

Durable Solution: Right to Education a Hope for Better Future for Refugees

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ABSTRACT: Globally, after the World War 2, the population of displaced people is at its highest. Significant, long-lasting, and impacting several facets of human existence, the repercussions of forcible relocation are substantial and far-reaching. Education is a crucial issue that is significantly impacted by the forced migration. Since 2010, education has been among the United Nations Refugee Agency's worldwide strategic goals (UNHCR). For refugees, the optimism and aspiration for an education that would allow them to attain secure and decent careers has been a fundamental aspect of their lives. The purpose of this article is to examine the refugee's right to education and to define the nation's human rights duties in educational affairs focusing on the present flow of refugees.

Key Words: Education, Refugee, Emergence, Displacement, UNHCR,

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INTRODUCTION

Internationally every year, millions of people and families escape their native nations to pursue security in other nations. They migrate because their governments will not or cannot safeguard them from human rights violations. These refugees have a genuine fear of being persecuted due to race, religion, nationality, political opinion, or membership in a specific social group. According to the UNHCR definition 1951 convention, a refugee is a person who, to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UNHCR, n.d.) Refugees are individuals who have escaped international boundaries owing to a well-founded fear of persecution. The world is now seeing an enormous surge in the number of refugees. As per the UNHCR study (2022), over 89.3 million people have been forcibly displaced throughout the world, with most of the refugees residing in adjacent developing nations. The UNHCR is mandated with delivering aid such as food, housing, and education through collaboration with refugee-hosting nations. Education is a basic entitlement for all people, even those who are uprooted from their native places and live in host nations. According to the Refugee Convention of 1951, the UNHCR is mandated to defend the rights of refugees, including their education. UN High Commissioner for Refugees Filippo Grandi said, "School is where refugees are given a second chance" (UNHCR, 2019). Education provides refugees the opportunity to find stability in the country in which they live, to rebuild the future of conflict-affected populations, and to establish economic and political stability (Davies, 2004). Education has the capacity to bridge the gap between interrupted education and future ambitions of independence and social involvement. Education affords refugees, their families, and their communities the opportunity to commence the trauma-repair process and to acquire the knowledge and ethics essential for a more stable future and improved regional and national government.

Throughout the globe, displaced people struggle to receive education, and their obstacles become harder when individuals get old. Over 41 percent (37 million) out of 89.3 million displaced people globally are below the age of 18 years (UNHCR, 2022). Forced displacement causes both emotional and psychological damage to the children and their vulnerability is always a significant challenge concerning their safety. Children being in early growing stage and vulnerable and dependent suffer both emotionally and physically from Forced migration and therefore offers a significant difficulty concerning their

safety. Besides safeguarding refugee children from sexual abuse and preventing them from forced recruitment into armed forces, facilitating them with education also becomes a challenge. The existing statistical data reveals the disparity between the goal of educating refugees and reality of chances accessible to them (Morrice, 2021). According to Justino et al., one of the main ways that war may negatively affect education is via forced relocation (2014). As per a survey conducted by 'International Committee of the Red Cross' in Afghanistan, at least 21 percent of respondents voiced their worry of "not being able to get an education" owing to forced displacement (ICRC, 2009, 43). However, in some circumstances relocation might boost prospects for education e.g., refugees who relocate in countries with better economic and political condition than their native state. The proportion of postsecondary education internationally varied between 9 percent in nations with low income compared to 75 percent in the nations with high income (Morrice, 2021).

A 2019 UNHCR study reveals a poor state of refugee education. At primary level, 63% of displaced children are registered, dropping to 24% at the secondary level. In comparison to 37% of non-refugee enrolled for education, just 3% of refugees are enrolled in higher education (UNICEF, 2019). According to Linda Morrice, the evidence available indicates that one of the main causes of the dismal status of refugee education is that the majority of refugees live in nations with unstable political, economic, and educational systems (2021). Almost 83 percent of refugees live in exile in low-income countries near their conflict-torn countries of origin. (UNHCR, 2022). Not more than 1% of the refugees worldwide are eligible for "resettlement," which allows them to reside permanently in a more distant country – almost invariably one that is developed (Dryden-Peterson, 2016). Relative to the total number of refugees the percentage of resettled refugees is very low. Jomtien Conference marked a significant turning point in the international discussion of the role of education in human development policy. In 1990, international literacy year, At the 'World Conference on Education for All', which was held in Jomtien, Thailand, some fifteen hundred delegates representing hundred fifty-five countries and officials from approximately one hundred-fifty governments, non-governmental organizations, and intergovernmental organizations came together and demanded that all countries provide basic education for their citizens. Members in the Conference endorsed the 'World Declaration on Education for All and a Framework for Action: Meeting Basic Learning Needs'. The first paragraph of the Declaration states that all people – whether they are children, adolescents, or adults – should be capable of utilizing educational resources that satisfy their fundamental learning requirements. The global movement

to ensure access to primary education for all children and end adult illiteracy received new impetus as a result of the conference. It also sparked initiatives to raise the standard of basic education and discover more economical ways to meet the educational needs of various underprivileged population groups. It also recognized that the problems like war, occupation, and civil unrest “constrain the efforts to meet basic learning needs” (World Conference on Education for All, 1990). According to UNHCR info and interviews conducted on respondents in multiple nations, there are three primary ways for displaced people to get an education: “in separate schools for refugees only in refugee camps; in national schools, primarily in urban areas of countries of first asylum; and in informal schools, in camps or urban areas, started by refugee communities.” These structures show how international aid is delivered and how conflicts are going now (Dryden-Peterson, 2015).

RIGHT TO EDUCATION FOR REFUGEES

Although the legal provisions guaranteeing the educational right for displaced are diverse in type and origin, they are all subjects of a uniform legal structure designed to aid refugees in precarious circumstances. The policy statements and international treaties of human rights provide the fundamental rights to all humans that must be protected regardless of caste, creed, religion, nationality, etc. The guideline of the United Nations establishes these fundamental human rights on a global scale. The accords and commitments established at the center of the UN constitute the fundamental legal basis of human rights and are recognized as universal norms, i.e., laws applicable to the whole global society; one of them is the Right to Education. The ‘Universal Declaration of Human Rights’ (UDHR) is a watershed moment in the history of human rights. The statement addresses the global adoption and protection of basic human rights. In December 1948, the UN General Assembly approved and promulgated the UDHR in Resolution 217 A (III). The United Nations General assembly in Paris approved and declared the UDHR in Resolution 217 A (III) on December 10, 1948. The resolution was accepted by the majority of representatives of nations at the form and it is regarded as the shared objective that peoples and countries must work together to achieve since it was agreed upon. The resolution forms the basis of motivation for resolving injustices, during the time of conflict and oppression in societies.

The Universal Declaration of Human Rights’ Article 26 (UDHR) contains particular acknowledgement of the Right to Education in its three paragraphs. It affirms the Right to Education as universal right and defines the essential circumstances for its growth in connection with the idea of equality. It also creates the fundamental requirement for its development in conformity with the provisions of equality. The article declares that primary school is both mandatory

and free. It also declares that Professional and technical knowledge will be made accessible to everyone and access to higher education should be based on merit for all. This article's content is defined by Meix Cereceda P. as: "a pyramidal structure with: the base (Elementary) will be as wide as possible, that is, universal; the intermediate section (technical and vocational training) should tend to generalization and, finally, the peak (higher education) should be accessible in accordance with the merit of each and without unlawful discrimination." (Cereceda, 2014, p. 32). The Article 28 of the Convention regarding the Right of the Child (CRC) outlines the formal acknowledgement of the child's Right to Education. States should accomplish it gradually and on the basis of equitable opportunity for all children. Article 28 stipulates that basic education shall be mandatory and free for all children; secondary education must be elective and sponsored by the state if required; and higher education must be accessible based on individual potential. This article also addresses the right of schoolchildren to receive proper educational advice and information. Regarding school discipline, the aforementioned article urges that it be given in a way compatible with the child's dignity. "Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect." Hence, the Convention provides values crucial to the safeguarding of the educational rights.

The foundations of refugee education are outlined by the 1951 Convention Relating to the Status of Refugees in the Article 22, that includes basic ideals for protecting the right to education. which states that signatory states "shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.... [and] treatment as favorable as possible... with respect to education other than elementary education" (UNHCR, 2010, p. 24). Regarding Internally Displaced People, the responsibility on the national authorities to provide education outlined by the '1998 Guiding Principles on Internal Displacement'. However, when resources are few, it is the responsibility of the global community to guarantee that this right is widely realized. Article 22 not only confirms the right to education for refugees, it also promotes non-discrimination in primary education for refugees and citizens of the asylum country.

The UN serves as the central pillar for enhancing the practical implementation of obligations under international law with regard to the right to education, with organizations like UNESCO or UNHCR: "It is for governments to fulfil their legal and political obligations in regard to providing education for all of good quality and to implement and monitor education strategies more effectively" (UNICEF & UNESCO, 2007, p. 35). In contrast to the

“liberties” or “civil rights” or first-generation human rights (freedom of expression, religion, etc.), the right to education is classified as the second generation right that calls for support and action from the government (Vasak, 1977). Second generation human rights are often referred to as social, economic, and cultural rights. These rights are not directly possessed by individual people, but rather establish positive responsibilities on the government to (gradually) recognize and fulfil these rights subject to the availability of public resources. On the other hand, first generation human rights are primarily individualistic and negatively built to shield the person from interference from the government. Although theoretically indivisible and interdependent, the second generation of human rights have historically been applied and monitored less tightly since gradual adoption is accepted. In order to fulfil their commitments under these treaties, namely to respect, preserve, and fulfil the right to education, states must employ all relevant methods, particularly, the implementation of legislative measures. This right to education must be protected by efficient enforcement mechanisms so “effective remedies must be available to rectify abuses for rights to have meaning” (CRC General Comment No. 5, 2003: 24). In view of the aforementioned, practical challenges in organizing this right should not find too much legal justification in the idea that social and economic rights should be gradually implemented in accordance with available resources. The straightforward language of Article 2 (“No one shall be denied access to education”) and the ensuing ability of the European Court of Human Rights (ECHR) to award damages to victims of proven human rights violations provide a potent legal weapon for the nations that signed the First Protocol of the European Convention of Human Rights.

CONCLUSION

Above study discussed above shows that there is considerable room under conventions to assert that children who are refugees have a right to receive education. There seems to be broad consensus about the need to preserve the right to education, especially for those communities who most urgently require it to secure space and overcome their challenges and move past the violence and conflict. While retaining a focus on primary education as the most important aspect of education protection, the right to education has been extended throughout all stages of life, including primary, early childhood, secondary, vocational, tertiary and lifelong learning. This is especially important for displaced because it helps them adapt to their new surroundings.

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