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COVID-19 AND THE RIGHT TO EDUCATION OF THE ROHINGYA REFUGEE CHILDREN: A HUMAN RIGHTS PERSPECTIVE

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Myanmar (formerly Burma) is a majority-Buddhist nation in Southeast Asia that has a protracted record of ethno-religious conflicts. The repeated episodes of persecution based on religion and ethnicity of the Rohingyas, one of the minority groups in Rakhine State (formerly Arakan State) of Myanmar, turned them into the stateless population of the world and refugees in many countries, including Bangladesh. Consequently, the Cox's Bazar region of Bangladesh is now under relentless harm from an estimated 1 million Rohingyas. A large number of them live in the Kutupalong camp of Cox's Bazar which has become the largest refugee settlement in the world. The huge increase in numbers of Rohingyas in the refugee camps of Cox's Bazar has put the issue of the Rohingya crisis at the top of the human rights concern. Therefore, the author perceives that with reference to the Rohingya refugee children living in Bangladesh, their right to education should be re-examined considering the impacts of the COVID-19 pandemic. For this purpose, the author intends to qualitatively study the current status of the right to education of the Rohingya refugee children in line with the responsibility of Bangladesh as host State, and the office of the United Nations High Commissioner for Refugees as global organization working for the refugees. Next, the challenges to the right to education of the Rohingya refugee children caused by the ongoing COVID-19 pandemic would be explored in this article. Finally, the author aims to suggest some recommendations to effectively address the issue of the right to education of the Rohingya refugee children at present and during the post-pandemic era.

INTRODUCTION

A refugee is a person who had to flee his or her homeland due to a well-founded fear of being persecuted on the ground of 'race, religion, nationality, political opinion or membership in a particular social group.'¹ The issue of the protection and promotion of the rights of the refugees has

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constantly been one of the most imperative concerns in the twenty-first century. The concerns involve, *inter alia*, the right to education of the children of the refugee children. While there are many international instruments of human rights that implicitly or explicitly provide attention to the right to education of all the children, the periphery of providing this right to the children of particularly the refugees has often been underlined based on various reasons. The host countries sometimes emphasize on their constraints to provide education to all the children of the refugees.² Likewise, the UN agencies, the Non-Governmental Organizations (NGOs), and the International Non-Governmental Organizations (INGOs) present their limitation of access to resources and utilizing the same as a bar to ensure this right to the children of the refugees.³ It should be noted that the present COVID-19 pandemic has introduced new challenges to provide the right to education to the children of refugees, including restrictions on freedom of movement, lack of access to digital learning resources *etc.*

A large number of the Rohingyas who have entered Bangladesh fleeing persecution in Rakhine State of Myanmar are now living in the refugee camps of Cox's Bazar region. Since Bangladesh did not ratify the 1951 Convention Relating to the Status of Refugees (hereinafter "1951 Refugee Convention") and the Protocol of 1967, the Rohingyas are labeled as registered refugees, unregistered refugees, forcibly displaced persons, stateless population, or foreigner by Bangladesh and the non-State actors. Although the Rohingyas are not formally recognized as "refugees" by Bangladesh, this article uses this term to collectively refer to them. In line with this indication and the current condition of the right to education of the Rohingya refugee children living in Bangladesh, this article examines the right to education of the Rohingya refugee children in light of the international human rights instruments and the challenges attributed to the present COVID-19 pandemic.

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¹ *Convention Relating to the Status of Refugees (Refugee Convention)*, 28 July 1951, 189 UNTS 150, Geneva, 22 April 1954, art 1A (2); See generally UNHCR, 'Who is a Refugee?', available at <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>, accessed on 31 May 2021.

² 'Starting Out - Why education for refugees matter', UNHCR, 2016, Geneva, available at <https://www.unhcr.org/starting-out.html>, accessed on 31 May 2021.

³ 'NGOs urge global community to support Rohingya refugees', *ReliefWeb*, New York City, 18 May 2021, available at <https://reliefweb.int/report/bangladesh/ngos-urge-global-community-support-rohingya-refugees>, accessed on 31 May 2021.

This study employed the qualitative approach as the principal research methodology. The secondary source of data has been gathered from academic research publications, NGO and INGO Reports and other documents published by international and national organizations. To qualitatively address the aforementioned proposition, this article is divided into five main parts. Following this introduction, second part presents the pertinent historical background of the Rohingya refugee crisis. Third part contextualizes the right to education as a human right and underscores the obligations of Bangladesh and the UNHCR. Another main part, in fourth part, discusses the challenges of providing the right to education to the Rohingya refugee children with a special focus on the COVID-19 pandemic. In the final section, a brief concluding remark and some recommendations are drawn.

BRIEF BACKGROUND TO THE ROHINGYA REFUGEE CRISIS

The Rohingya who are mostly Muslims and numbered over a million in Myanmar at the beginning of 2017 are one of its many ethnic minorities.⁴ The members of this ethnic group are reportedly subjected to various indignities and persecutions by Myanmar's militaries and other security forces for decades.⁵ Despite an everlasting debate regarding their origin, historians trace their existence in Myanmar's Rakhine State to the 9th century.⁶ Then again, the Rohingya persecution emerged from the end of World War II when the Buddhists backed the invading Japanese forces but the Rohingyas supported the colonial British rulers.⁷ In succeeding years, several tyrannical operations were carried out against the Rohingyas.⁸

The national historic events that occurred in Myanmar throughout the colonial and post-colonial years waged today's Rohingya crisis. Immediately after the Independence, the Myanmar government

⁴ Andrew Selth, 'Myanmar's Armed Forces and the Rohingya Crisis', *Working Paper* no. 140, United States Institute of Peace, 2018, p. 6; *The Gambia v. Myanmar*, Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, 2020, ICJ Rep, para. 21.

⁵ Ibid.

⁶ Francis Buchanan, 'A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire', *Asiatic Researches* p. 219, volume 5, 1799, reprinted in *SOAS Bulletin of Burma Research* p. 1, volume 1, 2003, p. 55.

⁷ Moshe Yegar, *The Muslims of Burma: A Study of a Minority Group*, Wiesbaden: Otto Harrassowitz, 1972, p. 2; Md. Ali Siddiquee, 'The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-Truth Politics', *Asian Journal of Comparative Politics* p. 1, 2019, p. 1.

⁸ Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Hidden Genocide*, London: Hurst Publishers, 1st edition, 2016, p. 256.

enacted certain “laws”⁹ concerning citizenship that created fears of losing identities among the members of ethnic groups, including the Rohingyas.¹⁰ The first constitutional regime of independent Myanmar recognized the Rohingya community as an ethnic-national group.¹¹ However, the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, reported in 2014 that the Myanmar officials iterated her not to use the term “Rohingya” because this ethnic group is no more recognized by the government.¹² Besides, their citizenship was taken away and they were deemed as *Bengalis*¹³ under the 1982 Citizenship Act bolstered by the 1974 Emergency Immigration Act on the ostensible ground of their settlement in Myanmar during the British colonial rule.¹⁴ Meanwhile, the military government of Myanmar launched a heavy-handed operation in 1977 as per a longstanding plan to drive the Rohingyas from their homeland.¹⁵

One of the major operations against the Rohingyas was launched on 25 August 2017 which made an estimated 884,041 of them flee to Cox’s Bazar region, Bangladesh as of 31 March 2021.¹⁶ Previously, the military operations of 1977-78, 1991-92, 2012-15, and 2016 resulted in the forcible transfer of thousands of Rohingya to Bangladesh.¹⁷ Thereby, as over 300,000 Rohingya were already living at Cox’s Bazar before the most recent influx, this region is now under persistent damage from approximately 1 million Rohingya of the Rakhine State of Myanmar.¹⁸ A large number of them now

⁹ *Constitution of the Union of Burma*, 1947; *Union Citizenship Act*, 1948; and *Union Citizenship (Election) Act*, 1948.

¹⁰ Archana Parashar & Jobair Alam, ‘The National Laws of Myanmar: Making of Statelessness for the Rohingya’, *International Migration* p. 57, volume 1, 2018, p. 98.

¹¹ *Ibid.*

¹² ‘I Was Repeatedly Told Not to Use the Term ‘Rohingya’ as This Was Not Recognized by the Government: Yang Hee Lee, UN Special Rapporteur’, *Kaladan Press Network*, Rakhine State, 2 August 2014, available at <https://www.kaladanpress.org/index.php/news/372-news2014/august-2014/4614-i-was-repeatedly-told-not-to-use-the-term-%E2%80%98rohingya%E2%80%99-as-this-was-not-recognized-by-the-government-ms-yang-hee-lee,-un-special-rapporteur.html>, accessed on 31 May 2021.

¹³ Donald N. Wilbur, *Pakistan: Its People, Its Society, Its Culture*, New Haven: Yale University Press, 1964, p. 219.

¹⁴ Ashley South, *Ethnic Politics in Burma: States of Conflict*, New York: Routledge, 1st edition, 2008, p. 139; N. Ganesan & Kyaw Yin Hlaing, *Myanmar State, Society and Ethnicity*, Singapore: Institute of Southeast Asian Studies, 1st edition, 2007, p. 16.

¹⁵ *Ibid.*

¹⁶ A few Rohingya who are living in host communities and beyond the camp boundaries may not have been included in this figure; See ‘UNHCR Operational Portal Refugee Situation’, available at https://data2.unhcr.org/en/situations/myanmar_refugees, accessed on 31 May 2021.

¹⁷ Yousuf Storai, ‘Systematic Ethnic Cleansing: The Case Study of Rohingya’, *Arts and Social Sciences Journal* p. 1, volume 9:4, 2018, pp. 4-5.

¹⁸ Porimol Palma & Mohammad Ali Jinnat, ‘Cox’s Bazar forests in grave danger’, *The Daily Star*, Dhaka, 19 April 2019, available at <https://www.thedailystar.net/frontpage/news/coxs-bazar-forests-grave-danger-1731895>, accessed on 31 May 2021.

live in the Kutupalong camp of Cox's Bazar which has become the largest refugee settlement in the world.¹⁹

RIGHT TO EDUCATION AS A HUMAN RIGHT FOR THE ROHINGYA REFUGEE CHILDREN

A. CONCEPTUALIZING THE RIGHT TO EDUCATION AS A HUMAN RIGHT

“Human rights” can be defined as a set of principles and norms that regulates and governs the behavior of individuals and groups, including States and non-State actors.²⁰ Despite having different information regarding the historical origin of the notion of human rights, the ultimate development of human rights law under the purview of international law took place after the end of World War II (WWII).²¹ As per the UN Charter, its Economic and Social Council (ECOSOC) set up two Commissions for the promotion of human rights in 1946 *i.e.* the Commission on Human Rights, and the Commission on the Status of Women.²² Afterward, the Universal Declaration of Human Rights (UDHR) was drafted by the UN Commission on Human Rights.²³

Based on the UDHR, the “Three Generations Theory of Human Rights” evolved. According to this theory, “first-generation rights” are all civil and political rights *e.g.* right to life, right to equality, right to an effective remedy by domestic courts/tribunals, right to a fair trial, freedom of assembly, freedom of opinion and expression, freedom of thought and conscience, and freedom of religion. Then, “second-generation rights” are all social, economic and cultural rights *e.g.* right to social security, right to work, right to rest and leisure, and right to education. Lastly, “third-generation rights” are collective group rights such as the right to development, right to self-determination, and right to a safe environment.²⁴

¹⁹ The Rohingya people are recognised as “forcibly displaced Myanmar citizens” instead of “refugees” in Bangladesh.

²⁰ Stephen P Marks, ‘Human Rights: A Brief Introduction’, *Working Paper*, Harvard School of Public Health, 2014, p. 6.

²¹ Shigeru Oda, ‘The Individual in International Law’, in M. Sorenson, *Manual of Public International Law*, London: Macmillan, 1968, pp. 624 & 764.

²² *United Nations Charter*, 26 June 1945, San Francisco, 24 October 1945, art. 46.

²³ *Universal Declaration of Human Rights*, 10 December 1948, UN CA Res 217 A (III).

²⁴ Javaid Rehman, *International Human Rights Law: A Practical Approach*, United Kingdom: Pearson Education Limited, 2003, p. 56.

Although the conceptual legitimacy of this theory is frequently questioned, it places the “right to education” as a human right in the second-generation rights. In addition, about the refugees, the international standards for the treatment of refugees set under the 1951 Refugee Convention include some rights, for example, ‘access to the courts, to primary education, to work, and the provision for documentation, including a refugee travel document in passport form.’²⁵ This convention and its protocol of 1967 which deal with the refugee protections clearly stated that there shall be no discrimination based on race, religion or country of origin.²⁶ It appears that the right to education, at least primary education, for refugee children is in consideration within the international refugee protection regime. This implication generates the UNCHR’s obligation to provide the right to education to the Rohingya refugee children.

B. UNHCR’S OBLIGATION TO ENSURE ROHINGYA CHILDREN’S RIGHT TO EDUCATION

The UNHCR executes its mandate to provide international protection to the refugees under the 1951 Refugee Convention and its protocol of 1967, and article 22 of this Convention deals with the right to education for refugees. Accordingly, in the context of this Convention and the international human rights instruments, the UNHCR advocates for education as a fundamental right. The UNHCR’s 2002 Agenda for Protection focused on the ‘right to education as a tool’ for the protection of the rights of the refugees.²⁷ Its “Education for All” program involves six specific goals to protect and promote education for the refugees. The goals are, namely, ‘free access to primary education, equitable access to appropriate learning for youth and adults, adult literacy, gender equity and quality education.’²⁸

Thus, the UNHCR should ensure the right to education to the refugee children under not only the 1951 Refugee Convention but also other relevant international instruments. For example, the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁹

²⁵ ‘Introductory note by the Office of the United Nations High Commissioner for Refugees (UNHCR) to the 1951 Convention Relating to the Status of Refugees’, *UNHCR*, 2010, Geneva, p. 3.

²⁶ *Refugee Convention*, art. 30.

²⁷ ‘Field Guidelines’, *UNHCR*, 2003, Geneva, p. 5.

²⁸ *Ibid.*

²⁹ *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, 18 December 1979, UNTS 1249, New York City, 3 September 1981.

requires that there shall be no discrimination in provisions relating to education for men and women.³⁰ Again, regardless of the status of the children, the 1989 Convention on the Rights of the Child (CRC)³¹ guarantees the right to education to all children. An excerpt of article 28 of the CRC is presented below:

States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (...)

The right to education for refugee children is well articulated in two specific resolutions of the UN General Assembly (GA) in 2010 as well. The resolution of the Human Rights Council of the UN GA on the ‘right to education in emergencies’ highlights that the right to education is inevitable and therefore, even emergencies should not preclude this right.³² Similarly, the resolution on the ‘right to education for refugees, migrants and asylum seekers’ pointed out ensuring this right to these three kinds of people that includes the refugee children.³³ Therefore, under the said international instruments and programs, the UNHCR should undertake different initiatives to provide for the right to education to refugee children. Particularly, the Rohingya children are entitled to get at least a primary education with the support of the UNCHR.

C. BANGLADESH’S OBLIGATION TO PROVIDE EDUCATION TO THE ROHINGYA CHILDREN

Like many other States in Asia,³⁴ Bangladesh is neither party to the 1951 Refugee Convention and its protocol of 1967, nor does it have any formal domestic law dealing with refugees. In practice,

³⁰ Ibid, art. 10.

³¹ *Convention on the Rights of the Child* (CRC), 20 November 1989, 46 UNCH, Geneva, 2 September 1990.

³² *The Right to Education in Emergency Situations*, 2010, UNSC No. A/64/L.58, New York City, para. 9.

³³ *The Right to Education of Migrants, Refugees and Asylum Seekers*, 2010, No. A/HRC/14/25, New York City, para. 28.

³⁴ In Asia, the countries that have ratified the *Refugee Convention* are, namely, Cambodia, China, Japan, South Korea, and the Philippines.

Bangladesh treats them under the old laws.³⁵ The refugees in Bangladesh are entitled to get protection as non-citizens under the Constitution of the People's Republic of Bangladesh (hereinafter "Constitution of Bangladesh") such as the right to protection of the law,³⁶ the right to life and personal liberty,³⁷ safeguards as to arrest and detention,³⁸ and prohibition of forced labour³⁹. The Constitution also requires the Bangladesh government to promote international peace and security.⁴⁰ However, the right to education is merely recognized as one of the basic necessities for the citizens of Bangladesh under the Constitution and therefore, this right cannot be enforced like a fundamental right.⁴¹ Then again, article 17 of the Constitution of Bangladesh calls for undertaking measures by the State to ensure this right so that education can be provided free of charge and compulsorily to a particular level, *e.g.* primary education. It appears that it is not binding upon the Bangladesh government to guarantee the right to education to the children because the Constitution provisions are considered as mere directives for the government.⁴²

On the other hand, Bangladesh ratified some significant international human rights instruments which guarantee the right to education to all, including the refugees. Firstly, as it is discussed before, the CRC requires the State parties to ensure this right to everyone irrespective of their status.⁴³ Concerning Bangladesh's obligation under the CRC to provide education to the Rohingya refugee children, *Amnesty International* specified that:

The Convention on the Rights of the Child, a binding treaty which Bangladesh has ratified, makes clear that education can and should ensure the development of the child's personality, talents, mental and physical abilities to their fullest potential while

³⁵ The laws which are used for dealing with refugees in Bangladesh are, namely, *Foreigners Act*, 1946; *Registration of Foreigners Act*, 1939; *Bangladesh Citizenship (Temporary Provisions) Order*, 1972; *Passports Act*, 1920; *Extradition Act*, 1974; *Citizenship Act*, 1951; *Bangladesh Control of Entry Act*, 1952; and *Naturalization Act*, 1926. According to s. 3 of the *Foreigners Act*, the refugees are considered as foreigners.

³⁶ Constitution of the People's Republic of Bangladesh, 1972, art. 31.

³⁷ *Ibid*, art. 32.

³⁸ *Ibid*, art. 33.

³⁹ *Ibid*, art. 34.

⁴⁰ *Ibid*, art. 25.

⁴¹ *Ibid*, art. 15(a); See generally *Saleemullah v. Justice M. A. Quddus Chowdhury*, DLR (1994), volume 46, p. 691; *Kudrat-E-Elahi v. Bangladesh*, DLR (1992), volume 44, p. 319.

⁴² *Wahab v. Secretary, Ministry of Land*, MLR (1996), volume 1, p. 338; *Major General K M Shafiullah v. Bangladesh*, BLT (2010), volume 18, p. 1.

⁴³ CRC, art. 28.

enhancing respect for human rights and preparing them for a responsible life in a free society.

Secondly, the CEDAW creates an obligation on its signatory country not to discriminate providing rights to men and women.⁴⁴ Lastly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) depicts in its article 13 that, ‘The States Parties to the present Covenant recognize the right of everyone to education ...’ As a matter of fact, the elements of the right to education incorporated in article 28 of the CRC are analogous to this provision of the ICESCR.

In the case of the Rohingya refugees, the responses of Bangladesh to the mass influxes of the Rohingyas since the ‘70s demonstrate that this State has been adhering to the core principle of *non-refoulement* under the auspices of article 33 of the 1951 Refugee Convention.⁴⁵ It appears that although Bangladesh rejects the international refugee law regime, it faces a recorded number of refugees that mainly includes the Rohingya refugees. Therefore, based on the aforementioned international instruments and pertinent discussions, even in the absence of a binding obligation under its Constitution, Bangladesh has an obligation under the international law to offer the right to education to the Rohingya refugee children to at least primary education.

D. COVID-19 AND CHALLENGES OF PROVIDING EDUCATION TO THE ROHINGYA CHILDREN

There are approximately 400,000 school-age Rohingya children who are living in the refugee camps, but most of them do not have access to primary education.⁴⁶ It is reported that only 12% of registered Rohingya children have access to primary education.⁴⁷ The Rohingya children are not allegedly allowed to get admitted to the local community schools outside the camps.⁴⁸ At the same time, the UN humanitarian agencies and the NGOs are not permitted to provide formal education

⁴⁴ CEDAW, art. 10.

⁴⁵ Veerabhadran Vijayakumar, ‘A Critical Analysis of Refugee Protection in South Asia’, *Refuge* p. 1, volume 19:2, 2001, p. 10.

⁴⁶ ‘Are We Not Human?’, *Human Rights Watch*, New York City, 3 December 2019, available at <https://www.hrw.org/report/2019/12/03/are-we-not-human/denial-education-rohingya-refugee-children-bangladesh>, accessed on 1 June 2021.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

to them.⁴⁹ A total of 6000 learning centres have been carrying out small programs offering playtime and primary school lessons to the refugee children aged 3 to 14 in different places of the camps.⁵⁰

However, the Bangladesh government has taken an initiative in 2020 to provide education to the Rohingya refugee children using the Myanmar curriculum in the Burmese language. The government aims to ensure education for the children till the age of 14.⁵¹ The plan also intends to train the children who are older than 14 to develop their skills.⁵² But the COVID-19 pandemic is causing a delay in implementing the plan in the Rohingya camps. Again, the Myanmar government needs to approve the curriculum which is yet to be received.

After the outbreak of the COVID-19 pandemic in Bangladesh, all the learning centers and schools in the camps had been shut down.⁵³ Therefore, the Bangladesh government adopted some remote learning approaches while the students at the national level have been facing several difficulties to continue remote learning.⁵⁴ Nevertheless, many students of the host communities are managing their remote learning even during the pandemic where very few Rohingya refugee children are getting access to learning facilities in the camps.⁵⁵ Matiur Rahaman, director of the Educo⁵⁶ humanitarian program in Bangladesh, stated in a report published on 25 August 2021 that:

Due to the pandemic, schools and learning facilities for children have been closed indefinitely, as well as child-friendly spaces, multi-purpose recreational areas. Children are absolutely out of education. Child protection interventions have also been limited due to entry restrictions for humanitarian workers ... We are extremely

⁴⁹ Ibid.

⁵⁰ M. Mahruf C. Shohel, 'Education in Emergencies: Challenges of Providing Education for Rohingya Children Living in Refugee Camps in Bangladesh', *Education Inquiry* p. 1, 2020, p. 6.

⁵¹ 'Bangladesh: Rohingya Children Get Access to Education', *Amnesty International*, London, 28 January 2020, available at <https://www.amnesty.org/en/latest/news/2020/01/bangladesh-rohingya-children-get-access-to-education/#:~:text=Under%20the%20government's%20plans%2C%20Rohingya,14%20will%20get%20skills%20training.&text=A%20pilot%20project%20led%20by,the%20involvement%20of%2010%2C000%20children>, accessed on 1 June 2021.

⁵² Ibid.

⁵³ UNICEF, 'Bangladesh: Assessment of the Education Sector Response to the Rohingya Crisis - Rohingya Refugee Response', *ReliefWeb*, New York City, 30 Mar 2021, available at <https://reliefweb.int/report/bangladesh/bangladesh-assessment-education-sector-response-rohingya-crisis-rohingya-refugee>, accessed on 2 June 2021.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Educo is an international development NGO which works on behalf of the children for defending their rights.

concerned that if the situation continues, refugee children, particularly girls, are likely to be forced into child marriage, child labor, and even trafficking, as families struggle to cope with the pandemic.⁵⁷

In particular, it appears that the closure of the schools and learning centers due to the COVID-19 has toughened the challenges of providing education to the Rohingya children in the refugee camps. It has brought forth some other concerns too such as child marriage, child labour, and human trafficking which are attributable to the increasing vulnerability to the Rohingya refugee crisis. Hence, there should be ways to provide education to the Rohingya children considering the COVID-19 situation so that they are not deprived of their childhood and the right to education. The concerned organizations, countries and stakeholders should prioritize protection of the Rohingya children's protection and education as these are life-saving interventions.

In connection with the aforesaid concerns, it should be mentioned that one of the major challenges for the Bangladesh government to provide the right to education to the Rohingya children has always been a lack of resources.⁵⁸ It also creates the difficulty of establishing permanent structures in the camps and providing adequate training and payment to the teachers. Next, while there is generally low attendance of female students of the learning centers and schools, the COVID-19 made them engaged in housework for a lengthy period.⁵⁹ It may create a possibility that the parents would deny sending their daughters to schools on the ground that their assistance is needed at home. Then, there exists a scarcity of study materials and difficulty to distribute the same among the Rohingya children. In such a scenario, the pandemic made the way to properly utilize the materials more difficult as many Rohingya families do not possess any digital device which is required for remote learning.⁶⁰ In addition, they need to get a 3G or 4G internet connection to attend online classes, but the camp areas do not have this facility.

⁵⁷ Educo, 'Four years since the exodus, Rohingya children face a bleaker future as COVID-19 restricts access to education and child protection interventions in the camp', *ReliefWeb*, New York City, 25 August 2021, available at <https://reliefweb.int/report/bangladesh/educo-four-years-exodus-rohingya-children-face-bleaker-future-covid-19-restricts>, accessed on 4 September 2021.

⁵⁸ 'Refugee Education: A Global Review', UNHCR, 2011, Geneva, p. 58.

⁵⁹ *Ibid*, p. 69.

⁶⁰ Sreeparna Banerjee, 'Children Left Behind: Challenges in Providing Education to the Rohingya Children in Bangladesh', *Observer Research Foundation*, 2021, available at <https://www.orfonline.org/research/children-left-behind-challenges-in-providing-education-to-the-rohingya-children-in-bangladesh/> accessed on 3 June 2021.

E. CONCLUSION AND RECOMMENDATIONS

A conclusion can be drawn claiming that the Rohingya refugee children are entitled to enjoy the right to education under the international instruments concerning human rights. Being a host country, Bangladesh is not bound under its Constitution and the 1951 Refugee Convention, but it has an obligation under the ICESCR and the CRC to provide education to the Rohingya children. The UNHCR has also an obligation to ensure this right to the Rohingya refugee children as a UN agency that has a mandate to deal with, *inter alia*, the humanitarian issues involving refugees in diverse countries. It is believed that if the Rohingya children are not provided with proper education, they would turn into a “lost generation” one day. Therefore, despite there are several challenges to guarantee this right to them and the COVID-19 pandemic added some new challenges, the Bangladesh government, the UNHCR, and the non-State actors should implement the plans for providing education to the Rohingya children introducing few alternatives.

In view of that, this article offers some suggestions to be considered these days. Firstly, the international community should play a key role in ensuring that Bangladesh has adequate resources to provide this right to the Rohingya children. In general, there should be some learning centers permanently structured in the camp areas. Then, during the pandemic, alternative technological devices can be distributed considering the educational needs of the children and the devices would be equipped with only learning materials for them. Next, the capacity of the selected Rohingya youth should be built through online training to run different educational programs in the camps to teach their own children through the home-based learning processes during the COVID-19 pandemic. Moreover, the delivery and quality of online teaching should be developed in line with the challenges faced nowadays. Most importantly, the stakeholders should reduce the gap in funding in the education sector as an average 19 percent fund was made available for education of the Rohingya refugees in Bangladesh as of November 2020.⁶¹ In line with this, the stakeholders should undertake and develop schemes that would allow the Rohingya children to get the right to education, using both online and offline learning methods considering the impacts of the COVID-19 pandemic.

⁶¹ Banerjee (n 60).