The access ability of the refugee children are unlike other children around the world. There is a global learning crisis and refugee students are part of this global challenge.⁴¹

4.2.3 Complex Migration Patterns Effect on Education:

The migration patterns of the refugees are not same always, each of the migration has their very own reason and each of the migration is different from the other one. These complex migration patterns of the refugees are scar on the conscience of humanity and day by day, these mixed migratory flows are becoming a problem for international community as well.⁴² Every year globe report shows the number of forced displaced refugees and the graph of those reports are not

⁴⁰ 'REFUGEE EDUCATION 2030: A Strategy for Refugee Education ' (*UNHCR global website*) < <https://www.unhcr.org/media/education-2030-strategy-refugee-education> > accessed 25th August, 2023

⁴¹ Noah Yarrow, 'What is the cost of educating refugee children? A well-funded, effective education system for all' (Education for Global Development, FEBRUARY 28, 2023) < <https://blogs.worldbank.org/education/what-cost-educating-refugee-children-well-funded-effective-education-system-all> > accessed 25th August, 2023

⁴² Johanne Mhlanga, 'REFUGEE PROTECTION IN THE ERA OF COMPLEX MIGRATORY FLOWS' [20th February, 2020] 10(1)(2409-5605) A REFLECTION ON UBUNTU AND SOCIAL WORK PRACTICE < file:///C:/Users/user/Downloads/ajol-file-journals_551_articles_194101_submission_proof_194101-6493-491463-1-10-20200403.pdf > accessed 27 AUGUST 2023

decreased since 2012.⁴³ This globe trade of 2017 also, reveals that, the terrifying figure of refugee migration, intriguing the issue the serious and complex migration flows.⁴⁴

The crisis of UNHCR about this complex migration and state cooperation are interrelated as of, most of the times states are not willing to cooperate to insure the right of the refugee's. According to the states analysis, the migration of refugees is at best ad hoc and worst at disjointed.⁴⁵ Apart from the moral responsibility, international law also requires the state to defend the rights of the migrated refugees.⁴⁶ Basically, the state will be ensuring, if there is any discrimination or cruelty happening with the refugees or not. If those rights are not fulfilled by the state properly or state being not cooperative towards ensuring the rights of the refugees then this convention relating refugee status gave the right that, a refugee can access to the court.⁴⁷ Still end of the day UNHCR is facing the lack of state cooperation towards refugees. In order to uphold the rights of migrants and refugees, requirements and offerings like refugee, schooling needs to be made available to them by state cooperation, which is not happening properly even in 2023. Lack of state cooperation is hampering the educational process of the refugee children badly. Whereas, state have obligations internationally to ensure the right to education but still not most of the states are not willing to give shelter to the refugees, let alone the cooperation.

4.3 Support of Education Programs to UNHCR for Overcome from Crisis:

4.3.1 UNHCR's Initiative During Nineteenth Century:

The United Nations High Commissioner for Refugees is working for the refugees since 1951 whereas, the education programs introduced by this agency UNHCR in the beginning of the twenty first century. So, almost fifty years this agency has been working without any support of

⁴³ 'UNHCR Global Trends 2017, People forced to flee worldwide ' (*UNHCR global report*) < <https://www.unhcr.org/statistics/unhcrstats/5b27be547/unhcr-global-trends-2017.html> > accessed 27 August 2023

⁴⁴ Ibid.

⁴⁵ Johanne Mhlanga, 'REFUGEE PROTECTION IN THE ERA OF COMPLEX MIGRATORY FLOWS' [20th February, 2020] 10(1)(2409-5605) A REFLECTION ON UBUNTU AND SOCIAL WORK PRACTICE < file:///C:/Users/user/Downloads/ajol-file-journals_551_articles_194101_submission_proof_194101-6493-491463-1-10-20200403.pdf > accessed 27 AUGUST 2023

⁴⁶ Convention relating to the Status of Refugees 1954, Article 3

⁴⁷ Ibid, Article 16

the educational programs. On this particular part of this research, there will be discussion about those fifty years. Those past fifty years UNHCR used to socialized occurred around in 1960 to 1970 newly independent under develop countries; UNHCR used to known as a teacher of refugee norms.⁴⁸ In 1970 when this agency took initiative to create the school for refugee children, only 20% of those students with language background other than English and that rate incised into 55% just after making that school public.⁴⁹ On those days the number of the refugee students were not much, compare to the present situation there was only 5 to 10 percent refugee students were attending school.⁵⁰ On the other hand, UNHCR was totally dependent on donors and states for funding operations.⁵¹ An article mentioned about the experiment on starting school for asylum seekers in 1850 on America.⁵² So, the experiments of starting schools for those displaced children are not something new. Years after year, various international convention and protocol has been trying to insure it. The refugee education was controversial in the refugee camps as their thinking about education was not clear and their point was; education is not something essential for survival.⁵³ The importance of education was not much; every refugee prioritizes the other necessary rights such as shelter, food.

4.3.2 UNHCR after Introducing Education Programs:

The access to education is the basic necessity for any other measure that is what UNHCR wanted to ensure and introducing those programs has made the accessibility much smoother than before and made the education limits higher from the secondary levels to across the entire spectrum of

⁴⁸ Niklaus Steiner and others, Problems of Protection The UNHCR, Refugees, and Human Rights (3 edn, Great Britain by Routledge 2003) 5

⁴⁹ Sarah mcdonald and others, ' Educational Research for Policy and Practice ' [18 March 2023] (2023) 22:283–299(1 March 2023) Why school context matters in refugee education < [file:///C:/Users/user/Downloads/s10671-023-09338-3%20\(1\).pdf](file:///C:/Users/user/Downloads/s10671-023-09338-3%20(1).pdf) > accessed 31st August, 2023.

⁵⁰ Ibid.

⁵¹ Niklaus Steiner and others, Problems of Protection The UNHCR, Refugees, and Human Rights (3 edn, Great Britain by Routledge 2003) 6

⁵² Valentina klein, 'The American Asylum for the Deaf and Dumb' [1991] 21(21) A Nineteenth-Century Experiment in Education of the Handicapped 355-375

⁵³ Jennifer Hyndman, 'A Refugee Camp Conundrum' [2023] 28(2) A Refugee Camp Conundrum: Geopolitics, Liberal Democracy, and Protracted Refugee Situations < https://www.jstor.org/stable/pdf/48648626.pdf?refreqid=excelsior%3A75af64c9ebdd5c9455288d8b83b63f27&ab_segments=&origin=&initiator=&acceptTC=1 > accessed 1 September 2023

education. Other necessary facilities also added by those programs such as scholarships, quality education, teacher training facilities etc. The era of education programs started when, UNHCR introduced those towards refugee children. As soon as, the agency UNHCR introduced those programs, those programs started supporting on removing the crisis of the agency UNHCR such as, language barrier is major problem in case of education. Refugee from the different parts of the world displaced from one place to another, with their own language and faced difficulties. On that particular situation, education programs aims to teach those refugee students English as this is an international language more than half of the people around the world is aware of this language. Another crisis of UNHCR is ensuring the quality education which is also the programs trying their best to ensure.⁵⁴

4.3.3 Overview of The Support of Education Programs During COVID-19 Pandemic:

During the Covid-19 pandemic, the schools were forced to shut down around the world. That pandemic affected the education system academically, socially, financially and other environmental aspects were hampered as well. Whereas, reportedly an estimated by (UNESCO) mentioned that, around one million refugee children are getting access to the primary levels of education before pandemic; one year later that estimates falls into 75,34,81,931 students who remain even after the shutdown during the pandemic.⁵⁵ Also, UNHCR faced funding crisis after the pandemic and a large number of refugee students have been unable to access distance learning for the technological barriers. At that time, digitalization was necessary when, the other students around the world were getting access to the distance learning unlike refugee students. This was also a reason of starting digitalization on the education of the refugees by the education programs. However, this pandemic situation proved a significant setback that; the international

⁵⁴ Ibid.

⁵⁵Ellen Lesko, 'Impact of COVID-19' [May 10, 2021] 501(c)(3) (52-1224516) The Impact of COVID-19 on Refugee Education < <https://www.refugeesinternational.org/the-impact-of-covid-19-on-refugee-education/> > accessed 2 September 2023

communities must progress made in improving refugee education and settled an example of recovering and rebuilding stronger can happened.⁵⁶

4.4 Analysis on Real Incidents Related to The Refugee Children's Education:

Refugee education was always a matter of challenge to face; among 43.3 million refugee children around the world most of them are facing those crisis or problems somehow. Interviews of those children's are the reflection of their condition. Most of those children do not even understanding how terrifying the situation is! However, the current situation is much better than before because recently, an article published on a Syrian refugee who mentioned how Switzerland became his home; currently he is completing his higher studies and also became part of a program of UNHCR.⁵⁷ Another refugee teenager who came from Venezuelan, 14 years old Maria talks about the hosting quality education by countries serviced effectively also mentioned about the digitalization on their education and incising the number of her classmates.⁵⁸ Apart from the students, teachers of those refugee students also faced multiple crises while teaching them. In 2015, Kenya's 40% of the teacher were not qualified to teach English, a Somalian refugee student stated that, their teacher is not well trained to teach them properly.⁵⁹ This was the development era of the education programs; the current situation is much more different as education programs also have the teacher training facilities, throughout that session the program aims to teach the teacher how to deals with the displaced refugee students. Those different

⁵⁶ Ibid.

⁵⁷ Pauline Haupt, 'Interview: "This country has become my home" - A story of resettlement' [30 August 2019] GLOBAL COMPACT ON REFUGEES < <https://globalcompactrefugees.org/news-stories/interview-country-has-become-my-home-story-resettlement> > accessed 2 September 2023

⁵⁸ 'Education remains a challenge for Venezuelan migrant and refugee children in South America' (*Latin America*, June 20th, 2023) < <https://plan-international.org/latin-america/news/2023/06/20/education-remains-a-challenge-for-venezuelan-migrant-and-refugee-children-in-south-america/> > accessed 2 September 2023

⁵⁹ Sarah Dryden peterson, 'Migration Policy Institute' [2015] The Educational Experience of Refugee Children in Countries of First Asylum: < https://www.migrationpolicy.org/sites/default/files/publications/FCD_Dryen-Peterson-FINALWEB.pdf > accessed 3 September 2023

incidents give ideas about the current and few years back's situation of the refugee students and understanding about the current situation.

4.5 Conclusion:

The tremendous support by the education programs and the implementation of the systems after introducing those programs are clearly visible. After introducing those programs the system became much more digitalized, acceptable with less technological barriers. Whereas, refugee children's hardly able to attend the school; currently so many children among them are getting their higher education done with having various scholarships arranged by the education programs. This chapter, discussed about United Nations High Commissioner for Refugee usually faced of facing, the current situation of the education programs and their support to the agency UNHCR to ensure education. The difference between before and after introducing of the programs has been discussed with analyses of few incidents. The next chapter will conclude; the findings of this study, recommendations and finally the concluding part of this research paper.

Chapter Five

Findings, Recommendations & the Concluding Part

5.1 Introduction:

The current situation of the refugee education is more digitalized and organized than before. UNHCR introduced education programs afterwards; their partnership to ensure the quality education for the refugee children creates a remarkable change on it. As the previous chapters discussed about the problems or crisis of UNHCR which effected the education system of the refugee children, the era of education programs and the era before introducing education programs in detail. Those have been discussed to analyze the implementation of the education system of UNHCR after introducing education programs for refugee children. As this is the last chapter of this research paper, this chapter aims to discuss about the findings, recommendations, limitations of research and the concluding part of this entire research.

5.2 Summary of Findings:

According to the refugee children's current implemented educational condition and the accountability of the UNHCR towards policies and international obligations; this study reviewed the aspects of the applicability of the education programs and their contributions lately. The state obligation is also a major issue here to provide the quality education to the refugee children. The adoption of those programs has become a great practice of facing the challenges of the various crises. The statistics of 2020 shows that the number of school going refugee children's in Greece, Italy, Bulgaria and Spain arise almost 29% than 2019's report.⁶⁰ Those incising number

60 'Asylum applications lodged by children, including unaccompanied and separated children, between January and June 2020 – by country of asylum' (Latest statistics and graphics on refugee and migrant children, 2022) < <https://www.unicef.org/eca/emergencies/latest-statistics-and-graphics-refugee-and-migrant-children> > accessed 6 September 2023.

of refugee students are prove of recent changes of the education system; as this affected the educational background positively. This research paper found so many loopholes of the UNHCR in case of ensuring the education of the refugee children and the problems or crises of this agency to giving protection are discussed elaborately in the previous chapter. UNHCR's failure in the sector of ensuring education for refugees was not only about this agency's activities but the willingness of the refugee's towards education was also one of the biggest reason. The displaced people around the world were aware about the education much; they wanted to have shelter over their head first and then necessary foods for livelihood whereas, education comes in the very end of their necessity. Even if UNHCR tried to provide the minimum education facilities for all at least, all of the refugees were not willing to take is as an opportunity in late nineteenth century. As par the time has changed, so the opinions and overview on the education refugees are also willingly accepting the fact of getting educated. The education programs started working lately with their different education facilities and success to grab to attention towards education. The rights of refugees are protected under humanitarian laws but under international laws in case of protecting their rights nobody became specifically liable for the refugees displacement situation. This research found this UNHCR is accountable towards some specific policies and projects. The state also got some liabilities to giving protection to the refugee children educational right.

5.3 Recommendations:

After the whole analytical part of this research paper here comes the part of recommendations. The following recommendations towards the UNHCR and the education programs to provide the quality education and increasing the number of refugee students:

5.3.1 Recommendations to the UNHCR :

1. As currently online funding has connected the people of the whole world to help refugees by donating via online so, a huge amount of funding can be collected then before to use of giving protection. On that note, the agency UNHCR could use a handsome amount of their funding on the education implementation.

2. UNHCR should start introducing more programs and policies to creating the education as the priority of the refugees. Recent ongoing programs are solving few barriers and introducing new other programs, policies and projects will be helping out to grow the UNHCR and to develop it more.
3. The states accountable should be raised stronger than before and the agency should be controlled under strong supervision to improve their working process. As, it took UNHCR almost 72 years to gain this place and reached here; after analyzing their growth it can be said that a strong supervision could implemented those thing earlier.
4. The agency UNHCR should activate compulsory primary education for all of the refugee children; for reduce the number of drop out refugee students.

5.3.2 Recommendations for The Education Programs:

1. The education programs should started looking after the quantity of the students; apart from the quality. Though, the quality education is one of the basic goals of UNHCR but so many children are still out of school so, those programs should started working on ensuring education for most of the refugee children.
2. Those programs aim to provide the quality education so, to overcome from the language barrier they should improve their quality to trained teachers, education bodies and influence local refugee children to attend classes properly.⁶¹ Also ensuring that those teachers are eligible to handle different situations as of various students around the whole world become refugee student.
3. As from the very beginning, the refugees were not that attentive or interested about their education, unlike other rights; though the situation is not the same anymore but education

⁶¹ Maya Khater. (2023) 'CONCLUSIONS AND RECOMMENDATION', *REFUGEE CHILDREN'S RIGHT TO EDUCATION: THE EDUCATION OF SYRIAN REFUGEES IN JORDAN – REALITY AND PROSPECTS*, (2663–0583), pp. 1–12 < https://ajee-journal.com/upload/attaches/att_1687496717.pdf?fbclid=IwAR0nQIkl6nCtNsnwn83IEvuliTfEPsI7GHIRdq3-ZH1u73nhduluw0xkSrg > accessed 6 September 2023.

programs should organize campaign for the parents of those refugee students to make them understand the importance of their educational right.

5.4 Conclusion:

In this concluding part of this research paper, I want to conclude with the discussion of the hypothesis of this research. However, the discussion has been given in the previous chapters that, the most of the credit of implementation of the education and today's situation of refugee children's education goes to the education programs. As earlier, UNHCR faced crises to provide education facilities to the refugee children and after introducing education programs this problem has been removed to some extent. The number of school going refugee children and getting higher education has been increased for the support of the education programs. Lastly, few recommendations for the UNHCR & the education programs to keep their standard going up and influence refugees to get educate.

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