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“Are We Not Human?”

Denial of Education for Rohingya Refugee Children in Bangladesh



In late August 2017, a campaign of ethnic cleansing by the Myanmar military forced 740,000 ethnic Rohingya to flee their communities and cross into Bangladesh, which opened its borders to them. Bangladesh is also providing refuge to roughly 300,000 Rohingya who had fled previous waves of persecution in Myanmar.

But the Bangladesh government has made clear that the Rohingya will not be allowed to remain in the country. To that end it is preventing them from integrating into the local Bangladeshi society. In furtherance of this policy the government is violating the right to education of nearly 400,000 school-age Rohingya children.

“Are We Not Human?”: Denial of Education for Rohingya Refugee Children in Bangladesh documents how Bangladesh is barring Rohingya children from enrolling in schools in local communities outside the camps or taking national school examinations. Inside the camps, not only does the government not provide any education, it is also blocking UN humanitarian agencies and aid groups, funded by international donors, from providing Rohingya children with formal, accredited education.

The impediment to schooling for Rohingya refugee children is not a lack of resources, but the Bangladesh government’s policy of deliberate deprivation of education, compounding the harm that a generation of children suffered in Myanmar and flatly violating Bangladesh’s obligation to fulfill their right to education. This report urges the Bangladesh government to end this policy and calls on foreign humanitarian donors to pressure the government to allow for the provision of formal, certified, quality education to Rohingya children, without discrimination.

(above) Posters inside a “learning center” in a Rohingya refugee camp in Cox’s Bazar, February 2019. Aid groups established learning centers but are barred by the Bangladesh government from providing formal education.

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(front cover) Rohingya students attend class at an unofficial school, established by Rohingya who were teachers in Myanmar, in a refugee camp in Cox’s Bazar, Bangladesh, on November 17, 2019. Unofficial schools are Rohingya refugee children’s only access to secondary-level education.

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in Bangladesh**

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Denial of Education to Rohingya Refugee Children in Bangladesh

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Summary

“States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee[s] ... and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival.”

Global Compact on Refugees, September 2018

“While it is expected that repatriation [of Rohingya refugees to Myanmar] will take place within two years, the children and adolescents in the camps will lose their golden time for learning which is a global concern. ... [Bangladesh] issued guidelines to provide “informal” learning ... [that] chooses to be modest in its aspirations.”

Government of Bangladesh, Guidelines on Informal Education Programming (GIEP), May 5, 2019

“If they stay for 20 years, you’ll need a curriculum, but if it’s just a year or two, then it’s different ... There is no possibility for them to take the Bangladeshi curriculum.”

Refugee Relief and Repatriation Commissioner, in charge of implementing Bangladesh government policy on Rohingya refugees, February 2019

“Education is a basic human right. But today, why [do] we have not this right? Are we not human?”

Sawyeddollah, a Rohingya refugee in the Cox’s Bazar camps, November 2019

Mohamed Tua Sin, 15, was in class 9 in Myanmar when he was forced to flee to Bangladesh in late August 2017. Attacks by the Myanmar military forced 740,000 ethnic Rohingya, like Mohamed Tua Sin, to flee their communities in northern Rakhine State and cross the Naf River into Bangladesh. The campaign of ethnic cleansing included countless apparent crimes against humanity. A United Nations-backed fact-finding mission found that Myanmar’s top generals should be investigated and prosecuted for genocide.

In response to the flight of Rohingya refugees, Bangladesh opened its borders and has been providing them with refuge from grave abuses since August 2017. It already provides refuge to roughly 300,000 Rohingya refugees who have fled previous waves of persecution in Myanmar. The Bangladesh government has made clear that the Rohingya will not be able to remain in the country. To that end it is deliberately preventing them from integrating into the local Bangladeshi society. In furtherance of this policy the government is violating the right to education of nearly 400,000 school-age Rohingya children.

Mohamed Tua Sin, for instance, studies with a private tutor five days a week simply to keep abreast of a formal education curriculum. “If anyone goes back to Myanmar then if we had certificates we could go to university there. That’s my first choice. If not, then to university in Bangladesh or another foreign country,” he said. Mohamad Sufire, 14, said he was in class 8 when he fled from Myanmar, and now studies with a tutor. Asked by a Human Rights Watch researcher if he could read and write in English, Sufire wrote (in English): “We need education because education can change our life.”

The government, however, requires Rohingya refugees to live in camps, and bars Rohingya children from enrolling in schools in local communities outside the camps or taking national school examinations. Inside the camps, not only does the government not provide any education, it is also barring UN humanitarian agencies and NGOs, funded by international donors, from providing Rohingya children with any formal, accredited education. It prohibits teaching Rohingya children Bangla, Bangladesh’s national language. It bans using the Bangladeshi curriculum on the assumption that the children will be repatriated within two years. Meanwhile, humanitarian and camp authorities say that Myanmar has not agreed to recognize its school curriculum if used in the camps. In effect, for Rohingya refugee children in Bangladesh, who have already lost more than two years of schooling, there is no prospect of formal, recognized, quality education.

This report, based on interviews with 163 Rohingya refugees in Bangladesh, including over 100 children, as well as government officials, humanitarian education actors, and Bangladeshi teachers and children in host communities, finds the barrier to schooling for Rohingya refugee children is not a lack of resources, but the government’s policy of deliberate deprivation of education in pursuit of its efforts to prevent the refugees from integrating. The Bangladesh government is violating its international obligations by denying refugee children a formal, certified education; secondary-school-level education;

access to Bangladeshi schools outside the camps; instruction in the Bengali language; and adequate school buildings.

Myanmar has the responsibility to ensure the safe, voluntary and dignified return of the refugees and should take steps towards ensuring their citizenship rights and holding those responsible for serious violations to account. However, persisting with the ban on formal education is harmful to Bangladesh's own interests and devastating for a new generation of Rohingya children and the future of the Rohingya community as a whole. In addition to Bangladesh's obligations to ensure the right to education under the Convention on the Rights of the Child and other human rights treaties, the 2018 Global Refugee Compact, which Bangladesh endorsed, calls for the integration of refugee children into national education systems.

Rohingya Access to Education

The Bangladesh government's insistence that the refugees will return to Myanmar has led it to prohibit humanitarian groups from constructing permanent, brick-and-mortar school buildings in the refugee camps. Barred from opening schools, NGOs have since 2017 constructed about 3,000 "learning centers": small, temporary bamboo structures that can accommodate up to 40 children at a time. Many learning centers "have rotted already and need to be replaced, since the little worms have been doing their work on the bamboo," as a humanitarian official noted.

Because the lack of space in the crowded camps limits the number of learning centers that can be built, most learning centers operate three daily "shifts," of just two hours each, in order to reach a larger number of children. Designs for sturdier, two-story bamboo structures, which could accommodate more students using the same amount of land, had not yet been piloted when the 2019 monsoon season began. As of August 2019, only about 1,600 out of 3,000 learning centers had bathrooms or potable water nearby; none that Human Rights Watch visited had electricity, desks or chairs.

Most children who attend the learning centers are 11 years old or younger, while fewer than 4 percent of children ages 14 and older attend. Some older children prefer unofficial Islamic religious schools in the camps. A girl who attended an Islamic religious school in

the camps said it was “serious,” while the “learning centers are for playing, not for education.”

Humanitarian education providers, coordinated by UNICEF, are creating an informal curriculum from scratch, but it is a slow process. These non-governmental humanitarian groups began to roll out the first “level” of the new curriculum, equivalent to a year of pre-primary education, in January 2019. As of August 2019, the government had only approved the first two “levels,” which are intended to take a student from kindergarten up to the equivalent of the second year of primary school.

Previously, the only education available to Rohingya refugees consisted of basic instruction – without lesson plans to guide inexperienced teachers – in English, Burmese, math, and “life skills” that one teacher said involved “mak[ing] students aware of different types of diseases, or letting the kids play with some toys.” The quality of education was poor. “It’s playtime for little kids,” an 11-year-old boy said.

The informal curriculum marks an improvement over the status quo ante. But in addition to the prolonged delay in approving it, Bangladesh has not accredited the informal curriculum, and there is still no pathway for Rohingya children to a certified education.

The education crisis faced by Rohingya refugee children is especially acute because Myanmar had already deprived many of them of access to school. Children dropped out of schools in Rakhine state due to discrimination, harassment, or fear of abuse by security forces, or because the government barred Rohingya from teaching while non-Rohingya teachers refused to teach in their communities. Movement restrictions imposed on Rohingya by the Myanmar authorities were particularly harmful to secondary-school-age children, unless there was a secondary school in their own town or village. The only university that had accepted Rohingya students in Rakhine state stopped doing so in 2012.

Only a handful of Rohingya refugees in the camps have university degrees. As an indication of how damaging this was to the Rohingya community, humanitarian groups that operate learning centers report difficulty hiring Rohingya who had completed their secondary education. A positive aspect of the learning centers is that each employs one Rohingya refugee and one Bangladeshi national as instructors. For Rohingya, the learning centers offer one of the few paid jobs available in the camps.

In surveys and interviews, Rohingya refugees consistently identify the denial of education in the camps as one of their top concerns. “We have a saying: if you want to destroy a community you don’t have to kill the people, just prevent them from studying,” Mohamed A., a Rohingya teacher living in the refugee camps told Human Rights Watch. “[T]here are two or three lakh [200-300,000] students who did not even finish class three, and their future will be destroyed, because there is no proper education in the camp.”

Education could position Rohingya children to become self-sufficient adults who contribute to economic growth, whether in Bangladesh or Myanmar. As the government of Bangladesh affirmed in a 2018 funding proposal, “educating refugees and displaced persons has the multiplier effect of empowering them, reduces their dependence on the host government, and contributing to long term peace and social cohesion.” A World Bank review of 50 years of data found that each additional year of a child’s education leads to a 9 percent increase in earnings as an adult.¹ A dollar invested in an additional year of schooling, particularly for girls, generates earnings and health benefits of US \$4 in lower-middle income countries, lowers rates of child marriage, and increases gender equality.²

By contrast, Bangladesh as well as the international community will bear the costs of denying education to a new generation of Rohingya children, which could feed the despair for a better future that criminal trafficking networks prey on and lock the Rohingya population into a cycle of poverty, exploitation, and dependency on fickle humanitarian donations. In 2015, tens of thousands of Rohingya risked their lives to escape Myanmar as well as Bangladesh on perilous boat journeys, and some cited the deprivation of education among their reasons for fleeing. For the hundreds of thousands of Rohingya children stuck in the refugee camps, the ban on formal education perpetuates the rupture with their past and is a barrier to a better future.

Denial of Education Justified by Threatened Repatriation to Myanmar

Bangladesh’s policy that Rohingya children who arrived after August 2017 may receive only informal education and no instruction in Bangla was set by the government’s National Task

¹ In South Asia, the data shows an 8.1 percent increase per year of education. George Psacharopoulos, Harry Anthony Patrinos, “Returns to Investment in Education: A Decennial Review of the Global Literature,” World Bank Group, April 2018, p. 10. <http://datatopics.worldbank.org/education/files/GlobalAchievement/ReturnWPS8402.pdf> (accessed July 23, 2019).

² International Commission on Financing Global Education Opportunity, *The Learning Generation*, May 2018, p. 14, <https://report.educationcommission.org/download/891/> (accessed June 1, 2019).

Force on Rohingya issues, led by the Ministry of Foreign Affairs, in December 2017. A May 2019 policy document acknowledges that “the children and adolescents in their camps will lose their golden time for learning” unless provided with education, but recalls the National Task Force’s instructions “to provide ‘informal’ learning ... either in Myanmar or English language” and states that Bangladesh’s education policy “chooses to be modest in its aspirations” because of “the practical difficulties of space” in the camps where the government requires Rohingya to live; limited “resources,” although the government does not contribute to the refugees’ education; and “limited learning time,” since “it is expected that the repatriation [to Myanmar] will take place within two years.”

Myanmar officials responsible for the attacks since August 2017 continue to enjoy impunity, the authorities have continued to destroy Rohingya residential communities, and the citizenship law that effectively prevents Rohingya from obtaining Myanmar citizenship remains in force. About 125,000 of the roughly 450,000 to 600,000 Rohingya still in Rakhine State have been forced to live in what are open-air detention camps since 2012.

The Myanmar and Bangladesh governments have attempted to initiate repatriations, first in November 2018, and again in August 2019. However, neither effort resulted in any formal returns, as refugees widely protested both attempts on the basis that they do not wish to return until the Myanmar government offers guarantees of security, freedom of movement, and citizenship.

In addition, the government said it plans to relocate 100,000 Rohingya from Cox’s Bazar to an uninhabited, flood-prone island called Bhasan Char (“Floating Island”) in the Bay of Bengal.³

Although Bangladesh claims that Rohingya children do not need formal education because they will soon return to Myanmar, the denial of education to Rohingya children is an entrenched policy that Bangladesh has imposed for decades. This raises grave concerns that it will persist however long the Rohingya refugees remain in Bangladesh.

³ Even before the refugee arrivals since August 2017, Bangladesh had proposed relocating Rohingya refugees from Cox’s Bazar to different islands in the Bay of Bengal. See, e.g., “Bangladesh plans to move refugees to island in the south,” Agence France-Presse, May 28, 2015, <https://www.theguardian.com/world/2015/may/28/bangladesh-plans-to-move-rohingya-refugees-to-island-in-the-south> (accessed July 22, 2019).

Rohingya fled to Bangladesh from previous waves of persecution in 1978 and 1991-92. Bangladeshi authorities coerced most of these Rohingya to return to Myanmar – including by restricting their access to food, leading thousands to starve to death – but registered a fraction of those who remained as refugees. Their children, born in Bangladesh, are also “registered” refugees, and live in camps run by the United Nations High Commissioner for Refugees (UNHCR).⁴ As UNHCR reported in 2007,

Refugee children are prohibited from accessing formal education within or outside the camps. Education is therefore provided informally ... The teachers ... have received some basic training ... Classes run for two hours a day ... Bengali language instruction is not provided ... most schools lacked adequate furniture ... books and other learning materials ... separate latrines for girls and boys ... [and] facilities for children to wash their hands Secondary education is not permitted.

Bangladesh eventually permitted UNHCR to introduce a non-formal, English version of the Bangladeshi school curriculum for registered refugee children, but even today, these Rohingya boys and girls, who were born and lived their entire lives in Bangladesh, are only permitted to study up to class 8, and are barred from attending schools outside the camps. Some Rohingya children managed to enroll in secondary schools by passing as Bangladeshi nationals, but in early 2019, the Bangladesh government ordered their expulsion, after an investigation by one of the country’s intelligence agencies.

For Bangladeshi students, the Cox’s Bazar district has the country’s highest student-teacher ratios and drop-out rates. Some local primary schools in host communities were initially used to store and distribute humanitarian aid after the August 2017 influx; classes closed for months, infrastructure was damaged, and students likely dropped out. Some “para-teachers” who had been working with Bangladeshi schools have taken unrelated jobs with humanitarian NGOs, which offer higher salaries. International donors are funding school refurbishments in host communities and are supporting improving education for Bangladeshi children.

⁴ Only Rohingya who arrived before mid-1992, and their children, have been registered as refugees. Bangladesh has not ratified the 1951 Refugee Convention or its 1967 Protocol and does not recognize the vast majority of Rohingya as refugees, but refers to them as “Forcibly Displaced Myanmar Nationals.”

Current Plans for Rohingya Children Fail to Fulfill Their Right to Education

The Bangladesh government extended its bans on formal education, Bengali language instruction, and secondary education to Rohingya children who fled after August 2017. To make matters worse, in the fall of 2017 Bangladesh's National Task Force barred the education sector from teaching newly-arrived refugee children with the non-formal version of the curriculum that was allowed in the older, UNHCR-run camps for registered refugees.

As to the Myanmar curriculum, Myanmar authorities have not approved its use for Rohingya refugees in Bangladesh, which means that these children cannot take national examinations or receive any certification for their schooling.

The humanitarian education sector “couldn’t use the Myanmar or Bangladesh curricula, so the kids were caught in the middle,” a humanitarian agency official said. Instead, UNICEF undertook the time-consuming and costly process of creating a curriculum from scratch for Rohingya refugee children, eventually contracting the British Council to provide the English lessons and BRAC (Bangladesh Rural Advancement Committee), an international humanitarian NGO headquartered in Bangladesh, to provide Burmese language and mathematics lessons. “We had to develop an entire curriculum for every day of every class, then translate it, then print it,” the international NGO official said.

Wary of crossing government red lines, the humanitarian education sector does not describe the informal curriculum as a “curriculum.” It was first designated the Learning Competency Framework and Approach (LCFA); the government later responded to the LCFA with a policy it called Guidelines for Informal Education Programming (GIEP). Humanitarian groups operate in a fog of euphemism: the LCFA/GIEP (hereinafter referred to as an “informal education program”) is taught in “learning centers” rather than schools, by “facilitators,” not teachers. UNICEF submitted the first two levels of the informal program – the first is roughly equivalent to a year of pre-primary and a year of primary education, the second to grades 2 and 3, which include lesson plans for teachers and Burmese language books for students – to the government for approval in March 2018, and the second two levels in July 2018. Humanitarian groups providing education in the camps began cautiously rolling out the first level in January 2019, and the government finally approved the first two levels in May. “The education ministry has been good, the holdup is political,” a senior humanitarian official said.

The informal education program represents a substantial improvement over the status quo ante, in which learning-center instructors lacked lesson plans and students lacked textbooks. Once completed, the informal program will have five levels, intended to be equivalent to nine years of school. The hours of instruction in levels three and four will increase, from 2 hours to around 3.5 hours per day. Some instructors told Human Rights Watch they had received only a few days of training; humanitarian groups in the education sector also intend to improve the quality of education through increased teacher training.

But the informal education program does not meet Bangladesh's obligations to fulfill the right to education for all children, without discrimination, under the Convention on the Rights of the Child. The government has never indicated it will certify Rohingya children's education, permit them to take national examinations, or transfer to formal education. By contrast, Bangladesh plans to establish "learning centers that would follow the national primary education curriculum" as part of a strategy to help one million out-of-school Bangladeshi children integrate into the formal education system, supported by a no-interest, \$700 million loan from the World Bank.

Challenges in Ensuring Education

If and when lesson plans and textbooks become available for the upper levels of the informal education program, it will still not reach the equivalent of a secondary school education, which goes to class 10 in Bangladesh, while higher secondary school goes until class 12. The hours of instruction will increase, but will still be around 50 percent fewer than at single-shift Bangladeshi schools. Lessons in the Bengali language are still banned. Humanitarian actors working to deliver education to refugees also emphasized that the informal education program was not a long-term solution. One described the lesson plans as "scrambled-together," and noted, "they're not being 'piloted,' they're supposed to fade away." Another NGO official said, "it's not super-basic, but it's basic. It's an interim measure."

An education in the Myanmar curriculum might not best meet the needs of Rohingya children if they are forced to remain in long-term exile in Bangladesh. Several Rohingya children, parents and teachers (as well as Bangladeshi teachers) argued that it was important for Rohingya to be allowed to learn Bangla. Nonetheless, all 99 Rohingya

refugee children and all 46 Rohingya refugee teachers whom Human Rights Watch interviewed in Cox's Bazar in February 2019, who arrived in Bangladesh since August 2017, said they wanted the option of continuing to use the Myanmar curriculum. Students who had gone to school for a year or two in Myanmar described the "learning centers" as an educational step backwards, and more advanced students feared that their years of studying would be lost. Parents and teachers feared that the Myanmar authorities might twist refugees' illiteracy in Burmese into "evidence" that Rohingya have no real links to Myanmar. "When the Myanmar government allows us back they will say, 'Do you know Burmese? No, you're illiterate? Look at that, you're Bangladeshi'," said Mohamed S., a refugee who is using the Myanmar curriculum to teach students out of his own shelter in the Cox's Bazar camp.

Given popular demand and the lack of any quality alternatives, some former teachers have set up unofficial schools in the Cox's Bazar camps using the Myanmar curriculum, while others set up "private schools" in their own shelters. They charge a minimal fee to cover the cost of photocopying battered Myanmar textbooks. None of the unofficial teachers we spoke to had been supported or even consulted by the humanitarian groups working in the education sector. The operation of their schools relies on the acquiescence of the "Camp-in-Charge" or CIC, the Bangladeshi officials responsible for a given section of the mega-camp. At least two such unofficial schools were closed in 2018 because they were teaching classes 7 through 9, which the CICs deemed to be too advanced, former teachers at the schools said.

In addition to a lack of secondary-level education under the informal education program, technical and vocational training for refugee adolescents and youth who are out of school is "politically sensitive," a humanitarian official said. The humanitarian groups working in the education sector aimed to support trainings for refugees in skills needed inside the camps, such as mobile phone repair. "But livelihoods is a 'no'," an NGO official said of government attitudes toward support for income-generating activity for refugees, and "lack of livelihoods is directly contributing to child marriage and child labor." Checkpoints block refugees from moving far outside the camps to look for work.

Girls are especially at risk of being denied education due to a combination of policy barriers and cultural obstacles. Rohingya parents often prohibit their daughters from attending school once the girls begin menstruating, according to Rohingya camp residents,

teachers, and staff at NGOs. Some NGOs and UN Women are seeking to mitigate restrictions on access to healthcare for women and girls by opening all-women “safe spaces” or “girl-friendly spaces” in the camps, which could potentially also be used for education.

However, since January 2019, men who claimed or were believed by camp residents to be members of the Arakan Rohingya Salvation Army, a small Rohingya armed group, threatened refugee women or beat the male relatives of women who work for NGOs. Reuters reported in April 2019 that 150 women who were teaching in learning centers run by one NGO in the camps had quit due to threats and beatings. Adding to parents’ reluctance to allow girls to attend learning centers, girls and women have been victims of sexual assault and rape in the camps, due to a lack of security. The camps house roughly 900,000 Rohingya but are patrolled by only 992 Bangladesh police officers during the day, who leave at night.

What Needs to Be Done

The obligation to fulfill Rohingya children’s right to education without discrimination applies regardless of whether Bangladesh acknowledges the reality that Rohingya who arrived since August 2017 may have to remain for a prolonged period. Bangladesh should allow humanitarian agencies to implement an appropriate education response and ensure that Rohingya children can access an accredited, certified education. It should lift its prohibitions on instruction in the Bangla language, on the use of the Bangladeshi school curriculum in the camps, and on Rohingya children from enrolling in Bangladeshi schools and completing secondary school. The government should not close down unofficial Rohingya schools teaching the Myanmar curriculum in the camps, particularly when students have no accessible, appropriate, equivalent alternative. It should also ensure that international NGOs with expertise in education in refugee contexts are able to obtain the required permits and work visas; some staff described prolonged delays without explanation, and obscure and changing bureaucratic criteria.

There has been no accountability to the Rohingya for the denial of their right to education. Few if any officials from donor countries or the UN have publicly stated that Bangladesh’s restrictions are thwarting Rohingya refugee children’s right to formal, quality education without discrimination. The 2018 UN-coordinated humanitarian response plan merely

noted that “continuous engagement with the government of Bangladesh is critical” to “achieve greater policy clarity” in line with the human rights obligation to ensure children’s education “regardless of their immigration status”. The 2019 response plan mid-year update identified the “lack of [an] authorized learning framework” as an obstacle to “meaningful education with a clear pathway to accreditation,” but without reference to Bangladesh’s human rights obligations.

The humanitarian education response is crucial for Rohingya children, but donors have at times incorrectly represented the children’s right to education as subject to deferral. A 2018 grant approval by the Global Partnership for Education, for instance, remarked on the “need to ensure that interventions fulfil the *longer-term education rights* of refugee children and youth,” which would “require[e] more time and negotiation amid continuously evolving circumstances”. International law allows for states that lack the resources needed to fulfill all children’s right to education to realize that right progressively, but Bangladesh is blocking foreign and multilateral donors and humanitarian partners from providing funding and implementing education programs. The deferral of core aspects of the right to education, like accreditation, also violates humanitarian standards on education in emergencies. The UN refugee agency’s “education in emergency standard,” for instance, provides that “refugee children and youth are able to participate in accredited national education systems and programmes under similar conditions to local children,” and states: “the same standards apply to long term and emergency situations.”

Given that Dhaka’s entrenched policies have deprived generations of Rohingya children of access to education, the UN, donor countries, and multilateral donors should jointly and consistently press Bangladesh for reforms. Such an effort should be paired with increased and consistent international pressure on Myanmar to end its persecution of the Rohingya and to hold to account the officials responsible for atrocity crimes.

The UN-coordinated annual Joint Response Plans should include clear benchmarks to fulfill Rohingya children’s right to education without discrimination, and donors should provide the required funding and political support. Donors and humanitarian groups working in the education sector should set timelines for Rohingya children’s access to formal, certified education, including the ability to sit for national examinations. The informal education program could be reconceived as a pathway to give out-of-school children the skills they

need to successfully transfer into formal education, but should be certified. The humanitarian groups working in the education sector should consult with Rohingya educators, community-based organizations, and community leaders, particularly regarding the use of the Myanmar curriculum.

Donors should provide transparent, predictable, multi-year support to ensure access to education for Rohingya and host community children. Donors have pledged substantial aid to support Rohingya refugees and local communities, but as of October 2019, 60 percent of funding requirements for education in 2019 were still unmet, out of an education budget of \$59.5 million under the Joint Response Plan. Humanitarian officials are worried that education funding may drop off in 2020, while there is no prospect of safe returns of Rohingya to Myanmar.

Recommendations

To the Government of Bangladesh:

- Lift educational restrictions that violate Rohingya refugee children's right to education without discrimination and allow them to access formal education, instruction in the Bangla language, secondary education, and the Bangladeshi curriculum.
- Working with the organisations in the humanitarian education sector, accredit the education that they are providing to Rohingya children in the camps and ensure it is a pathway to formal education.
- Lift restrictions to allow humanitarian actors to construct adequate, sturdy school buildings in the refugee camps, that are accessible to both Rohingya refugee children and Bangladeshi children from local host communities who lack access to education due to a lack of public schools.
- Instruct Camp-in-Charge officials not to close down schools operated by Rohingya refugees in the camps that teach the Myanmar curriculum.
- Lift restrictions and allow Rohingya students to enroll in Bangladeshi schools outside the camps, cease expulsions of Rohingya students enrolled in these schools, and allow students who were expelled to re-enroll.
- Improve policing so as to ensure Rohingya refugees' security in the refugee camps, with a particular focus on preventing sexual and gender-based violence against Rohingya girls and women at night.
- Register the births of all children born in Cox's Bazar.
- Accede to the 1951 Refugee Convention and its 1967 Protocol and draft and adopt national refugee legislation.
- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and draft and adopt national legislation on statelessness.
- Ensure that non-governmental organizations with expertise in education in refugee contexts are not subject to arbitrary decisions or prolonged delays with regard to obtaining the necessary permits.

To UNICEF and the humanitarian education sector in Cox's Bazar:

- Publicly advocate for Bangladesh to lift restrictions on formal, accredited education for Rohingya refugee children, from pre-primary through secondary school levels, including examinations and certifications, in line with the right to education without discrimination.
- Review and revise education planning for Rohingya refugees to be in line with their right to education, including specific benchmarks and timelines for access to formal, accredited quality education.
- Improve consultation with Rohingya refugees and dissemination of information to them on education planning and developments, including by supporting the formation of a body of Rohingya refugees recognized in their community educators.
- Support Rohingya refugees who are teaching the Myanmar curriculum at unofficial schools established in camps, and assess and respond to the Rohingyas' widespread desire for education in the Myanmar curriculum.
- Coordinate with the humanitarian Inter-Sector Coordination Group to ensure that children do not need to leave classes to receive humanitarian aid distributions.
- Coordinate with the humanitarian nutrition cluster to ensure that school feeding programs are rolled out equally to all learning centers.

To International Donors to the Rohingya Refugee Response in Bangladesh:

- Publicly call on Bangladesh to allow all Rohingya children access to formal, accredited education from pre-primary through secondary school, including examinations and certifications, in line with their right to education without discrimination.
- Support the humanitarian groups working in the education sector to revise education planning for Rohingya refugee children in line with their right to education, including specific benchmarks and timelines.
- In line with the Global Compact on Refugees, ensure that future funding to education in Bangladesh promotes the integration of refugee children in national education systems, without prejudice to the education sector's assistance to schools for refugee children that teach the Myanmar curriculum.
- Working with the government of Bangladesh and the humanitarian groups working in the education sector, ensure schools in the Cox's Bazar district receive the

additional resources needed to absorb more Rohingya students, while also improving the quality of education for Bangladeshi children.

- Fulfill funding pledges and ensure that the Joint Response Plan for the Rohingya Humanitarian Crisis is adequately funded.
- Ensure that funding for Rohingya refugee children and children in host communities is predictable, multi-annual, and transparent.
- Working with the humanitarian groups involved in the education sector, ensure that funding appeals take into account the specific needs of Rohingya girls, including secondary-school-age girls, and children with disabilities, so that they can access education without discrimination.

Methodology

This report is based on interviews with Rohingya refugees, Bangladesh government officials, humanitarian education actors, and on analysis of policy and planning documents related to the Rohingya refugee camps in Cox's Bazar, Bangladesh.

In February 2019, Human Rights Watch researchers interviewed 99 Rohingya children, including 18 girls, ages 7 to 17, who had arrived in Cox's Bazar, Bangladesh, since fleeing Myanmar after August 2017, as well as 46 Rohingya refugees working as teachers in the camps. Most of the interviews were conducted with groups of children aged from 12 to 16, during which each child was asked brief questions about her or his educational background in Myanmar and current access to education in Bangladesh. In addition, in response to questions directed to the groups at large, some children in each group volunteered to provide more detailed information on these issues. Twenty-one children were interviewed in smaller groups of 4 or 5, and 10 children were interviewed individually.

Also during February 2019, we conducted individual interviews with 13 Rohingya children, including 4 girls, who were born in Bangladesh to parents who fled there from Myanmar, and had been registered as refugees before mid-1992. We spoke to these children about their experiences attending government schools outside their refugee camps by passing as Bangladeshi nationals, before an investigation identified them and they were expelled. This research also involved interviews with five "registered" Rohingya refugees, including two community leaders.

In all cases, children were informed of who was conducting the interviews, why, and how the interviews would be used, that they could choose whether or not to participate, could stop or leave the interview at any time, and would not be remunerated or lead to additional humanitarian assistance including education.

The interviews may not be statistically representative of the overall educational situation of Rohingya refugee children in the camps. A higher proportion of the children interviewed by Human Rights Watch said they had gone to school in Myanmar than was found by larger

surveys conducted in the camps by the UN-led education sector. This report also draws on data from surveys of Rohingya refugees conducted in 2017, 2018 and 2019.

The interviews were conducted with the help of interpreters. Some interviews were translated by a Rohingya refugee who speaks English, while others were translated by a Bangladeshi national who has worked as a translator for English-speakers and Rohingya refugees since September 2017. Some Rohingya children spoke or wrote in English.

Human Rights Watch interviewed 46 Rohingya refugees in the camps who are working as teachers. Of these, 33 were working at learning centers, and 6 as “home-based” teachers, all of whom were using the English, Math, Burmese and Life Skills format approved by the education sector. In addition, seven teachers worked as private tutors (some of whom also worked at learning centers), and five worked as teachers at unofficial schools set up in the camps. Nineteen of the teachers were interviewed privately or in group settings, while 25 were interviewed during Human Rights Watch visits to learning centers in the camps. Each learning center we visited had one Rohingya and one Bangladeshi national working as instructors. In each case, we spoke to both instructors, including the 25 Bangladeshi nationals.

Human Rights Watch visited two primary schools and a secondary school in Bangladeshi communities in Cox’s Bazar, conducted brief group interviews with 45 students, and interviewed teachers, vice-principals, and other staff. In addition, we interviewed the senior Bangladeshi official responsible for secondary education in the district. The report draws on Bangladesh government data about the school system in the district.

In Cox’s Bazar, we held meetings with 6 local and 5 international NGOs providing or reporting on education or child protection, as well as UNICEF and UNHCR staff, and interviewed the Refugee Relief and Repatriation Commissioner, the government official in charge of implementing Bangladesh’s policies and overseeing the camps. Outside Cox’s Bazar, we met with representatives of 4 donor government and multilateral funding agencies, human rights groups with Rohingya diaspora civil society groups, UN agency staff, and former members of the Cox’s Bazar education sector.

Human Rights Watch wrote to request the Bangladeshi authorities to respond to questions based on our preliminary research findings in October 2019, but did not receive responses.

I. Background

The Rohingya, most of whom are Sunni Muslims, had a presence in what is now Myanmar since the 12th century, but the current government claims they migrated there illegally during the period of British colonial control from 1824 to the 1940s.⁵ After Myanmar's independence in 1948, the Rohingya's ancestral homeland of Arakan became Arakan State, in western Myanmar, and was renamed Rakhine State in 1990.⁶ The democratic Burmese government recognized the Rohingya as a national ethnic minority until a military coup in 1962. Under the 1982 Nationality Act, Burma's military rulers effectively revoked the nationality of the Rohingya, rendering them one of the largest stateless groups in the world.

Members of the Rohingya ethnic group have suffered discrimination and persecution from Myanmar authorities for generations, including in accessing education.⁷

Rohingya Refugees in Bangladesh before August 2017

Rohingya have been present since at least the 18th century in Cox's Bazar, the southeastern district of Bangladesh where the refugee camps are currently located. The district was named for the colonial military official sent by the British East India Company to deal with the refugees who fled there after a Burman king conquered Arakan in 1784.⁸ More Arakanese refugees fled to the area in the early 19th century, and again following inter-communal violence between Rohingya Muslims and Rakhine Buddhists in the 1940s.⁹

⁵ Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution*, May 2000, <https://www.hrw.org/reports/2000/burma/burmo05-01.htm>, Chapter 2.

⁶ UNHCR, *States of Denial: A review of UNHCR's response to the protracted situation of stateless Rohingya refugees in Bangladesh*, December 2011, p.1, <https://www.unhcr.org/4ee754c19.pdf> (accessed June 2, 2019); U.S. Bureau of Citizenship and Immigration Services, *Burma [Myanmar]: Information on the situation of Rohingyas*, March 28, 2001, <https://www.refworld.org/docid/3deccd7a4.html> (accessed November 1, 2019).

⁷ Human Rights Watch, *Burmese Refugees in Bangladesh*; and Human Rights Watch, *Living in Limbo: Burmese Rohingyas in Malaysia*, August 2000, <https://www.hrw.org/reports/2000/malaysia/maybroo8-01.htm>. Chapter 3.

⁸ G.E. Harvey, *History of Burma: From the Earliest Times to 10 March 1824 The Beginning of the English Conquest* (London: Longmans, Green and Co.), 1925, p. 282; Tim Steel, "The legacy of Hiram Cox," *Dhaka Tribune*, February 19, 2016, <https://www.dhakatribune.com/uncategorized/2016/02/19/the-legacy-of-hiram-cox> (accessed June 1, 2019).

⁹ Maung Htin Aung, *A History of Burma* (New York and London: Columbia University Press), 1967, p. 206.

More than 200,000 Rohingya sought refuge in Bangladesh in 1977-78, and 280,000 fled from forced labor, rape, and religious persecution by the Myanmar military in 1991-92.¹⁰ On both occasions, Bangladesh carried out large-scale forced returns. In the 1970s, some 9,000 people starved to death when Bangladesh cut their food rations to pressure them to leave.¹¹ Only a small fraction of Rohingya refugees from 1991-92 were granted refugee status before Bangladesh suspended refugee registration in mid-1992; approximately 236,000 had been repatriated by 2005.¹² When Rohingya again fled violence in Rakhine State in June 2012, Bangladesh closed its borders and sent 4,000 people back to Myanmar by October 2012.¹³ Another wave of 80,000 Rohingya fled to Bangladesh following attacks in October 2016.

By 2017, there were up to 300,000 Rohingya refugees in Bangladesh, of whom around 33,000 were officially recognized as refugees before mid-1992, including their children.¹⁴ Since late August 2017, an additional 740,000 refugees have arrived, fleeing attacks by the Myanmar military in Rakhine State.¹⁵ Bangladesh considers the latest arrivals as “Forcibly Displaced Myanmar Nationals” but has not granted them refugee status.¹⁶

Since the 1978 refugee influx, if not before, Bangladesh has denied Rohingya refugees permission to work, freedom of movement, or access to education.¹⁷ Bangladesh has justified its denial of international protection to Rohingya refugees due to the “social and economic challenges it faces in caring for its own citizens,” UNHCR noted in 2007.¹⁸

¹⁰ UNHCR, “Submission by UNHCR for the Office of the High Commissioner for Human Rights’ compilation report: Universal Periodic Review, Bangladesh,” p.1, October 2012, <https://www.refworld.org/pdfid/508640242.pdf> (accessed June 2, 2019).

¹¹ Jeff Crisp, “‘Primitive People’: The untold story of UNHCR’s Historical Engagement with Rohingya Refugees,” October 2018, Humanitarian Practice Network / Overseas Development Institute, <https://odihpn.org/magazine/primitive-people-the-untold-story-of-unhcrs-historical-engagement-with-rohingya-refugees/> (accessed June 2, 2019). See also Human Rights Watch, Bangladesh is Not My Country: Stateless Rohingya Refugees Expelled from Myanmar, August 2018, p. 13, https://www.hrw.org/sites/default/files/report_pdf/bangladesh0818_web2.pdf.

¹² Bangladesh suspended third-country resettlement of Rohingya refugees in 2010. UNHCR, “Submission by UNHCR for the Office of the High Commissioner for Human Rights’ compilation report: Universal Periodic Review, Bangladesh,” p.1, October 2012, <https://www.refworld.org/pdfid/508640242.pdf> (accessed June 2, 2019).

¹³ UNHCR, “Submission by UNHCR for the Office of the High Commissioner for Human Rights’ compilation report: Universal Periodic Review, Bangladesh,” p.1, October 2012, <https://www.refworld.org/pdfid/508640242.pdf> (accessed June 2, 2019).

¹⁴ Ibid., UNICEF, “Rohingya crisis,” <https://www.unicef.org/emergencies/rohingya-crisis> (accessed November 1, 2019).

¹⁵ Human Rights Watch, Bangladesh is Not My Country: Stateless Rohingya Refugees Expelled from Myanmar, August 2018, p. 13.

¹⁶ 2019 Joint Response Plan for the Rohingya Humanitarian Crisis, January-December, p. 10.

¹⁷ UNHCR, Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees, May 2007, p. 1, <https://www.unhcr.org/46fa1af32.pdf> (accessed June 2, 2019).

¹⁸ UNHCR, Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees, May 2007, p. 1.

Poverty and out-of-school rates in the Cox's Bazar district, where Bangladesh has limited the movement of Rohingya refugees, are among the highest in the country, and the increased population of refugees led to downward pressure on day-labor wages and to an increase in food and rent prices, leading to concerns that improvements in conditions for the refugees could spark resentment by citizens.¹⁹ Humanitarian donors and agencies are working on the basis of a Joint Response Plan that aims to support the basic needs, such as protection, food security, education, and health of Rohingya refugees as well as vulnerable Bangladeshi nationals.²⁰

Conditions for the Rohingya in Bangladesh and Myanmar were so poor that many attempted to escape by boat.²¹ Numbers spiked in 2015, when 25,000 people left by boat, risking exploitation and abuse by traffickers, and drowning.²² Some of those who fled Myanmar said the deprivation of education was among their reasons for fleeing.²³ Rohingya have continued to try to escape by boat in lower numbers since.

Barriers to Education for Rohingya Children in Myanmar

The denial of education to Rohingya in Myanmar, where the government has created barriers including movement restrictions, lack of schools, long-term segregation, and denial of citizenship and related rights and protections, heightens the urgency of fulfilling the right to formal education for refugee children in Bangladesh.²⁴

¹⁹ The poverty rate was 23 percent in Cox's Bazar before refugee influx, while the literacy rate was 60 percent. World Bank, Bangladesh Development Update: Building on Resilience, April 2018, p.28, <http://documents.worldbank.org/curated/en/135671531755711230/text/Bangladesh-Development-Update-2018.txt> (accessed November 1, 2019); UNDP, Impacts of the Rohingya Refugee Influx on Host Communities, November 2018, p. 49, <https://www.undp.org/content/dam/bangladesh/docs/Publications/Pub-2019/Impacts%20of%20the%20Rohingya%20Refugee%20Influx%20on%20Host%20Communities.pdf> (accessed November 1, 2019).

²⁰ 2019 Joint Response Plan for the Rohingya Humanitarian Crisis, January-December, pp. 28, 33, 35, 39.

²¹ Bruno Stagno-Ugarte, "The Other Refugee Crisis: The Plight of Bangladesh's Migrants," Foreign Affairs, October 21, 2015, <https://www.foreignaffairs.com/articles/south-asia/2015-10-21/other-refugee-crisis> (accessed August 25, 2019).

²² "Bay of Bengal people smuggling doubles in 2015: UNHCR," Reuters, May 8, 2015, <https://www.reuters.com/article/us-thailand-rohingya-unhcr/bay-of-bengal-people-smuggling-doubles-in-2015-unhcr-idUSKBN0NT11D20150508> (accessed June 2, 2019); Thomas Fuller and Joe Cochrane, "Rohingya Migrants from Myanmar, Shunned by Malaysia, Are Spotted Adrift in Andaman Sea," New York Times, May 15, 2015, <https://www.nytimes.com/2015/05/15/world/asia/burmese-rohingya-bangladeshi-migrants-andaman-sea.html> (accessed August 25, 2019).

²³ "Southeast Asia: Accounts from Rohingya Boat People," Human Rights Watch, May 27, 2015, <https://www.hrw.org/news/2015/05/27/southeast-asia-accounts-rohingya-boat-people>.

²⁴ UN OCHA, "Myanmar Humanitarian Brief," September 2018, p. 2, <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20Humanitarian%20Brief%20-%20September%202018.pdf> (accessed July 2, 2019)

Rohingya children in Rakhine State suffer what the Norwegian Refugee Council terms “full deprivation” of education.²⁵ Student-to-teacher ratios in schools in one majority-Rohingya township are 123:1.²⁶ Basic measurements of access to education are far worse for Rohingya than the national average.²⁷ One survey found that only 54 percent of Rohingya children had completed one year of school in Myanmar, in contrast to 92 percent of children from another ethnic group, the Rakhine, who are Buddhist and officially recognized as a national ethnic group.²⁸ Only 12 percent of Rohingya boys, and just 6 percent of girls completed grade 5, compared to more than 50 percent of Rakhine children.²⁹

Rohingya children face the obstacle that instruction is in Burmese, a second or third language.³⁰ As few as 27 percent of Rohingya are literate in Burmese.³¹

Rohingya children also faced discrimination at government schools in Rakhine State: teachers at these schools humiliated Rohingya children by forcing them to sit at the back of the classroom or a separate room, away from students of other ethnicities, and told them they “do not have any country.”³² Rohingya girls face additional obstacles to education as they grow older, due to parents’ fears for their safety en route to schools.³³

²⁵ Human Rights Watch telephone interview with a former co-lead of the Cox’s Bazar education sector, September 25, 2018.

²⁶ Amnesty International, “Caged Without a Roof”: Apartheid in Myanmar’s Rakhine State, p. 69, <https://www.amnesty.org/download/Documents/ASA1674842017ENGLISH.PDF> (accessed June 2, 2019).

²⁷ The national average student–teacher ratio at primary schools is 28 to 1, 25 percent of children drop out of primary school, and literacy rates are around 93 percent. UNDP, 2016 Human Development Report, Table 9, “Educational Achievements,” p. 232, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf (accessed June 1, 2019).

²⁸ Center for Diversity and National Harmony, Rakhine State Needs Assessment, September 2015, p. 95, https://www.themimu.info/sites/themimu.info/files/documents/Report_Rakhine_State_Needs_Assessment.pdf (accessed June 13, 2019).

²⁹ Cox’s Bazar Education Sector, Joint Education Needs Assessment: Rohingya Refugee in Cox’s Bazar, p. 17, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/cxb_jena_assessment_report-180607.pdf; Internews, Information Needs Assessment Cox’s Bazar – Bangladesh, November 2018, p. 17, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/internews_coxs_bazar_publication_web.pdf; International Rescue Committee, Gender-Based Violence Among Displaced Communities in Sittwe Township, Rakhine State, 2016, p. 17, <https://reliefweb.int/sites/reliefweb.int/files/resources/IRC%20GBV%20KAP%202016.pdf> (accessed June 2, 2019).

³⁰ Joint Education Sector Needs Assessment, North Rakhine State, Myanmar, November 2015, p. 17.

³¹ Internews, Information Needs Assessment Cox’s Bazar – Bangladesh, November 2018, p. 15.

³² Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, September 17, 2018, A/HRC/39/CRP.2, p. 133, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf (accessed July 22, 2019).

³³ Joint Education Sector Needs Assessment, North Rakhine State, Myanmar, November 2015, p. 18.

There is a lack of data about access to education for Rohingya children with disabilities in Myanmar, but the vast majority are thought not to attend schools.³⁴

Following sectarian violence directed against Rohingya in Rakhine State in June and October 2012, Myanmar authorities have prohibited Rohingya students in some townships from attending schools that have ethnic Rakhine students, claiming that this is necessary to prevent a renewal of violence but without providing alternative access to schools.³⁵

Myanmar has forced Rohingya to live in open-air detention camps since the 2012 violence, where approximately 125,000 of the 450,000 to 600,000 Rohingya remaining in Rakhine are confined, more than half of them children.³⁶ An education needs assessment in the camps in 2015 found that children's access to formal education was "minimal or non-existent."³⁷ The UN Fact-Finding Mission on Myanmar reported in 2018 that the only schools in the camps are "temporary learning centers" supported by humanitarian agencies, not the government, that only provide primary-level education.³⁸ Rohingya children detained in the IDP camps have no access to secondary education.³⁹

The government expanded longstanding restrictions on Rohingyas' freedom of movement following the 2012 violence.⁴⁰ For Rohingya children not detained in the camps, these restrictions effectively bar attendance at middle and high schools, which are fewer and farther away than the primary schools in villages.⁴¹ Royes, a former teacher in northern

³⁴ Id.

³⁵ Amnesty International, "Caged Without A Roof": Apartheid in Myanmar's Rakhine State, p. 69, <https://www.amnesty.org/download/Documents/ASA1674842017ENGLISH.PDF> (accessed July 29, 2019).

³⁶ UNHCR, Global Trends: Forced Displacement in 2017, p. 25, <https://www.unhcr.org/5b27be547.pdf> (accessed July 21, 2019).

³⁷ Joint Education Sector Needs Assessment, North Rakhine State, Myanmar, November 2015, pp. 9, 25.

³⁸ Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, September 17, 2018, A/HRC/39/CRP.2, p. 134.

³⁹ UNICEF, "Lives on Hold: Making Sure No Child is Left Behind in Myanmar," May 2017, p. 5, https://www.unicef.org/publications/files/UNICEF_Lives_on_Hold_Myanmar.pdf; Human Rights Watch, "Myanmar: Events of 2018," World Report 2018, <https://www.hrw.org/world-report/2019/country-chapters/burma>.

⁴⁰ Burma Task Force UK, "New Travel Restrictions Placed on the Rohingya," April 27, 2016, <https://www.burmataskforce.org/content/new-travel-restrictions-placed-rohingya> (accessed June 10, 2019).

⁴¹ Al Jazeera, "Myanmar's Rohingya Deprived of Education," August 4, 2014, <https://www.aljazeera.com/indepth/features/2014/08/myanmar-rohingya-deprived-education-201484105134827695.html> (accessed June 1, 2019).

Rakhine State, said that “Rohingya children from settlements [in Myanmar] without any schools were unable join because of the travel restrictions.”⁴²

Rohingya in Myanmar have been barred from holding teaching positions because they are denied citizenship, contributing to a lack of Rohingya teachers. Nur Bashar, 42, received a BA in Geography from Sittwe University in 2003, but had to work as an agricultural laborer in a village because his lack of a “national ID” prevented him from being hired as a teacher.⁴³ Most teachers at government schools in Rakhine State are ethnically Rakhine or Bamar, not Rohingya, and some have refused to work in majority-Rohingya areas due to safety concerns.⁴⁴ One Rohingya refugee said that during the 2014-15 and 2015-16 school years he volunteered at a primary school in his village because “all the teachers at the school were Buddhist and they wouldn’t come to teach.”⁴⁵

Some children and teachers told Human Rights Watch that the Myanmar military had interfered in their schools in Rakhine State. Mohamad M., 45, a former teacher in Myanmar, said that “the problems started three years ago” when Myanmar security forces first came to his school.

Sometimes they captured students and forced students and teachers to carry water and wood for them. So everyone was afraid to go. They didn’t torture teachers, but they did torture some students. Six months before [August 2017], I had to stop going to teach at all [due to the danger].⁴⁶

Mohamed A., 17, said he was a student in class 8 in Myanmar when he dropped out of school, three months before he fled to Bangladesh due to attacks in August 2017.

The army was in the school and the classroom. Sometimes the soldiers were drinking [alcohol] in the classroom and threatening students. When

⁴² Human Rights Watch interview with Royes, learning center instructor, Cox’s Bazar, February 5, 2019.

⁴³ Human Rights Watch interview, Nur Bashar, Cox’s Bazar, February 15, 2019.

⁴⁴ Center for Diversity and National Harmony, Rakhine State Needs Assessment, September 2015, p. 96; Burmese Rohingya Organisation UK, The Right to Education Denied for Rohingya Refugees in Bangladesh, p. 5, <http://burmacampaign.org.uk/media/The-Right-to-Education-Denied-for-Rohingya-Refugees-in-Bangladesh.pdf> (accessed June 3, 2019); Amnesty International, “Caged Without a Roof”: Apartheid in Myanmar’s Rakhine State, November 21, 2017.

⁴⁵ Human Rights Watch interview with Jamin, learning center instructor, Cox’s Bazar, February 9, 2019.

⁴⁶ Human Rights Watch interview with Mohamad M., Cox’s Bazar, February 10, 2019.

we saw the military in the yard we were afraid. Sometimes they slept in the school to monitor the movement of people.”⁴⁷

Myanmar authorities closed schools in northern Rakhine State following the August 25, 2017 attacks by the Arakan Rohingya Salvation Army (ARSA) armed group. Some schools were reopened in mid-October, but over 106,000 students did not return to their studies, and as of January 10, 2018, 424 out of 650 schools in three predominantly-Rohingya townships remained closed, according to a post on the Myanmar President Office's website.⁴⁸ Freedom of movement for the Rohingya remaining in northern Rakhine State has been even more severely restricted since August 2017, with many effectively confined to their homes and villages, without access to health care, education, or other basic services.

In addition to formal schooling, thousands of students in Rakhine State attended madrasas, Islamic schools that teach the Quran and in some cases provide basic primary education.⁴⁹ These too came under threat from the government. Officials said in September 2016 that more than 35 madrasas and 12 mosques in Rakhine State were “illegally built” and would be demolished.⁵⁰ Some Rohingya refugee children in Bangladesh said they had been banned from attending Islamic schools in Myanmar.⁵¹

Tertiary education is inaccessible for Rohingya in Rakhine State. Sittwe University had been the only university in Rakhine State that had accepted Rohingya students before they were barred from attending for undefined “security” reasons in 2012.⁵² Mohamad Sufire, 14, who was in class 8 when he fled from Myanmar, recalled, “even if we stud[ied] hard we

⁴⁷ Human Rights Watch group interview with Mohamed Arab and five other children, Cox's Bazar, February 10, 2019.

⁴⁸ Dhaka Tribune, “Rohingya Children Allegedly Facing Racial Segregation in Rakhine Schools,” February 20, 2018, <https://www.dhakatribune.com/bangladesh/nation/2018/02/20/rakhine-rohingya-children-racial-segregation-school-exam> (accessed June 3, 2019).

⁴⁹ Joint Education Sector Needs Assessment, North Rakhine State, Myanmar, November 2015, p. 30; Mohammed Mohiyuddin Mohammed Sulaiman, “Islamic education in Myanmar: a case study,” chapter 10, in *Dictatorship, Disorder and Decline in Myanmar*, ed. Trevor Wilson, Monique Skidmore, 2008, available at <http://press-files.anu.edu.au/downloads/press/p102401/mobile/index.html> (accessed June 4, 2019); “Joint Education Sector Needs Assessment, North Rakhine State, Myanmar,” November 2015, p. 27.

⁵⁰ Voice of America, “Mosques, Madrasas to be Razed in Myanmar's Rakhine State,” September 21, 2016, <https://www.voanews.com/a/mosques-madrasas-to-be-razed-in-myanmar-rakhine-state/3520279.html> (accessed June 2, 2019).

⁵¹ Human Rights Watch group interview with Mohamed Azaz and five other children, Cox's Bazar, February 10, 2019.

⁵² Al Jazeera, “Myanmar's Rohingya Deprived of Education,” August 4, 2014, <https://www.aljazeera.com/indepth/features/2014/08/myanmar-rohingya-deprived-education-201484105134827695.html>

were not allowed to go to university.”⁵³ Even before 2012, Rohingya, denied nationality, were only allowed to enroll in B.A. and B.Sc. degrees at Sittwe University, and not engineering, law, and medicine, or other majors that are open only to Myanmar nationals.⁵⁴ Furthermore, Sittwe University did not offer degrees in education; Yangon University did, but out of all the inhabitants of the Cox’s Bazar camps, only seven Rohingya refugees had received B.Ed. degrees before access to Yangon University was barred by travel restrictions.⁵⁵ Rohingya were also required to obtain permission to travel to Sittwe, limiting the number who had attended university there even before the 2012 ban.⁵⁶

Lack of Education for Bangladeshi Children in Cox’s Bazar

Bangladeshi children in the Cox’s Bazar district suffer from a lack of teachers, classrooms, and high dropout rates. The Bangladesh government requires that at least 25 percent of humanitarian aid must be spent to address the needs of local host communities, and the education sector’s 2019 plans target 343,000 refugees and 120,000 host community students.⁵⁷ UNICEF found that by late 2019, enrollment rates for children ages 4-11 at learning centers in the camps for Rohingya ranged from 79 to 89 percent, exceeding the 75 percent enrollment rates for Bangladeshi children of that age range in host communities in Cox’s Bazar, “which is why we have been extending our assistance to the host community.”⁵⁸ There is no crossover between education aid to host communities and aid for education programs for Rohingya children, because the government bans Rohingya children from going to local schools.

The net primary education enrollment rate for Bangladeshi children in the Cox’s Bazar district “is the lowest in the country,” and those who do enroll dropout at a rate that “is the

⁵³ Human Rights Watch interview with, and written note received from, Mohamad Sufire, Cox’s Bazar, February 12, 2019.

⁵⁴ Amnesty International, “Caged Without a Roof”: Apartheid in Myanmar’s Rakhine State, 2018, p. 66, <https://www.amnesty.org/download/Documents/ASA1674842017ENGLISH.PDF>; Human Rights Watch interview with Mohamed Hanim, Cox’s Bazar, February 9, 2019.

⁵⁵ PRIO, We Must Prevent a Lost Generation: Community-Led Education in Rohingya Camps, July 10, 2019, p. 18, <https://www.prio.org/Publications/Publication/?x=11387> (accessed July 26, 2019).

⁵⁶ Human Rights Watch interviews with Royes and Mohamed Hanim, Cox’s Bazar, February 5 and 9, 2019.

⁵⁷ See, e.g., “Rohingya Refugees: \$950 million needed in next 10 months,” The Daily Star, March 10, 2018, <https://www.thedailystar.net/frontpage/rohingya-refugees-950m-needed-next-10-months-1546075> (accessed July 23, 2019); 2019 Joint Response Plan for Rohingya Humanitarian Crisis, p. 35; Md. Sahada Hossain, “Regarding to Allocate 25% of total budget in FD-7 for Host Communities of Cox’s Bazar,” Director General, NGO Bureau, Office of the Prime Minister, July 15, 2019, on file with Human Rights Watch.

⁵⁸ Letter to Human Rights Watch from UNICEF Bangladesh, December 2, 2019.

highest in the country,” according to the World Bank. The Bank reported dropout rates of 39.6 percent for boys and 22.8 percent for girls, compared to the national average of 22.3 and 16.1 percent respectively.⁵⁹ Other sources report even worse outcomes. As of 2018, according to a UN report, the dropout rate in the district was 45 percent for boys and 30 percent for girls.⁶⁰

The problems are even more acute in the Ukhiya and Teknaf subdistricts of Cox’s Bazar where the camps for Rohingya refugees are located. Bangladesh’s National Education Policy set out the goal of achieving student-teacher ratios of 30:1 in primary and secondary schools by 2018.⁶¹ Yet census data from 2015 shows that in Ukhiya, 85.5 percent of primary schools had 46 or more students per teacher – as opposed to 71.2 percent in Cox’s Bazar as a whole, and 33.4 percent nationally. Only 2.9 percent of schools in Ukhiya were operating on a single shift – as opposed to 21.6 percent nationally; the rest operated on multiple “shifts” each day, in order to accommodate more children using the insufficiently available schools, classrooms and teachers.⁶²

In February 2019, Human Rights Watch visited one primary and two secondary schools in Ukhiya sub-district, which like all Bangladeshi public and private schools in the district, are not open to Rohingya children. The schools had an average of 120 students per classroom, administrators said.⁶³

“There are not enough schools for local kids, and sometimes they can’t pay their teachers on time—they come to us to ask for [financial] support,” said the director of a local NGO that has supported Bangladeshi and Rohingya children in Cox’s Bazar since 2008. The NGO worked with schools as well as students who dropped out, he said, like a Bangladeshi boy who left school in order to earn an income for the family after his father

⁵⁹ World Bank, “Additional Financing for Reaching Out of School Children II,” September 5, 2018, p. 9, <http://documents.worldbank.org/curated/en/434911537587044478/pdf/Bangladesh-Reaching-PP-09072018.pdf>

⁶⁰ Joint Response Plan for the Rohingya Humanitarian Crisis, March-December 2018, p. 59, [https://www.unocha.org/sites/unocha/files/JRP for Rohingya Humanitarian Crisis 2018.PDF](https://www.unocha.org/sites/unocha/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%202018.PDF) (accessed May 16, 2019).

⁶¹ Bangladesh National Education Policy, p. 6, <https://reliefweb.int/report/bangladesh/national-education-policy-2010-enbn> (accessed May 11, 2019).

⁶² “Upazila Education Performance Profile Based on Annual Primary School Census 2015,” compiled from Bangladeshi government statistics by an international NGO working; Excel sheet data on file with Human Rights Watch.

⁶³ Human Rights Watch interviews, vice-principals and teachers, at public and semi-public elementary and secondary schools, Ukhiya, February 15 and 16, 2019.

became too ill to work.⁶⁴ A survey of 1,700 Bangladeshis in local host communities in July 2018 found that 85 percent did not want Rohingya children to attend public schools in the area, in part because providing Rohingya with education would make it less likely they would return to Myanmar, but also because local schools were already under-resourced and the quality of education would deteriorate if they had to accommodate more students.⁶⁵

Some local primary schools were initially used in the refugee response after August 2017 to store and distribute humanitarian aid. This led to a partial or total shutdown of some primary schools for up to four months after August 2017, and the humanitarian relief work caused damage that was slow to be repaired.⁶⁶ As a result, it is likely that Bangladeshi children dropped out of school. The pressing need for family income due to poverty in the relevant sub-districts of Cox's Bazar contribute to child labor and mean that "once a [Bangladeshi] child has dropped out from the education system, it is extremely difficult to trace him/her and bring him/her back," the World Bank noted.⁶⁷

Although people in Cox's Bazar were initially generally welcoming of the refugees, the temporary shutdowns caused resentment, which was later exacerbated by several other factors, including rising rents, and the loss of teaching staff and students to jobs with humanitarian NGOs in the refugee camps. One teacher at a secondary school said her rent had doubled from one year to the next due to the influx of NGOs to the area, forcing her to move out.⁶⁸ An administrator at the same school noted that "up to 20 percent of students in classes eight and above" had dropped out to work for NGOs, "which means the secondary school certificate [national examination] pass rates have fallen from 85 percent to around 65 percent since the influx."⁶⁹ At another school, an administrator said that "five guest teachers" -- also referred to as "para-teachers," who do not receive state benefits -- had not renewed their short-term contracts because NGOs offered better salaries, worsening the teacher shortage.

⁶⁴ Human Rights Watch interview with local NGO director, Cox's Bazar, February 8, 2019.

⁶⁵ Xchange, "The Rohingya Amongst Us": Bangladeshi perspectives on the Rohingya crisis survey, August 28, 2018, <http://xchange.org/bangladeshi-perspectives-on-the-rohingya-crisis-survey/> (accessed July 10, 2019).

⁶⁶ World Bank, "Additional Financing for Reaching Out of School Children II," September 5, 2018, p. 10.

⁶⁷ World Bank, "Additional Financing for Reaching Out of School Children II," September 5, 2018, p. 10.

⁶⁸ Human Rights Watch interview, teacher, Kashemia High School, Balukhali, Cox's Bazar, February 18, 2019. Her rent doubled from 8,000 to 15,000 taka.

⁶⁹ Human Rights Watch interview, assistant head teacher, Kashemia High School, Balukhali, Cox's Bazar, February 18, 2019.

II. Barriers to Rohingya Children's Right to Education

The precise number of school-age Rohingya refugee children in Bangladesh is unclear, partly because UNHCR's total figure of 912,000 Rohingya refugees does not include an estimated 300,000 people who fled persecution and military attacks before August 2017 but who have not been registered.⁷⁰ Based on the Bangladesh government's claim that the Rohingya population comprises 1.1 million people, and on available demographic data, there are roughly 390,000 Rohingya children in Bangladesh between the ages of 5 and 17.⁷¹ As of July 28, 2019, the education sector reported that education programs had reached 296,000 out of a target of 393,000 Rohingya children ages 3-18, most of them under age 14.⁷² These figures may not reflect children who are registered at the NGO-operated "learning centers" in the camps, but who do not actually attend.⁷³

But even those children who do regularly attend learning centers are not receiving education that fulfils their rights, because of restrictions imposed by the government of Bangladesh. The government has claimed that its response to the Rohingya crisis "aims to fulfil its commitments in global treaties and declarations that guarantee the right to

⁷⁰ UNICEF notes that Rohingya who fled since August 2017 "joined 300,000 people already in Bangladesh from previous waves of displacement." UNICEF, "Rohingya Crisis," <https://www.unicef.org/emergencies/rohingya-crisis> (accessed September 4, 2019). UNHCR counted 913,080 Rohingya refugees, of whom 55 percent are under 18 years old, and 37 percent are between the ages of 5 and 17, as of August 31, 2019. UNHCR, "Rohingya Refugee Response – Bangladesh: Population Factsheet," <https://data2.unhcr.org/en/documents/download/71171> (accessed August 1, 2019).

⁷¹ Prime Minister Sheikh Hasina stated that Bangladesh was hosting 1.1 million Rohingya in her remarks to the U.N. General Assembly on September 27, 2018. 73rd UN General Assembly, "Bangladesh: H.E. Prime Minister Sheikh Hasina," September 27, 2018, <https://gadebate.un.org/en/73/bangladesh> (accessed September 4, 2019). The humanitarian education sector's estimates of the number of school-age children seem to have shifted downward since June 2018, when an education needs assessment reported that "over 530,000" refugee children ages 3 to 17 were "in immediate need of education in emergency services." In December 2018, the education sector reported that its "target" population in the 3-14 age group was 298,000 children. Joint Education Sector Needs Assessment, June 1, 2018, p. 8, <https://www.humanitarianresponse.info/en/operations/bangladesh/document/joint-education-needs-assessment-rohingya-refugee-cox%E2%80%99s-bazar-june> (accessed July 25, 2019). Cox's Bazar 5W Data - Education Sector, December 31, 2018, XLS file available at <https://data.humdata.org/dataset/cox-s-bazar-5w-data-education-sector> (accessed August 1, 2019).

⁷² Cox's Bazar Education Sector Meeting, "Education Sector: Dashboard and 5W Analysis as of July 28, 2019."

⁷³ In December 2018, education sector members noted that although each learning center counted 35-40 students, "there are much less [who attend] most of the time," and pledged to improve attendance monitoring including through "independent spot checks." Cox's Bazar Education Sector Roundtable, December 19, 2018 (updated April 3, 2019), p. 6, https://www.dropbox.com/sh/d9kgms6vu4ma10s/AABCh9l4SLStkWMI-YFruS1Xa/RRRC%3ACIC%20Meetings?dl=0&preview=181219+RRRC_CIC+Meeting_Follow_up_3April.docx&subfolder_nav_tracking=1 (accessed July 17, 2019).

education.”⁷⁴ In fact, the government contributes no funding, infrastructure, or other resources to Rohingya children’s education. Instead, it imposes a highly restrictive policy that limits what humanitarian agencies, with international funding, can do. As this chapter describes, government documents, UN reports, statements by officials, UN reports, notes of coordination meetings of humanitarian groups working in the education sector, and interviews with humanitarian and Bangladesh officials show that the government of Bangladesh, in line with decades-old policies on refugee education, prohibits humanitarians from providing Rohingya children with:

- formal, certified education
- secondary-school-level education
- access to Bangladeshi schools outside the camps
- instruction in the Bengali language
- permanent school buildings.

Ban on Formal, Certified Education

The government of Bangladesh’s responsibility for providing education to Rohingya refugees lies with the Ministry of Primary and Mass Education, the Ministry of Education (which is responsible for secondary, tertiary and vocational education), the Ministry of Disaster Management and Relief, and the Refugee, Relief and Repatriation Commissioner (RRRC), among other bodies. A coordinating group in Dhaka is meant to bring UN agencies and NGOs together with government bodies on education issues, but the government rarely participates.⁷⁵ In fact, refugee education policy is determined by the National Task Force on Forcibly Displaced Myanmar Nationals, chaired by the Foreign Secretary, and comprised of 29 agencies and ministries.⁷⁶

⁷⁴ Bangladesh, Leaving No One Behind: Education for girls and boys of Rohingya refugees and host communities in Cox’s Bazar district of Bangladesh, Bangladesh Funding Proposal to the Global Partnership for Education, [uploaded on November 5, 2018], p. 5, https://www.globalpartnership.org/sites/default/files/20180813_gpe_proposal_rohingya_final.pdf (accessed July 17, 2019).

⁷⁵ The coordinating body, called the Education Local Consultative Group (ELCG), is co-chaired by the Education Ministry of Public and Mass Education and USAID, but as of September 2018 the education ministry was “seldom present to chair the meetings, nor have other government bodies participated in recent years.” Global Partnership for Education, Grants and Performance Committee Meeting, September 17, 2018, GPC/2018/09 DOC 02, Annex 2, p. 4.

⁷⁶ Bangladesh Ministry of Foreign Affairs, “Statement by Hon’ble State Minister for Foreign Affairs as Chief Guest of the Session on ‘Inclusive Humanitarian Actions in Disasters and Protracted Crisis’ at the 2nd International Conference on Disability & Disaster Risk Management,” May 17, 2018, <https://mofa.gov.bd/site/page/977a3c75-c579-47e5-9269-4fed860d5b49> (accessed July 24, 2019); Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Twenty-sixth session, Replies of Bangladesh to the list of issues, March 17, 2017.

After the influx of refugees in August 2017, the government of Bangladesh “hesitated to include education support in its humanitarian operations to Rohingya children and youth in camps, for fear that such support could stimulate [a] further influx of people,” according to a multilateral funder’s assessment.⁷⁷ There is no available evidence for such an assumption, such as cases of Rohingya who were drawn to Bangladesh primarily for its education system rather than being forced to flee there due to military attacks, torture, rape and murder. In October 2017, the National Task Force set down its policy that newly-arrived Rohingya children may receive only “informal” education and no instruction in Bengali.⁷⁸

The policy to allow “informal” education for Rohingya children means that learning centers in the camps may not teach a formal curriculum and are not certified. The policy also means that Rohingya children “are not entitled to enroll in government-accredited schools [outside the refugee camps], nor can they sit for the Primary School Certificate exam.”⁷⁹ An assessment commissioned by UNHCR of its response to the Rohingya humanitarian crisis noted that “the Government’s refusal to allow the Bangladesh curriculum or a formal ... education to be taught has led to a situation where there is effectively no formal education for the hundreds of thousands of school age children.”⁸⁰

The government’s current refugee education policy, as stated in the Guideline on Informal Education Program (GIEP) from May 5, 2019, insists that Rohingya will soon return to Myanmar:

⁷⁷ Global Partnership for Education, Grants and Performance Committee Meeting, September 17, 2018, GPC/2018/09 DOC 02, “Annex 2: Quality Assurance Review – Phase 3,” p. 3, https://www.globalpartnership.org/sites/default/files/gpc-2018-09-doc_02_-_bangladesh_accelerated_funding_proposal-en_no_pd.pdf (accessed July 26, 2019).

⁷⁸ UNICEF, Evaluation of UNICEF’s Response to the Rohingya Refugee Crisis in Bangladesh, Vol. 1, November 2018, p. 41, https://www.unicef.org/evaldatabase/files/UNICEF-Rohingya_Response_Evaluation_VOLUME_I-2018-003.pdf (accessed July 27, 2019). The education sector cites a “Ministry of Foreign Affairs directive on Dec. 29th 2017” as the basis for restricting education to “informal” instruction in “the basics of English, Burmese, General Knowledge, Math and Science. Cox’s Bazar Education Sector, “Guidance Note: Education Sector Standards for Rohingya Refugee Response,” May 1, 2018, p. 3, https://reliefweb.int/sites/reliefweb.int/files/resources/guidance_note_for_education_sector_standards_v_1.00.pdf (accessed July 15, 2018).

⁷⁹ Joint Response Plan for Rohingya Humanitarian Crisis, March-December 2018, p. 19.

⁸⁰ UNHCR, Independent assessment of UNHCR’s emergency response to the Rohingya refugee influx in Bangladesh, August 2017- September 2018, December 2018, p. 81, <https://www.unhcr.org/5c811b464.pdf> (accessed July 23, 2019).

While it is expected that the repatriation [to Myanmar] will take place within two years, the children and adolescents in the camps will lose their golden time for learning which is a global concern. Nevertheless, given the situation in the camps and uncertainty regarding repatriation timing etc., [the] National Task Force ... issued guidelines to provide “informal” learning opportunity ... and the learning should be either in Myanmar or English language. ... Keeping in mind the practical difficulties of space, resources and limited learning time the GIEP chooses to be modest in its aspirations.⁸¹

“The [government] perspective is that because [the Rohingya] are here on a temporary basis, they should only be given an informal framework, no formal education – we can’t go too far,” one senior humanitarian official said.⁸² “It depends how you look at the problem,” said the Refugee Relief and Repatriation Commissioner, in charge of implementing government policy in Cox’s Bazar camps.⁸³ “If they [the Rohingya] stay for 20 years, you’ll need a curriculum, but if it’s just a year or two, then it’s different. ... There is no possibility for them to take the Bangladeshi curriculum.”

It has already been two years since the latest exodus of the Rohingya to Bangladesh from Myanmar, and there are few prospects of repatriation.⁸⁴ The Inter-Agency Network on Education in Emergencies, which has set out minimum standard for humanitarian education based on the right to education, provides that “recognized national primary and secondary curricula should be used,” but that “in settings where none exist, curricula will need to be quickly developed or adapted,” warning that curriculum development and review is a “long, complex process.”⁸⁵

⁸¹ Guidelines for Informal Education Program (GIEP) for Children of Forcibly Displaced Myanmar Nationals (FDMN) in Bangladesh, May 15, 2019, pp. 1-2, <https://www.globalpartnership.org/sites/default/files/2019-05-bangladesh-informal-education-program-rohingya.pdf> (accessed July 17, 2019).

⁸² Human Rights Watch interview, senior humanitarian agency official, Cox’s Bazar, February 16, 2019.

⁸³ Human Rights Watch interview with Abul Kalam, Refugee Relief and Repatriation Commissioner, Cox’s Bazar, February 18, 2019.

⁸⁴ “Myanmar/Bangladesh: Halt Rohingya Returns,” Human Rights Watch news release, August 20, 2019, <https://www.hrw.org/news/2019/08/20/myanmar/bangladesh-halt-rohingya-returns>.

⁸⁵ Inter-Agency Network on Education in Emergencies, “Minimum Standards for Education: Preparedness, Response, Recovery,” 2012, p. 78, https://inee.org/system/files/resources/INEE_Minimum_Standards_Handbook_2010%28HSP%29_EN.pdf (accessed September 4, 2019).

Bangladesh has refused to allow Rohingya refugees formal education for decades. Currently, there are roughly 8,000 school-age Rohingya refugees, who were born in Bangladesh to parents who arrived before mid-1992, who are registered as refugees, and live in camps separate from the post-August 2017 arrivals.⁸⁶ The government did not allow these “registered” Rohingya children to study a curriculum until 2007, when it permitted instructors, supported by UNHCR, to teach a non-formal version of the Bangladeshi curriculum, translated into English.⁸⁷ These Rohingya children receive a “certificate of participation or attendance” but their education is not certified or accredited and they cannot sit for national examinations.⁸⁸ The schools for children in “registered” refugee camps only run through class 8, while secondary school for Bangladeshi children goes to class 10 and higher secondary school to class 12, but “there are no formal pathways from this into the formal system.”⁸⁹

Because no certified education is available to Rohingya children, and no secondary-level education is provided in the camps, some have learned Bengali, acquired Bangladeshi identification documents, and enrolled in public schools outside the camps by passing as Bangladeshi nationals. In early 2019, the Bangladesh government ordered the expulsion of Rohingya refugee children who had managed to acquire Bangladeshi identification documents in order to enroll in public and private schools in the Teknaf and Ukhiya subdistricts of Cox’s Bazar by passing as Bangladeshi nationals.⁹⁰ The children were identified by an investigation by intelligence agencies, expelled from schools, and had no alternative access to education.⁹¹

A senior Bangladeshi education official in Cox’s Bazar, who expressed sympathy for the plight of Rohingya children, made an attempt to justify Bangladesh’s ban on formal education:

⁸⁶ Human Rights Watch, “Bangladesh: Rohingya Refugee Students Expelled,” April 1, 2019, <https://www.hrw.org/news/2019/04/01/bangladesh-rohingya-refugee-students-expelled>.

⁸⁷ Government of Bangladesh, “Leaving No One Behind: Education for girls and boys of Rohingya refugees and host communities in Cox’s Bazar district of Bangladesh, Bangladesh Funding Proposal to the Global Partnership for Education,” p. 9, [uploaded on] November 5, 2018, https://www.globalpartnership.org/sites/default/files/20180813_gpe_proposal_rohingya_final.pdf (accessed July 17, 2019).

⁸⁸ Cox’s Bazar Education Sector, “Joint Education Needs Assessment: Rohingya Refugee in Cox’s Bazar,” June 2018, p. 27, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/cxb_jena_assessment_report-180607.pdf (accessed June 2, 2019).

⁸⁹ Ibid.

⁹⁰ Human Rights Watch, “Bangladesh: Rohingya Refugee Students Expelled,” April 1, 2019.

⁹¹ Ibid.

Education is a human right. So they [Rohingya children] should have learning. But in the camps, our prime minister gave them shelter for humanitarian reasons. It is not possible to provide them with an educational institution inside the camps. But they should have a chance. We should do our level best to provide them opportunities. If the international community takes the initiative to repatriate them to their own land, good. Otherwise we will have a lot of problems. Even if they stay here for 20, 30 or 40 years, or more, they will not be Bangladeshi. They see themselves as refugees.⁹²

Initial Humanitarian Education Response

The humanitarian groups working in the education sector, led by UNICEF, responded to the government's restrictions by establishing "learning centers" rather than schools, staffed with "volunteer facilitators" rather than teachers – "we have to be very careful with wording," a humanitarian official said.⁹³ Children ages 4 to 14 can enroll at the learning centers, each of which can teach one class of 30 to 40 children at a time. Each learning center is staffed by one Rohingya refugee, who teaches Burmese language and life skills, and one Bangladeshi national, who taught mathematics and English.

Royes, a 30-year-old former teacher from Rakhine State who works as a learning center instructor, described a typical work-day: to increase the number of students who attend their center, he and his Bangladeshi co-instructor teach three shifts per day, from 9 to 11 a.m., 11:30 to 1:30 p.m., and 2:10 to 4:10 p.m., six days a week. Each shift includes four, 25-minute lessons, with a break after each. Some 40 children are enrolled in each shift, but actual attendance varied.⁹⁴

Lack of a Formal Curriculum for All Grades

When asked about what was missing from the education offered at learning centers, children and Rohingya instructors most often pointed to the lack of a curriculum—lessons that build on previous skills and knowledge and add new subject areas as the student progresses. Until early 2019, the learning centers only taught basic-level mathematics,

⁹² Human Rights Watch interview, district education official, Cox's Bazar, February 17, 2019.

⁹³ Human Rights Watch interview, senior humanitarian agency official, Cox's Bazar, February 17, 2019.

⁹⁴ Human Rights Watch interview with Royes Uddin, learning center instructor, Cox's Bazar, February 5, 2019.

Burmese language, and life skills. There were no textbooks, lesson plans, or any structured education at any of the learning centers for around 15 months after most children had arrived in Bangladesh, and minimal training for instructors.

Lacking any curriculum, the learning centers offered poor-quality education, according to children, parents and teachers we interviewed in February 2019. Nur Faisel, 11, complained that at learning centers, “they’re only playing, not teaching!”⁹⁵ A teacher at a learning center said that one of his subjects, “life skills,” consisted of “mak[ing] students aware of different types of diseases, or letting the kids play with some toys.”⁹⁶ “The learning center is only for playing, not for education,” said Nur Kamal, 11.⁹⁷ Many of the children whom Human Rights Watch interviewed who attended learning centers said they also attended privately-funded *moktabs* in the camps – Islamic religious schools that teach Quranic memorization for 2 to 3 hours per day to 60 to 200 students – but some attended only *moktabs*.⁹⁸ Mohamed Yasin, 11, said that unlike in learning centers, “in the *moktab*, there is no playing allowed.”⁹⁹ The head of a Rohingya refugee human rights group, Mohib Ullah, told Agence France Presse that the education offered in *moktabs* could help boys to become religious teachers and imams, but could not “prepare [children] to face the challenges of globalization.”¹⁰⁰

A survey of parents’ attitudes to the education provided by NGOs in the camps, published in June 2018, reflected frustration at the “lack of learning materials” and of “age-appropriate / useful instruction” at learning centers.¹⁰¹ Osman O., a Rohingya teacher at a learning center in camp 7, remarked in February 2019, “These learning centers are providing 10 percent education and 90 percent life skills training, like how to wash your hands. This is not schooling.”¹⁰² Azida, a 12-year-old girl who had attended class 5 at a

⁹⁵ Human Rights Watch interviews with Azida, Cox’s Bazar, February 14, 2019.

⁹⁶ Human Rights Watch interview with Royes Uddin, learning center instructor, Cox’s Bazar, February 5, 2019.

⁹⁷ Human Rights Watch group interviews with Nur Kamal, Cox’s Bazar, February 15, 2019.

⁹⁸ Human Rights Watch group interviews with 12 children, Cox’s Bazar, February 12, 2019.

⁹⁹ Human Rights Watch group interviews with Mohamad Yasin, Cox’s Bazar, February 15, 2019.

¹⁰⁰ “Shut out from Bangladesh schools, Rohingya turn to madrassas,” AFP, July 19, 2019, <https://www.malaymail.com/news/life/2019/06/18/shut-out-from-bangladesh-schools-rohingyas-turn-to-madrassas/1763246> (accessed September 12, 2019).

¹⁰¹ Joint Education Needs Assessment, Rohingya Refugees in Cox’s Bazar, June 1, 2018, p. 18, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/cxb_jena_assessment_report-180607.pdf (accessed June 2, 2019).

¹⁰² Human Rights Watch interview, Osman O. (a pseudonym), instructor at learning center, camp location withheld, Cox’s Bazar, February 7, 2019.

government school before fleeing Myanmar to the refugee camps, voiced a common complaint: “my learning center only teaches A-B-C-D, but I wish I could move on, and pass class 10.”¹⁰³

Children who attended school in Myanmar described their frustration at not being able to build on what they had learned, but having to start over in schools that offered only basic instruction, and where there was no progression of knowledge and skills. Esha Ahmed, a 13-year-old who had attended class 4 at a public school in Myanmar, said “There is no point going to the learning center here because we were already more advanced [in our study in Myanmar].”¹⁰⁴ Faisal, a 20-year-old instructor at a learning center, said that children ages 4 to 8 “are eager to come to the learning centers because they find a playground,” but that older children who had gone to school in Rakhine state “could not fulfil their thirst for education” and “stop coming to the learning center after a few days.”¹⁰⁵ Mohamad Amin, 20, who began working as a Burmese and math instructor at a learning center in 2018, said his students initially included “lots of kids who used to attend Burmese schools [before fleeing], but after attending a few classes some of them did not come anymore.”¹⁰⁶

Children with school experience in Myanmar were also discouraged by learning centers’ failure to group children according to their previous academic experience. Mohamad Zohar, 14, had been in class 6 in Rakhine state, and had also been out of school since coming to Bangladesh. “There are very little kids, they are just playing in the learning centers.” He wants to be a math teacher, but currently, “I don’t do anything.”¹⁰⁷ Rumana, a Bangladeshi national teaching in a learning center in the camps, said:

They need to go somewhere for learning, but these age groups cannot be incorporated with the [younger] children. So, suppose I am teaching numbers in the math class, students who are already familiar with course work lose their concentration. But if I start teaching them mathematical operations, the other children, who don’t even know about numbers, start

¹⁰³ Human Rights Watch interviews with Azida, Cox’s Bazar, February 14, 2019.

¹⁰⁴ Human Rights Watch interview with Esha Ahmed, Cox’s Bazar, February 10, 2019.

¹⁰⁵ Human Rights Watch interview with Faisal, Cox’s Bazar, February 6, 2019.

¹⁰⁶ Human Rights Watch interview with Mohamad Amin, Cox’s Bazar, February 5, 2019.

¹⁰⁷ Human Rights Watch interview with Mohamad Zohar, Cox’s Bazar, February 10, 2019.

making noise. What is needed is to divide the children into different classes, based on their education levels.¹⁰⁸

The Bangladeshi and the Rohingya instructors at one learning center said that the lack of textbooks, and the accompanying perception that no meaningful learning was taking place, contributed to a dropout rate of between 15 to 20 percent.¹⁰⁹

An “Informal,” Inadequate Curriculum

The humanitarian education sector, led by UNICEF, was aware that the learning centers offered poor quality education but unable to use either the Bangladesh curriculum due to government policy prohibiting it, or the Myanmar curriculum due to Myanmar government representatives’ reported lack of agreement to allow its use in meetings with UN humanitarian officials. UNICEF responded by creating an “informal” curriculum following “continuous engagement with the Government of Bangladesh.”¹¹⁰ According to the UNICEF representative in Bangladesh, as of August 2019, “we are trying to provide education within tight restrictions ... but we simply cannot wait until conditions are perfect ... What we ask of both governments is flexibility to allow the use of their educational resources – for example, curriculum, assessments and training manuals – in order to offer the best possible quality learning for Rohingya children”.¹¹¹ The development of the informal curriculum proved more time-consuming and difficult than the children’s agency projected.¹¹²

The existence of even an informal curriculum represents an improvement over the status quo ante. According to UNICEF, the informal learning program marked a “qualitative jump” toward quality education as compared to the beginning of the humanitarian education response, when learning centers lacked “materials or a curriculum framework of any

¹⁰⁸ Human Rights Watch interview with Rumana Akhter, Cox’s Bazar, February 7, 2019.

¹⁰⁹ Human Rights Watch interview with Mohammad Ilias and Shahina Akhter at a learning center in the Cox’s Bazar camps, February 7, 2019.

¹¹⁰ Joint Response Plan for the Rohingya Humanitarian Crisis, March-December 2018, p. 60, [https://www.unocha.org/sites/unocha/files/JRP for Rohingya Humanitarian Crisis 2018.PDF](https://www.unocha.org/sites/unocha/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%202018.PDF) (accessed May 16, 2019); information about UN and Myanmar officials’ meetings is from an email to Human Rights Watch from an INGO, August 28, 2019.

¹¹¹ UNICEF, Beyond Survival: Rohingya Refugee Children in Bangladesh Want to Learn, August 2019, p. 13, <https://www.unicef.org/bangladesh/media/2536/file/UNICEF%20Advocacy%20Alert%202019.pdf> (accessed November 20, 2019).

¹¹² UNICEF, Evaluation of UNICEF’s Response to the Rohingya Refugee Crisis in Bangladesh, Vol. 1, November 2018, pp. 41-42.

kind.”¹¹³ Nonetheless, because of government restrictions it is a workaround that meets neither the minimal requirements of access to quality education without discrimination under international law, nor humanitarian education standards.¹¹⁴

“The objective in 2018 was to ramp up the number of learning centers, but now the priority is the quality of education,” a humanitarian official said in February 2019.¹¹⁵ To address the “lack of standardized and relevant teaching and learning materials,”¹¹⁶ among other problems, UNICEF spearheaded the creation of a new informal education program, initially named the Learning Competency Framework and Approach (LCFA), to which the government eventually responded with a policy document it called Guidelines for Informal Education Programming (GIEP).

Developed for UNICEF by Dhaka University and BRAC University, the British Council, and members of the humanitarian education sector, the informal education program will comprise five “levels,” which are intended to provide informal education from pre-primary to the rough equivalent of secondary school.¹¹⁷ Although it is not officially recognized as or equivalent to a curriculum, the informal education program is structured as one: it includes lesson plans, Burmese language textbooks, and for older children, increased numbers of subjects and hours of instruction. For children who advance to levels three and four of the informal program – which have not yet been approved by the government – the number of subjects should increase to include science and history. If Bangladesh approves these levels, the increase in subjects will also necessarily require the number of “contact hours” between students and instructors to increase as well. This change would limit the learning centers offering these levels to two shifts per day rather than three and as a result each center will be able to accommodate fewer students.¹¹⁸ The humanitarian groups in the education sector plan to cluster learning centers together to compensate.

¹¹³ UNICEF, *Beyond Survival: Rohingya Refugee Children in Bangladesh Want to Learn*, p. 11.

¹¹⁴ See, e.g., Inter-Agency Network on Education in Emergencies, “Minimum Standards for Education: Preparedness, Response, Recovery,” 2012, p. 78, https://inee.org/system/files/resources/INEE_Minimum_Standards_Handbook_2010%28HSP%29_EN.pdf (accessed September 4, 2019).

¹¹⁵ Human Rights Watch interview, senior humanitarian agency official, Cox’s Bazar, February 16, 2019.

¹¹⁶ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January–December, p. 35.

¹¹⁷ The first four levels are meant to be equivalent to pre-primary through grade 8. UNICEF, “Humanitarian Action for Children: Bangladesh,” January 2019, p. 3, [https://www.unicef.org/appeals/files/2019-HAC-Bangladesh\(2\).pdf](https://www.unicef.org/appeals/files/2019-HAC-Bangladesh(2).pdf) (accessed June 3, 2019).

¹¹⁸ Human Rights Watch interviews, senior humanitarian agency official, February 16, 2019; Bangladeshi INGO education specialist, Cox’s Bazar, February 18, 2019.

Discrepancies in Hours of Instruction

Although the informal education program will increase the number of hours of instruction received by Rohingya children in learning centers to a level equivalent to some Bangladeshi children, it will also perpetuate the discrepancy with others.

Before the informal education program was introduced, all classes in the learning centers lasted for just two hours per day.¹¹⁹ Under the informal program, children in the first two levels – intended to be equivalent to kindergarten through the third year of primary school – will attend learning centers for 2.25 hours per day, for a total of 598 hours annually.¹²⁰ The informal program offers Rohingya children about the same number of “contact hours” that Bangladeshi children receive in the first two years, if they attend government elementary schools that operate on two shifts. The majority of government-run primary schools in Bangladesh, about 82 percent, operate on a two-shift schedule.¹²¹ But Bangladeshi children at “one shift” schools attend them for 919 hours annually – 54 percent more time at school than the informal education program offers Rohingya children. In levels 3 and 4, if and when they are approved by the government, Rohingya children will attend learning centers for to 3.25 hours per day, or 854 hours annually. This is about 65 hours more per year than Bangladeshi children receive at two-shift government schools, but at single shift schools, they receive 1,428 hours – 44 percent more than their Rohingya peers. At one secondary school in Cox’s Bazar, Bangladeshi students in classes 6 to 10 go to school from 8 a.m. to 2 p.m., with no break – or 6 hours of school per day, compared to 3.25 hours for Rohingya children.¹²²

Concerns over Quality

Education experts with international NGOs operating in Cox’s Bazar have raised serious concerns about the quality of the informal curriculum.¹²³ One education official at an INGO

¹¹⁹ In Myanmar, primary education in classes 1 through 3 lasted from 7 to 10:30 a.m., according to two Rohingya refugees who were formerly teachers in government schools that ran on multiple “shifts” in different villages in Rakhine state. Human Rights Watch interviews in Cox’s Bazar with Dil Mohamed, February 11, and Salah Uddin, February 14, 2019.

¹²⁰ Cox’s Bazar Education Sector, “Contact hours / Shift Planning Proposal,” [no date], p.3, https://www.dropbox.com/sh/rjl9tyifhvlra41/AACezaVFWgk17uG8IyJv6fra?dl=0&preview=Contact+time+and+shift+planin+g+guide+_Eng.pdf (accessed July 15, 2019).

¹²¹ Letter from UNICEF Bangladesh to Human Rights Watch, December 1, 2019.

¹²² Human Rights Watch interviews, staff at Kashemia High School, Balukhali, Cox’s Bazar, February 14 and 15, 2019.

¹²³ At the time of the interviews, in February 2019, the GIEP was still referred to as the Learning Competency Framework and Approach (LCFA).

described it as “scrambled-together,” and noted, “The lesson plans are meant to be temporary. They’re not being piloted, they’re supposed to fade away. It’s in English only, and teachers are asking for Burmese.”¹²⁴ Another NGO official involved in the process of developing the curriculum said, “it’s not super-basic, but it’s basic. It’s an interim measure. In the longer term we will need to have something more. OK, so many Rohingya kids never got much education. You need to not disincentivize the ones who are more advanced.”¹²⁵ UNHCR had voiced concerns about the informal curriculum as early as April 2018, at an education sector meeting: “LCFA [the informal education program] is not a curricula, and should be treated as transitional as it is not robust enough to be used as a curricula.”¹²⁶

The informal curriculum and the education sector’s plans do not adhere to key guidance and policies on education in emergencies that have been adopted by humanitarian agencies and NGOs. For example, UNHCR’s “Education in emergency standard,” intended to guide the agency’s response to humanitarian emergencies globally provides, among other things:

- “All children have access to primary, secondary or context-appropriate preparatory or accelerated education of good quality during the first phase of an emergency.”
- “Refugee children and youth are able to participate in accredited national education systems and programmes under similar conditions to local children.”
- “The same standards apply to long term and emergency situations.”¹²⁷

Delays in Approval and Implementation

The project led by UNICEF to design the informal education program (the LCFA/GIEP) avoided crossing the government’s red lines on formal education, the use of the Bangladesh curriculum, and instruction in Bengali language. Despite these precautions, it took the government one full year to approve the first two “levels” of the informal education program, in April 2019.¹²⁸ At the time of writing, it had still not approved the rest

¹²⁴ Human Rights Watch interview, international NGO education official, Cox’s Bazar, February 18, 2019.

¹²⁵ Human Rights Watch interview, international NGO official, Cox’s Bazar, February 19, 2019.

¹²⁶ Cox’s Bazar Education Sector Meeting Notes, April 11, 2018.

¹²⁷ UNHCR, “Education emergency standard,” <https://emergency.unhcr.org/entry/53852/education-emergency-standard>, accessed September 3, 2019. Bullet points in original.

¹²⁸ ISCG Cox’s Bazar, Situation Report Rohingya Refugee Crisis, April 2019 p. 4, https://reliefweb.int/sites/reliefweb.int/files/resources/sitrep_april_2019.pdf (accessed July 25, 2019).

of the curriculum – levels three, four, and five, which are intended to provide education up to the equivalent of around class 10, though higher secondary school ends at class 12. The humanitarian groups working in the education sector initially had to proceed cautiously, rolling out the informal education program on a “non-objection basis,” a humanitarian official said, adding, “the [Bangladesh] education ministry has been good – the holdup is political.”¹²⁹ An official with an international NGO confirmed, “the Ministry of Education and the Ministry of Primary and Mass Education were ok with [the informal education program], but the National Task Force [on Rohingya refugee issues, led by the Ministry of Foreign Affairs] refused to sign on.”¹³⁰

Added to the delay in government approval is the delay involved in developing the informal education program in the first place, causing children to miss out on education. This was the subject of contention between UNICEF, which led the development of the informal program, and UNHCR, which opposed it.¹³¹ According to notes from an education sector meeting on the issue in April 2018, “UNHCR noted that there exist already resources in English and that there are opportunities around certification including feasibility studies concerning the issue.”¹³² The UNHCR official at the meeting was apparently referring to an adapted English translation of part of the Bangladesh curriculum: beginning in 2015, Bangladesh had allowed this curriculum to be taught to the children of “registered” Rohingya refugees who arrived before mid-1992.¹³³ The response from UNICEF and some INGO staff, according to a former education sector member, was to point out that the Bangladesh government had already stated that it would not approve the use of this version of the curriculum for the Rohingya children who arrived after August 2017.¹³⁴

An internal review of UNICEF’s response to the Rohingya crisis, published in November 2018, reported that Bangladesh’s October 2017 decision to ban the use of this curriculum had “forced UNICEF to rethink its education strategy.” As a result, “developing and implementing the [informal education program] has been a lengthy and complex process,” and negotiating the informal program with the government “absorbed a significant amount

¹²⁹ Human Rights Watch interview, senior humanitarian agency official, Cox’s Bazar, February 16, 2019.

¹³⁰ Human Rights Watch interview, international NGO official, Cox’s Bazar, February 19, 2019.

¹³¹ Human Rights Watch telephone interview, former education sector member, September 25, 2018.

¹³² Cox’s Bazar Education Sector Meeting Notes, April 11, 2018.

¹³³ UNICEF, Evaluation of UNICEF’s Response to the Rohingya Refugee Crisis in Bangladesh, Vol. 1, November 2018, pp. 41-42.

¹³⁴ Human Rights Watch telephone interview, former education sector member, September 25, 2018.

of time,” when all available resources were urgently needed for “acceleration and dramatic expansion of service delivery.”¹³⁵ “We had to develop an entire curriculum for every day of every class, then translate it, then print it,” an international NGO official said.¹³⁶

While UN agencies struggled to respond to Bangladesh’s ban on quality education for Rohingya children, the government of Bangladesh suffered virtually no public criticism for its ban from donor countries or multilateral agencies funding humanitarian education for Rohingya refugees.

Large Age Ranges in Class

In conjunction with its implementation of the informal education program, the humanitarian groups working in the education sector plan to select and group children in classes at learning centers based on their academic background and ability, which should help to address the problem of the large age range of children in learning center classes.¹³⁷ However, the government’s 12-month delay in approving the first two levels of the informal education program raises concerns about the timeframe for the roll-out of levels 3, 4 and 5. In the interim, older or more advanced Rohingya students will continue to drop out of education due to the large age range of students in each class. Most students and instructors at learning centers who spoke to Human Rights Watch said that the age range of their classmates was large, from 5 years old to 12, and in some cases, from 4 to 14 or 5 to 15 years old.¹³⁸ The large age range was a disincentive for students older than around 10 or 11, and especially for students above this age who had received some actual education in Myanmar.¹³⁹ Some instructors at learning centers with three shifts divided classes by age, with the first shift for ages 4 to 6, the second for ages 7 to 9, and the third for older children.¹⁴⁰ However, even using this tactic, children in the third shift class still ranged from ages 10 to 14: “This is tough. No one can concentrate,” one teacher said.

Lack of Consultation with Rohingya on Myanmar Curriculum

¹³⁵ UNICEF, Evaluation of UNICEF’s Response to the Rohingya Refugee Crisis in Bangladesh, Vol. 1, November 2018, pp. 41-42.

¹³⁶ Human Rights Watch interview, international NGO official, Cox’s Bazar, February 19, 2019.

¹³⁷ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 36.

¹³⁸ Human Rights Watch interviews with instructors at learning centers, Cox’s Bazar, February 5-7, 2019.

¹³⁹ Human Rights Watch interview with Mohamad Zohar, Cox’s Bazar, February 10, 2019.

¹⁴⁰ Human Rights Watch interviews with Rohingya children, Cox’s Bazar, February 8-15, 2019.

UNHCR’s “education emergency standard” provides that “members of the community participate transparently and without discrimination in processes to plan, design, implement, monitor and evaluate educational provision.”¹⁴¹ Ensuring the inclusive participation of the refugee community in the development of education programs is the first of the minimum standards for education established by the Inter-Agency Network on Education in Emergencies.¹⁴²

Actors in the humanitarian education sector held consultations with Rohingya, including parents, children, learning-center instructors, and others, as part of the process of developing the informal education program, in January and April 2018, and January 2019. The consultations covered issues such as prior learning, language preferences, parents’ expectations, and role of communities in helping strengthen the provision of education.¹⁴³

However, rather than a new, informal education program, virtually every Rohingya refugee child, parent and teacher whom Human Rights Watch spoke with in Bangladesh in February 2019 said they wanted to use the Myanmar curriculum, notwithstanding an education expert’s assessment that the curriculum had “a nationalistic element to the Myanmar curriculum that Rohingya don’t like.”¹⁴⁴ “We miss our old subjects in Myanmar,” one boy said, which included geography, history, science, English, Burmese language and grammar, arithmetic and geometry.¹⁴⁵ Mujibur Rahman, 15, who was in class 8 in Myanmar when in August 2017 he fled to Bangladesh, said he did not attend learning centers because “I want to develop myself, and to study all the subjects, but I can’t. I can’t get them from the learning center.”¹⁴⁶ None of the Rohingya refugees who had worked as educators in Myanmar whom we spoke with was aware of any consultations by the

¹⁴¹ UNHCR, “Education emergency standard,” <https://emergency.unhcr.org/entry/53852/education-emergency-standard>, accessed September 3, 2019. Bullet points in original.

¹⁴² Inter-Agency Network on Education in Emergencies, “Minimum Standards for Education: Preparedness, Response, Recovery,” 2012, p. 22, https://inee.org/system/files/resources/INEE_Minimum_Standards_Handbook_2010%28HSP%29_EN.pdf (accessed September 4, 2019).

¹⁴³ Letter to Human Rights Watch from UNICEF Bangladesh, December 2, 2019. Separately, as of mid-2019, “the education sector has facilitated the organization of 3,297 trainings for School and Community Education Committees (with 50% female participation) on learning facility / school management, disaster risk reduction, and participatory engagement of the community.” Joint Response Plan for Rohingya Humanitarian Crisis: 2019 Mid-Term Review, p. 41, https://reliefweb.int/sites/reliefweb.int/files/resources/2019_jrp_mid_term_review_final_for_circulation.pdf (accessed November 20, 2019).

¹⁴⁴ Human Rights Watch telephone interview, international NGO education specialist, September 25, 2018.

¹⁴⁵ Human Rights Watch interview with Mohamed Ayas, Cox’s Bazar, February 9, 2019.

¹⁴⁶ Human Rights Watch interview with Mujibur Rahman, Cox’s Bazar, February 9, 2019.

humanitarian groups working in the education sector about their preference for the informal curriculum or its development, and few knew in February 2019 that a new curriculum was being developed for the learning centers.¹⁴⁷

In some cases elsewhere, host-country governments and authorities in the refugees' country of origin have permitted refugee children to study their country of origin's national curricula or have certified their education. The Turkish government approved and accredited a modified version of the Syrian curriculum, taught to Syrian refugee children by refugee teachers, without approval from the Syrian government.¹⁴⁸ In refugee camps in Thailand, children from Myanmar's Karen and Karenni ethnic groups studied in education systems created by the refugee communities themselves; some children who returned to Myanmar obtained "transfer certificates" that effectively recognized their education in the camps, or took placement tests in order to access formal public education in Myanmar.¹⁴⁹

When faced with the Bangladesh government's ban on the use of the Bangladeshi curriculum or its English translation, UNICEF created a new curriculum from scratch. Actors in the humanitarian education sector in Bangladesh were not aware of efforts to adapt the Myanmar curriculum, apparently because the Myanmar government has not approved the use of the curriculum for Rohingya children in Bangladesh, which means that refugee children's education would not be certified. However, the Bangladeshi government had not given any indication that it would certify the education sector's "informal" curriculum either.¹⁵⁰

An education specialist noted additional costs of the ban on the use of any formal curriculum, whether from Myanmar or Bangladesh: it "undermines teachers' professional development, it's a missed opportunity, it deprives teachers of a tool they're used to. And the quality of these [national] curricula is better than what we're developing now."¹⁵¹

¹⁴⁷ Human Rights Watch interviews with Rohingya educators, Cox's Bazar, February 9, 11, 12, 14, 15, 2019.

¹⁴⁸ Turkey accredited a modified version of the Syrian curriculum for use in schools set up by Syrian teachers for refugee children, without Syrian government authorization. Human Rights Watch, "Education for Syrian Refugee Children: What Donors and Host Countries Should Do," September 16, 2016, <https://www.hrw.org/news/2016/09/16/education-syrian-refugee-children-what-donors-and-host-countries-should-do>.

¹⁴⁹ "Refugee Education Integration Review," December 2017, USAID and World Education Inc., pp. 35, 60, https://worlded.org/WEInternet/inc/common/_download_pub.cfm?id=19335&lid=3, accessed October, 22, 2019.

¹⁵⁰ Human Rights Watch interview, international NGO education official, Cox's Bazar, February 20, 2019.

¹⁵¹ Human Rights Watch interview, international NGO education official, Cox's Bazar, February 20, 2019.

Lack of Certification

Closely related to the use of a formal curriculum is the issue of certification – whether children who complete levels of schooling then receive documentation that would be recognized by the host country or their country of origin, and would allow them to continue to higher levels. Certification of schooling is a minimum standard for education in humanitarian emergencies. The Inter-Agency Network on Education in Emergencies states,

In emergency contexts through to recovery, it is important that national authorities, educational institutions and employers recognise curricula and the certificates awarded. Communities want to know that their children’s education has value and that national authorities recognise that value.¹⁵²

Rohingya children and teachers had different opinions about whether it was more desirable to be certified under the Bangladeshi or Myanmar systems. But at present, no education that Rohingya children complete in Bangladesh is certified. The government of Bangladesh did not certify the education Rohingya children received at learning centers before the informal education program was introduced, and has not indicated that it will certify their education under the informal program. As a result, Rohingya students who attend GIEP classes will not be able to transfer into the education system of Bangladesh, Myanmar, or any other country, or to sit for national examinations.¹⁵³ There is no possibility that their education in the camps could be used to continue to study or to gain employment.

“Certification is important – that they get some kind of recognition, something useable,” Abul Kalam, the then-Refugee Relief and Repatriation Commissioner told Human Rights Watch in February 2019.¹⁵⁴ But he added that the issue was beyond his control. “It needs to be approved at Dhaka level.”¹⁵⁵

¹⁵² Inter-Agency Network on Education in Emergencies, “Minimum Standards for Education: Preparedness, Response, Recovery,” 2012, p. 76, https://inee.org/system/files/resources/INEE_Minimum_Standards_Handbook_2010%28HSP%29_EN.pdf (accessed September 4, 2019).

¹⁵³ In Bangladesh, national examinations are required for acceptance to secondary school (from class 9 to 10), upper secondary school (class 11 and 12), and a secondary school matriculation certification exam is required for enrollment in university.

¹⁵⁴ Abul Kalam was removed from his position as RRRC by the government on August 25, 2019, shortly after some Bangladeshi media outlets and political figures criticized authorities for permitting Rohingya refugees to hold a large, peaceful demonstration in the Cox’s Bazar camps to commemorate their forced displacement, and because no Rohingya

By contrast, Bangladesh has accredited education programs that target out-of-school Bangladeshi children, run by the same humanitarian agencies that teach Rohingya children. Bangladeshi children who follow these accredited programs, which are run out of learning centers in host communities, are able to take primary school certificate examinations, and can then transition to government secondary schools, according to an official at the Bangladesh Rural Advancement Committee (BRAC), a Bangladesh-based INGO.¹⁵⁶ These programs will be scaled up with support from international donors. In June 2018, the World Bank approved a \$700 million concessional credit for Bangladesh's Quality Learning for All Program, in order to "bring about one million out-of-school children to learning centers that would follow national primary education curriculum, and thus help them integrate with the formal education system."¹⁵⁷

Myanmar has not permitted Rohingya refugee children to take its national examinations.¹⁵⁸ A student, Atif A., 14, who had completed class 8 in Myanmar, urged the Bangladesh government to permit Rohingya students to study the Myanmar curriculum: "In Bangladesh we want the government to approve Burmese curriculum so then we can go to university," he wrote, in English.¹⁵⁹

Osman O., a Rohingya teacher at a learning center in camp 7, appealed to "international stakeholders" to ensure that Rohingya children's education is certified:

The [Bangladesh] authorities [should] ensure that the children can follow the Burmese curriculum and get formal certification, for when the children return to Myanmar and try to resume their studies. There should be some

were returned to Myanmar under a plan to encourage voluntary repatriations. Humayun Kabir Bhuiyan, "RRRC Kalam transferred, made OSD," Dhaka Tribune, September 2, 2019, <https://www.dhakatribune.com/bangladesh/nation/2019/09/02/mahbub-alam-made-new-rrrc> (accessed September 17, 2019).

¹⁵⁵ Human Rights Watch interview, Abul Kalam, Refugee Relief and Repatriation Commissioner, Cox's Bazar, February 18, 2019.

¹⁵⁶ Human Rights Watch interview, international NGO education official [BRAC], Cox's Bazar, February 18, 2019.

¹⁵⁷ World Bank, "World Bank Provides \$700 Million to Improve Primary Education in Bangladesh," June 14, 2018, <https://www.worldbank.org/en/news/press-release/2018/06/14/world-bank-provides-700-million-to-improve-primary-education-in-bangladesh> (accessed July 28, 2019).

¹⁵⁸ Human Rights Watch interview, international NGO education official, Cox's Bazar, February 14, 2019.

¹⁵⁹ Human Rights Watch interview with, and written note received from Atif A., Cox's Bazar, February 12, 2019.

international recognition of the education that they complete that will be accepted by the Myanmar authorities.¹⁶⁰

Children also argued for the need for a certified education. Mohamed Tua Sin, 15, was in class 9 in Myanmar and now studies with a private tutor 5 days a week. “If anyone goes back to Myanmar then if we had certificates we could go to university there. That’s my first choice. If not, then to university in Bangladesh or another foreign country.”¹⁶¹ Mohamad Sufire, 14, said he was in class 8 when he fled from Myanmar, and now studies with a tutor. He wrote: “We need education because education can change our life. [...] Although we study hard in this camp, the teachers can’t give us any document [certification] of education.”¹⁶²

A meeting of humanitarian actors working in the education sector noted that a global initiative, with UNICEF and the University of Cambridge, aims to create an “internationally recognized academic certificate for children uprooted by emergencies,” and that “a pilot has been planned for the development of an education in emergencies certification and curricular framework.”¹⁶³ Academic experts from Cambridge and UNICEF visited the Cox’s Bazar camps in 2018 and “looked at readiness for certification.”¹⁶⁴ An agreement with the university was meant to be signed in July 2019, according to humanitarian officials.¹⁶⁵ This global initiative and a potential pilot for Rohingya refugee children may eventually provide positive outcomes, but these are uncertain, and do not address or relieve Bangladesh (or Myanmar) of responsibility for the ongoing refusal to allow Rohingya refugee children access to any certified education, in line with Bangladesh’s international obligations.

Ban on Instruction in Bengali Language

¹⁶⁰ Human Rights Watch interview, Osman O. (a pseudonym), instructor at learning center in camp 6, Cox’s Bazar, February 7, 2019.

¹⁶¹ Human Rights Watch interview, Mohamed Tua Sin, Cox’s Bazar, February 12, 2019.

¹⁶² Human Rights Watch interview with, and written note received from, Mohamad Sufire, Cox’s Bazar, February 12, 2019.

¹⁶³ Cox’s Bazar Education Sector Meeting, April 11, 2018, <https://www.humanitarianresponse.info/en/operations/bangladesh/document/education-sector-sector-meeting-11-april-2018-bangladesh> (accessed July 25, 2019).

¹⁶⁴ Education Cannot Wait Facilitated Multi-Year Resilience Programme, Bangladesh, 2018, p. 27, http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dhaka/pdf/EDU/ECW_MYRP_Bangladesh_2018.pdf (accessed July 15, 2019).

¹⁶⁵ Human Rights Watch interviews, humanitarian officials, Cox’s Bazar, February 15 and 17, 2019.

Minimum standards developed by the Inter-Agency Network for Education in Emergencies note that refugees’ “future opportunities and what is needed to allow them to continue their education in host or home communities after an emergency need to be considered” when deciding on the language of instruction. Nonetheless, “in situations of extended displacement, opportunities should be provided for learners to learn the language of the host community or country. This enables them to function within the host community and to continue to access education and opportunities.”¹⁶⁶

The informal education program being rolled out in the refugee camps is subject to the governmental ban on any instruction in the Bengali language, or Bangla, to Rohingya children. Asked about the policy by a journalist, the former head of Bangladesh’s Refugee Relief and Repatriation Commission said, “Our policy is to provide informal education. Why do the Rohingya need to learn Bangla? Their language is Burmese They are here temporarily. The government is negotiating their repatriation strategy.”¹⁶⁷

In October 2017, the governmental National Task Force on Rohingya issues, chaired by the foreign ministry, issued a decision that the only permitted languages of instruction for Rohingya refugees are Burmese and English.¹⁶⁸ In a 2018 request to the Global Partnership for Education for an \$8.3 million education grant for Rohingya children, which was later approved, Bangladesh emphasized the “written instructions from the National Task Force on Undocumented Myanmar Nationals and written feedback from MoPME [the Ministry of Primary and Mass Education] not to use Bangla language in the teaching learning process for Rohingya children and also considering the education system and arrangement in Rakhine state from where they came from”.¹⁶⁹ The government reiterated the ban on Bengali language instruction in May 2019, in its Guidelines for Informal Education Programming (GIEP) policy, which refers to the National Task Force’s instructions “to

¹⁶⁶ Inter-Agency Network on Education in Emergencies, “Minimum Standards for Education: Preparedness, Response, Recovery,” 2012, p. 81.

¹⁶⁷ Sunaina Kumar, “How Rohingya refugee children are torn between languages,” Refugees Deeply, April 1, 2019, <https://www.newsdeeply.com/refugees/articles/2019/04/01/how-rohingya-refugee-children-are-torn-between-languages> (accessed September 17, 2019).

¹⁶⁸ Human Rights Watch interview with senior humanitarian official, Cox’s Bazar, February 17, 2019.

¹⁶⁹ Government of Bangladesh, “Leaving No One Behind: Education for girls and boys of Rohingya refugees and host communities in Cox’s Bazar district of Bangladesh, Bangladesh Funding Proposal to the Global Partnership for Education,” [uploaded] November 5, 2018, p. 12, https://www.globalpartnership.org/sites/default/files/20180813_gpe_proposal_rohingya_final.pdf (accessed July 17, 2019).

provide ‘informal’ learning ... that ... should be either in Myanmar or English”.¹⁷⁰ An education sector update from the same month lists the languages in which teaching guides, student materials and workbooks, flashcards and posters, were being printed, and ends: “NO STUDENT MATERIAL IN BANGLA.”¹⁷¹

All teachers and many of the children who Human Rights Watch interviewed said that the Bangladesh government had prohibited instruction in the Bengali language in the camps. Four Rohingya men who work as learning center instructors, who live in the same area of one camp, said they were notified of the prohibition in November 2017 by the *majhi* in their area – a Rohingya refugee, typically a man with higher social status, responsible for overseeing 100 people, and reporting to the Bangladeshi “Camp in-Charge” (CIC) – who warned that “anyone who teaches Bangla will go to jail for six months.”¹⁷² A Rohingya man, Anwar Islam, who lives in a different camp and teaches in an unrecognized community school there, said that the CIC of his camp “told people who told the *majhi*, you’re not allowed to teach in Bangla or you’ll be punished.” Asked whether he wanted to be allowed to teach Bengali, Islam, a former elementary-school teacher, said that since Rohingya are from Rakhine state, “we’re in Myanmar, but we live close to Bangladesh so we need both languages.”¹⁷³

Rohingya teachers also identified a need for Bengali language instruction. Nur Bashar, 42, who graduated from Sittwe University before Rohingya students were effectively banned in 2012 and who is now teaching the Myanmar curriculum to students out of his own shelter, said, “instruction in English, Burmese and Bangla – all are needed.”¹⁷⁴ Mohamed Siddiq, 32, was a volunteer “community teacher” in Myanmar – he taught at the request of villagers after non-Rohingya teachers refused to teach at their school – and now works as a

¹⁷⁰ Guidelines for Informal Education Program (GIEP) for Children of Forcibly Displaced Myanmar Nationals (FDMN) in Bangladesh, May 15, 2019, p. 1,

<https://www.globalpartnership.org/sites/default/files/2019-05-bangladesh-informal-education-program-rohingya.pdf> (accessed July 17, 2019).

¹⁷¹ Emphasis in original. Cox’s Bazar Education Sector, “LCFA Task Force Meeting, May 5, 2019,”

https://www.dropbox.com/sh/o7tivoqui6nmjsn/AACEslH1bCw686YDUMCpYrda?dl=o&preview=TWiG_MM.docx

¹⁷² Human Rights Watch interviews with instructors Jamin, Mohamad Hanim, Mohamad Yunaïd, and Jani Alam, Cox’s Bazar, February 9, 2019.

¹⁷³ Human Rights Watch interview, Anwar Islam, Cox’s Bazar, February 15, 2019.

¹⁷⁴ Human Rights Watch interview, Nur Bashar, Cox’s Bazar, February 15, 2019.

learning center instructor. “I can’t wait to be back to Myanmar, but if we must stay here for eight or ten years, Bangla will be very useful,” he said.¹⁷⁵

Bangladeshi citizens working as instructors in learning centers also said Rohingya children wanted to learn Bengali, out of curiosity when their teachers used Bangla words, and because they wanted to be able to speak with the Bangladeshi children they interacted with in host communities.¹⁷⁶ Another teacher said her students “are eager to learn the Bangla language but the teachers are not allowed to teach it and are not even supposed to speak it, but some use formal Bangla words.”¹⁷⁷ Another Bangladeshi instructor said,

Sometimes the children tell me, ‘Apu [Sister], we want to learn Bangla. We want to go to the Bangladeshi schools, as they have benches, table, chairs, books, and colorful uniforms.’ But we don’t have authorization to teach them any Bangla.¹⁷⁸

Another Bangladeshi teacher in a learning center said of her Rohingya students, “it would be good if they go back to Myanmar, but until then, as long as they are in Bangladesh, they should learn Bangla. It can be an advantage for the kids to learn Bangla along with Burmese.”¹⁷⁹

Lack of Secondary Education

All children, including refugees, have the right to access secondary education on an equal basis without discrimination.¹⁸⁰ UNHCR’s standard for education in emergencies provides that refugee children should “have access to primary, secondary or context-appropriate preparatory or accelerated education of good quality during the first phase of an emergency,” and that “refugee children and youth are able to participate in accredited

¹⁷⁵ Human Rights Watch interview, Mohamad Siddiq, Cox’s Bazar, February 15, 2019.

¹⁷⁶ Human Rights Watch interviews with instructor, learning center in camp 7, Cox’s Bazar, February 6, 2019.

¹⁷⁷ Human Rights Watch interview, Yesmin Sultana, learning center in camp 11, Cox’s Bazar, February 5, 2019.

¹⁷⁸ Human Rights Watch interview, Iffat Farjana, instructor at learning center in camp 7, Cox’s Bazar, February 6, 2019.

¹⁷⁹ Human Rights Watch interview with Ruma, learning center in the Cox’s Bazar camps, February 5, 2019.

¹⁸⁰ See “International legal standards,” Section III.

national education systems and programmes under similar conditions to local children” during both the emergency and longer-term humanitarian responses.¹⁸¹

More than two years after the Myanmar military attacks of August 2017, the only education that the government and humanitarian sector have made available to Rohingya refugee children in Bangladesh is in learning centers that are only intended for children up to the age of 14.¹⁸² This age restriction is due to government policy, a senior humanitarian official said, but added, “I’m not sure where the age restriction came from – if they [the government] are worried about integration [of refugees], why only 4 to 14?” In any case, he added, “we have to work on children 15 to 18. They are idle in the camp, and extremely vulnerable to problematic activities. Yaba trafficking [an artificial psychotropic drug] is huge in the camp. And human trafficking.”¹⁸³

The result of the lack of secondary-level education is a precipitous decline in enrollment at learning centers among children in that age range. A factsheet compiled from information provided the humanitarian groups working in the education sector reported that as of July 28, 2019 the sector was delivering education to 296,000 out of a target of 393,000 Rohingya children ages 3-18, but just 9,000 of these children were ages 15 – 18, out of a target of 45,000 children in that age group.¹⁸⁴ Of the 99 Rohingya children Human Rights Watch interviewed in February 2019, most of the 65 who attended learning centers were between the ages of 6 to 12. Abdul Ayas, 11, who was in class 7 before his family fled from Myanmar, said he was not attending a learning center because “it’s not the right standard of education. I want to go to high school and university.”¹⁸⁵

The government of Bangladesh has only approved the first two levels of the GIEP, but even if all five levels were approved and rolled out promptly, they are only intended to comprise the equivalent of pre-primary through around class 10, without accreditation, the opportunity to take examinations, or continue in school. Secondary education in

¹⁸¹ UNHCR, “Education emergency standard,” <https://emergency.unhcr.org/entry/53852/education-emergency-standard>, accessed September 3, 2019. Bullet points in original.

¹⁸² Joint Response Plan for the Rohingya Humanitarian Crisis, March – December 2018, p. 60, <https://reliefweb.int/sites/reliefweb.int/files/resources/JRP%20for%20Rohingya%20Humanitarian%20Crisis%20-%20FOR%20DISTRIBUTION.PDF> (accessed September 12, 2019).

¹⁸³ Human Rights Watch interview, senior humanitarian official, Cox’s Bazar, February 17, 2019.

¹⁸⁴ Cox’s Bazar Education Sector, “Education Sector: Dashboard and 5W Analysis on July 28, 2019,” <https://www.humanitarianresponse.info/en/operations/bangladesh/document/education-sector-dashboard-and-5w-analysis-on-28-july-2019> (accessed September 17, 2019).

¹⁸⁵ Human Rights Watch interview with Abdul Ayas, Cox’s Bazar, February 10, 2019.

Bangladesh runs to class 10 and upper secondary education includes classes 11 and 12. While a “learning framework for adolescents” is also being developed, with a target of providing 52,000 children ages 15 to 18 with “skills development” and “self-empowerment” – around 100 “adolescent clubs” had been established by August 2019 – it is not formal academic instruction at a secondary school level.¹⁸⁶ The lack of secondary-school-level classes in the Guidelines for Informal Education Programming compounds the discrimination that Rohingya children already face by being denied access to formal, accredited education.

If and when levels 3, 4 and 5 of the informal education program are rolled out at learning centers, they will not address the concerns of Rohingya children who feared that they could not reach their career aspirations without completing secondary school. Mohamed Tawky, 12, said, “I need a school with class five, six, seven, eight, nine, ten, and a full education to be an automotive engineer.”¹⁸⁷ Mohaziya Mohamed, 9, said he was attending a *moktab* with about 100 other students for basic religious instruction and to learn the Quran, but was frustrated that his learning center would not provide the opportunity to enroll in secondary education or university, because “I want to become an aeronautical engineer.”¹⁸⁸

Some educational needs assessments have emphasized the low level of education among the Rohingya refugee population, but there is a demonstrated need for secondary level education among Rohingya refugees. While more data is needed to assess the scope of the denial of education to children who had already completed years of schooling in Myanmar, nonetheless, tens of thousands of Rohingya children had completed some years of schooling in Myanmar before fleeing to Cox’s Bazar, according to information provided to Human Rights Watch by a group of former high school and middle school teachers in Myanmar who founded an unofficial secondary school in the refugee camps and who have an extensive network of former teaching colleagues now living as refugees.¹⁸⁹ These children’s education is not recognized in Bangladesh, which does not allow Rohingya any pathway to continue in formal education, including to pursue secondary education.

¹⁸⁶ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p.36; UNICEF, Beyond Survival: Rohingya Refugee Children in Bangladesh Want to Learn, p. 14.

¹⁸⁷ Human Rights Watch interview with Mohamed Tawky, February 10, 2019.

¹⁸⁸ Human Rights Watch interview with Mohazia Mohamed, February 12, 2019.

¹⁸⁹ Letter from Pioneer Rohingya High School administration to Human Rights Watch, February 12, 2019.

The UN-coordinated Joint Response Plan for 2019 concluded that a shortage of “sufficiently educated” Rohingya teachers “remains a challenge.”¹⁹⁰ As of June 2019, only the first level of the informal curriculum was being widely implemented. Given that Rohingya students will hit a ceiling after four or five “levels” of education under the informal education program, with no option to continue their education, it is not clear how the program could provide refugee instructors with the education that would be needed to teach its higher levels.

Lack of Support for Community-Based Education

Some Rohingya refugees have attempted to fill the gaps in access to education themselves by setting up schools and offering lessons as private tutors, using the Myanmar curriculum or as much of it as they could access through copies of battered textbooks. However, these Rohingya educators’ response to the needs of children in their community have not enjoyed any support from the humanitarian education sector, and some of these unrecognized schools have been closed down by Bangladeshi camp officials. Teachers and students at these schools told Human Rights Watch that they were motivated to compensate for the lack of quality education at learning centers, the desire of students who had gone to school in Myanmar to continue their education, the lack of any educational programming for children ages 14 and older, and the wish of former teachers to contribute to their community and continue teaching.

A survey and interviews conducted by the Peace Research Institute: Oslo (PRIO) in March and April 2019 identified 27 community-led “education networks” in the camps, comprised of 376 teachers and 9,848 students.¹⁹¹ These included schools run by camp-based civil society organizations, such as the Arakan Rohingya Society for Peace and Human Rights and the Rohingya Women Empowerment and Advocacy Network, while others were formed solely for the purpose of education, such as the Rohingya Learning Education Center. According to PRIO, “Community educators say they are unclear about why the GIEP and the

¹⁹⁰ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 35. The Rohingya instructors whom Human Rights Watch interviewed in learning centers, in unofficial schools teaching the Myanmar curriculum, or as private tutors, had at least a Grade 9 education, and a majority studied until class 10.

¹⁹¹ PRIO, *We Must Prevent a Lost Generation: Community-Led Education in Rohingya Camps*, July 10, 2019, pp. 17, 20, 21, <https://www.prio.org/Publications/Publication/?x=11387> (accessed July 26, 2019).

new sets of curriculum are being developed; most strongly prefer using the Myanmar government curriculum and wonder why it is not being used by education NGOs.”¹⁹²

All the private tutors and teachers at unofficial, community-run schools whom Human Rights Watch interviewed teach the Myanmar curriculum, using copies of old textbooks. Children studying with tutors reported varying hours of instruction, from one hour per week to two hours per day, six days per week.¹⁹³

Mohamed M., 20, a former teacher in Myanmar, said he began volunteering as a tutor when families in the camps asked him for help. He teaches 30 students, ages 13 to 18, from 2 to 4 p.m. five days per week. “I need books from the Myanmar curriculum, but they are not available, only photocopies, and there aren’t enough,” he said.¹⁹⁴ Amin, a student who studies with a different tutor, said he had been in class 6 in Myanmar. He does not attend “a learning center because it’s only for kids, not for classes 3 or 4 and older, but a private tutor is not enough for students. We need a curriculum and a school, but there isn’t any school to go to. The tutor doesn’t take money, he’s doing it only for our future. But NGOs should support them to increase the scale.”¹⁹⁵

There is also a clear demand for education in the Myanmar curriculum at lower grade levels, because of the poor perceived quality of instruction in learning centers and the familiarity and hoped-for benefits of the Myanmar curriculum upon the refugees’ eventual return home.¹⁹⁶ Two former teachers in Myanmar have opened an unofficial school in the camps that “teaches the same subjects as the learning centers, but in a completely different way,” said Bashar B., 53, who had taught 4th and 5th grades in a government school in Myanmar for 25 years.¹⁹⁷ “In the learning centers they teach the same thing day after day, which is not good for the students.” After refugee parents asked them to do so, the two teachers opened their unofficial school in a disused medical center in the camps.¹⁹⁸ They volunteer their time, and teach 40 students, in two classrooms, one for children in classes 1 through

¹⁹² Id., p.13.

¹⁹³ Human Rights Watch group interview with 13 children studying with the same tutor, and group interview with 12 children all studying with several different private tutors, Cox’s Bazar, February 11 and 12, 2019.

¹⁹⁴ Human Rights Watch interview, Mohamed M. (a pseudonym), Cox’s Bazar, February 13, 2019.

¹⁹⁵ Human Rights Watch interview, Rahul Amin, Cox’s Bazar, February 11, 2019.

¹⁹⁶ Human Rights Watch interviews with Bashar B., Nur N., Salah Uddin, Cox’s Bazar, February 11, 15, 14, 2019.

¹⁹⁷ Human Rights Watch interview, Bashar B. (a pseudonym), Cox’s Bazar, February 11, 2019.

¹⁹⁸ Human Rights Watch interview, Bashar B., Cox’s Bazar, February 11, 2019.

3, and the other, class 4. “I collect books from Myanmar, and photocopy them for the students,” Bashar B. said, but because the school uses a curriculum, it does not receive any support. “Earlier we had 100 students but there weren’t enough materials, so the rest left.”

The Bangladeshi government has not only failed to take advantage of teachers in the camp, it has gone so far as to shut down unofficial schools, the only facilities teaching with a curriculum. Nur N., 42, used to work in an unofficial school set up by refugees in Camp 13 in June 2018, which the Camp-in-Charge closed in December. “There was one woman and two men teachers, and 60 students in classes 5 to 7, but higher levels were not allowed. We were told it was closed according to a decision from the government. There was no alternative for the students when the school was closed.”¹⁹⁹ Teachers then opened another school, which also teaches the Myanmar curriculum, but only for classes 1 through 3. “We are only teaching the primary level, so it’s not at risk like the previous school,” Bashar said. “We’ve only collected books for the lower classes and are photocopying them. If we can get books for classes 4 to 10, we will ask the CIC [Camp-in-Charge] to let us open a school for higher levels.” The school has 200 students, including 120 girls.²⁰⁰

CICs in some camps have permitted unofficial Rohingya schools to operate, but the humanitarian education sector does not provide them with any support if they teach the Myanmar curriculum rather than the informal lessons approved for the learning centers.

Education sector documents, and interviews with Rohingya children and teachers, indicate that humanitarian actors are coordinating teaching schedules with religious schools (*moktabs*) and sometimes using the same buildings, so as to enable students to attend both religious education and learning centers, and to maximize the space available for learning centers. Camp residents said that the only condition Camp-in-Charge officials imposed on *moktabs* was that their hours of instruction should not conflict with the hours at learning centers.²⁰¹

¹⁹⁹ Human Rights Watch interview, Nur N. (a pseudonym), Cox’s Bazar, February 15, 2019.

²⁰⁰ Human Rights Watch interview, Nur N., Cox’s Bazar, February 15, 2019.

²⁰¹ Human Rights Watch group interviews with 12 children, Cox’s Bazar, February 12, 2019.

Humanitarian groups working in the education sector should work to replicate this approach with the unofficial schools and tutors providing refugee children with the secular education they want: in the Myanmar curriculum.

In another camp, Salah Uddin, a 57-year-old refugee and former high school headmaster in Myanmar, joined with other former teachers and set up the Pioneer Rohingya High School in July 2018, which teaches the Myanmar curriculum, from 9 a.m. to 1 p.m. five days a week.²⁰² Human Rights Watch met with Salah Uddin and three other Rohingya refugees, all former teachers, who teach at the high school, and four students, ages 15 to 20. The Camp in-Charge of Camp 7 in Kutupalong consented to the establishment of the school in a disused building, but although “the floor is earth, some of the classrooms have no walls, and the roof is tarpaulin,” the humanitarian education sector has not provided any support, Salah Uddin said.

We haven’t approached UNICEF but we tried an NGO that works with them, but they said they couldn’t support us. Nobody has come to help us, because the government of Bangladesh has not agreed to allow middle and high schools inside the camp, only learning centers. We are the only high school. Our students come from camps 1 through 10, in other words, from all over, even though we have no desks or benches.²⁰³

A teacher at the Pioneer school, Ali Hossin, 36, who formerly taught in a middle school in Myanmar, said that staff at the humanitarian NGO that works in the education sector had told him, “it is not allowed to provide formal education here, only kindergarten and grades one to three maximum.”²⁰⁴ The teachers presented Human Rights Watch with a detailed construction plan for the school building, including a list of needed materials and costs.²⁰⁵

Teachers at unofficial schools said that they were ineligible for support from international donors because they taught the full Myanmar curriculum, which differs from and comprises many more subjects than those approved by Bangladesh to be taught at the

²⁰² Human Rights Watch interview, Salah Uddin, Cox’s Bazar, February 14, 2019.

²⁰³ Human Rights Watch interview, Salah Uddin, Cox’s Bazar, February 14, 2019.

²⁰⁴ Human Rights Watch interview, Ali Hossin, Cox’s Bazar, February 14, 2019.

²⁰⁵ Letter from Pioneer Rohingya High School administration to Human Rights Watch, February 12, 2019.

humanitarian education sector’s learning centers: geography, history, science, English, Burmese language and grammar (as separate classes), arithmetic, and geometry.²⁰⁶ Mohamed Hanim, 22, a teacher at an unofficial school, said, “Learning centers are all the same, they only teach three subjects. People were missing the other subjects and wanted more. I teach all eight Burmese subjects. But we can’t join the learning center program because we teach all the subjects.”²⁰⁷ Anwar Islam, a teacher at another unofficial school, recalled tightening official restrictions on the education that Rohingya were allowed to provide for themselves in the camps:

When we first came [to the camps], the CIC announced that all subjects were allowed, but later, he said we were only permitted to teach English, Burmese and math. We hope someone will support our schools, or at least, let us volunteer.²⁰⁸

Ban on Construction and Inadequate School Facilities

To bring Rohingya children into some form of learning while still operating under the Bangladesh government’s restrictions, the humanitarian education sector initially prioritized the construction and staffing of “temporary learning centers.” As of July 2019, 23 months into the crisis, the humanitarian groups working in the education sector reported having constructed almost 3,000 learning centers in the Cox’s Bazar refugee camps, most of which had one Rohingya and one Bangladeshi national as teachers.²⁰⁹

Bangladesh prohibits humanitarian groups from building permanent school buildings in the camps for refugees who arrived since August 2017, though there are sturdier school buildings in the camps for the smaller number of “registered” refugees who arrived before mid-1992.²¹⁰ The learning centers, like nearly all structures in the newer Cox’s Bazar camps,

²⁰⁶ Human Rights Watch interviews, Cox’s Bazar, February 9, 14, 15, 2019.

²⁰⁷ Human Rights Watch interview, Mohamed Hanim, Cox’s Bazar, February 9, 2019.

²⁰⁸ Human Rights Watch interview, Anwar Islam, Cox’s Bazar, February 15, 2019.

²⁰⁹ Bangladesh Education Sector, “5W Analysis,” Excel sheet, January 22, 2019, <https://www.humanitarianresponse.info/en/operations/bangladesh/document/education-sector-4w-analysis> (accessed May 28, 2019).

²¹⁰ Human Rights Watch interviews, humanitarian education officials, Cox’s Bazar, February 2019. In 2015, the National Task Force on Rohingya permitted the construction of permanent school buildings in camps for registered Rohingya refugees who arrived before mid-1992. Humanitarian Response Plan: Rohingya Refugee Crisis, September 2017-February 2018, October 2017, p. 18.

“have been constructed using untreated bamboo in direct contact with the ground, creating perfect conditions for pests and rot. The above factors mean that the vast majority of bamboo within the camps will need to be replaced within the next 0-20 months,” according to humanitarian agencies.²¹¹

The government said it is considering to allow concrete foundations for learning centers.²¹² However, the walls and roofs of learning centers are still primarily from bamboo and have had to be replaced.²¹³ “We couldn’t even treat them [with weather-resistant chemicals] to make them last for two years,” an NGO education official said, due to government restrictions. Architects designed a monsoon-resistant, two-floor bamboo structure, a pilot of which had been inaugurated by government officials, “but it needs a lot of bamboo, and is not as durable” as a metal-walled structure such as a caravan, an education specialist said.²¹⁴ At the time of Human Rights Watch’s research trips to Cox’s Bazar in February and June 2019, the only permanent structures in the camps were the offices of Bangladeshi Camp-In-Charge (CIC) officials, seconded from the Ministry of Disaster Management and Relief to the Refugee Relief and Repatriation Commission (RRRC) to oversee the camps. “The government still regards this as temporary and is resisting permanent [school] structures. The only things that are permanent are the CIC offices,” a humanitarian official said.²¹⁵

The humanitarian groups working in the education sector reported that about 1,600 out of 3,000 learning centers had access to water and toilets. Children whom Human Rights Watch interviewed in February 2019 were attending about 40 different learning centers. They said their facilities did not have electricity, desks, or chairs. Most did not have toilets nearby; some had toilets but no water.²¹⁶ Teachers from 18 learning centers in the camps, which Human Rights Watch visited, said there was no drinking water and no bathroom facilities for children, which interrupted children’s learning. “We have a water tank but

²¹¹ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 45.

²¹² Human Rights Watch interview, Refugee Relief and Repatriation Commissioner, February 18, 2019, Cox’s Bazar.

²¹³ Human Rights Watch interviews, Refugee Relief and Repatriation Commissioner, February 18, 2019, and humanitarian education officials, Cox’s Bazar, February 15 and 17, 2019.

²¹⁴ Human Rights Watch interview, BRAC education director, February 19, 2019, Cox’s Bazar.

²¹⁵ Human Rights Watch interview, senior humanitarian education official, Cox’s Bazar, February 17, 2019.

²¹⁶ E.g., a learning center in Camp 7. Human Rights Watch interviews with facilitators and observations, February 5, 2019.

most of the time we don't get water," Ayas said. "Some children ask for water, and if there is none, they go somewhere else [to get a drink] and then don't come back."²¹⁷

Due to the lack of space in the crowded camps, humanitarian groups envision creating "clusters" of four to six learning centers each, in which children "will be grouped according to competency level," as well as increasing "mobile learning and other outreach services" and tutors who teach in their own shelters.²¹⁸ They have also set up 530 "mobile learning centers" and 750 "home-based learning centers" in refugees' own shelters.²¹⁹

Lack of School Feeding Programs

School feeding programs are often rolled out in humanitarian responses to emergencies in order increase school attendance, learning outcomes, and improve children's health.²²⁰ However, school feeding programs have not been implemented consistently in the Cox's Bazar camps. UNICEF reported in 2018 that "fortified biscuits are not distributed in all [learning] centres and became a criterion for families to enrol their children in the centres."²²¹ The problem had not yet been resolved by February 2019, as Rohingya teachers and children in the camps told Human Rights Watch some centers offered children nutritional biscuits, but others still did not.²²² Children were especially eager to attend *moktabs*, because "they provide free food and sometimes clothing," a 21-year-old Bangladeshi instructor at a learning center in the camps noted.²²³ Another learning center teacher said the parents of three boys in his class withdrew them and put them in a *moktab*: "there, the kids can get free food and accommodation along with religious education. I couldn't talk the parents out of it."²²⁴

²¹⁷ Human Rights Watch interview with Mohamad Ayas, Cox's Bazar, February 5, 2019.

²¹⁸ 2019 Joint Response Plan for the Rohingya Humanitarian Crisis, January-December, p. 36.

²¹⁹ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 35.

²²⁰ UNICEF, "Migration, displacement and education: Building bridges, not walls," ED/GEMR/MRT/2018/P1/12, 2018, pp. 24-27.

²²¹ UNICEF, Evaluation of UNICEF's Response to the Rohingya Refugee Crisis in Bangladesh, Vol. 2, Annexes, November 2018, p. 24, https://www.unicef.org/evaldatabase/files/UNICEF-Rohingya_Response_Evaluation_VOLUME_II-2018-003.pdf (accessed August 1, 2019).

²²² Human Rights Watch observations, learning centers in the camps and a primary school in host community, Cox's Bazar, February 5, 9, 12, 2019.

²²³ Human Rights Watch interview with Shabnur Akhter, Cox's Bazar, February 6, 2019.

²²⁴ Human Rights Watch interview with Arafa, Rohingya instructor at learning center in camp 11, Cox's Bazar, February 8, 2019.

Children's Collection of Aid Harms Access to Education

Many children and learning center instructors said that attendance dropped off badly due to children needing to be present in order to receive humanitarian aid distributions in the camps.

Rohingya children told Human Rights Watch that they were often unable to attend learning centers on days when they needed to collect humanitarian aid supplies in the refugee camps. Mohammad Ayas, 20, a Rohingya teacher at a learning center, said that “usually we get more than 75 percent attendance every day. But when the kids have to go to collect the rations or aid, they don’t come to the classes. Everyone needs to collect their own ration, and the Rohingyas get aid per-head, so we miss the students on those days.”²²⁵ “Whenever there is a relief [humanitarian aid] distribution, the kids don’t attend schools,” an instructor at another learning center said. “In a week, there are two or three days when some children don’t come to the LCs because they go to collect their relief supplies.”²²⁶

Other Obstacles to Education

Gender-Based Violence and Limited Access to Education for Girls

Bangladesh and humanitarian agencies should counter the significant pressures adolescent girls face not to attend school, which are due in part to the targeting of women and girls in the camps for sexual violence, and the failure to protect them or provide services for victims, and specific targeting of female teachers by a Rohingya armed group.²²⁷

Girls are vulnerable to sexual and domestic violence in the camps, leading some parents to tell their daughters to stop going to learning centers due to concerns for their safety.²²⁸ The Myanmar army used rape as a weapon of war, including against children.²²⁹

²²⁵ Human Rights Watch interview with Mohamad Ayas, Cox’s Bazar, February 5, 2019.

²²⁶ Human Rights Watch interview with Abdus Shukur, Cox’s Bazar, February 6, 2019.

²²⁷ At younger ages, the number of boys and girls enrolled in learning centers is roughly equal: about 41,000 girls and the same number of boys ages 4-5, and 85,000 girls ages 6-14 compared to 88,000 boys, as of January 2019. Few children older than 10 or 11 years attend the learning centers. Cox’s Bazar 5W Data - Education Sector, “190122_edsector_5w,” Excel sheet, “Summary” tab, <https://data.humdata.org/dataset/cox-s-bazar-5w-data-education-sector> (accessed August 1, 2019).

²²⁸ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 35.

²²⁹ See e.g. Human Rights Watch, “All of My Body Was Pain”: Sexual Violence against Rohingya Women and Girls in Burma, November 16, 2017.

A Rohingya instructor said that when Rohingya girls become 10 to 12 years old, “the parents don’t allow them to come to learning centers, as they feel like after that age the girls need to be in the house, and also don’t feel safe to send their daughters outside when they turn 10 years old.” Six girls in her class had stopped attending for this reason, she said.²³⁰ Another instructor said he had lost 20 girls from her learning center because “their families told them to stop coming to school. Parents tell me, ‘My daughter’s period started, so she has to stay home’.”²³¹ Some girls were able to continue studying with private teachers at home, he said, but some were unable to find Rohingya women qualified to teach them. In a positive step, teachers and education program administrators at another NGO described efforts to have Rohingya religious leaders and *majhis* encourage parents to continue to send their daughters to school after the onset of puberty.²³²

A group of humanitarian organizations working against gender-based violence plans to create complaints mechanisms and improve referrals for victims of sexual violence in the camps, including through coordination with Bangladesh ministries such as social welfare and justice.²³³ However, as of November 2018,

only 43% of minimum service coverage has been achieved for urgently required GBV [gender-based violence] case management and psychosocial support for children and adults. ... Additionally, accessibility of these services remains limited due to movement restrictions as well as fear of women and girls to move outside of their shelter.²³⁴

As of the first quarter of 2019, there were widespread reports of rape and sexual assault in the camps, but only 16 percent of rape cases were reported to medical staff within 72 hours.²³⁵ Girls and women had been “pulled backward and raped in latrines at night,” an

²³⁰ Human Rights Watch interview, Toslima, Balukhali 2 camp learning center, Cox’s Bazar, February 7, 2019.

²³¹ Human Rights Watch interview, Mohamed Anis, Cox’s Bazar, February 15, 2019.

²³² Human Rights Watch interviews with COAST instructors and administrators, Cox’s Bazar, February 16, 2019.

²³³ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 19.

²³⁴ *Ibid.*, pp. 29-31.

²³⁵ Gender Based Violence Information Management System, “Quarterly Factsheet 2019 (January – March), p.2, https://drive.google.com/drive/folders/11_idFiV-G2844XTYagLYRgH3gjNO9Y_H (accessed June 12, 2019).

official with a medical NGO said, causing girls to be too afraid to use the latrines after dark in the unlit camps.²³⁶

Security is insufficient for women and girls in the camps, where only 992 Bangladeshi policemen are assigned, a Bangladesh police superintendent told Reuters in April 2019, and do not patrol at night.²³⁷

Humanitarian NGOs and UN agencies are operating shelters or safe spaces for women and girls in the camps and outside. UN Women was operating two women-only-facilities and had contracts for the construction of three more facilities as of February 2019, each of which provided a medical clinic.²³⁸ A local NGO, Pulse Bangladesh, operates 10 safe spaces, each with 5 rooms, for Rohingya women and girls in the camps, and a shelter outside the camp for women and girls from the camps as well as from the local Bangladeshi community. There are roughly 25 spaces available in the shelter, which “are in very high demand,” and three children had been born there, the director said.²³⁹

Men attacking or threatening women to keep them from working with NGOs could limit the number of Rohingya women willing to work as instructors or in other NGO-run child protection or gender-based violence programs that help girls. Reuters and Fortify Rights, an NGO, reported in early 2019 that members of the Arakan Rohingya Salvation Army, a small armed group, had threatened and assaulted women for working with aid groups in the camps, including by breaking into their shelters and beating them with sticks.²⁴⁰ An education specialist at BRAC told Reuters that 150 female teachers had stopped coming to work in late January after receiving or hearing about the “violent threats”. On Twitter, ARSA simply denied the reports. A young woman who was threatened said that “many [people] feel like us,” i.e. that women should be able to help their community through work with NGOs, but that ARSA “put superglue over our mouths.”²⁴¹

²³⁶ Human Rights Watch interview, Medecins Sans Frontieres advocacy officer, Cox’s Bazar, February 16, 2019.

²³⁷ Simon Lewis, Poppy McPherson, Ruma Paul, “In Rohingya Camps, a political awakening faces a backlash,” Reuters, April 24, 2019, <https://af.reuters.com/article/worldNews/idAFKCN1SoooZ?feedType=RSS&feedName=worldNews> (accessed June 2, 2019).

²³⁸ Human Rights Watch interview with UN Women representative, Cox’s Bazar, February 16, 2019.

²³⁹ Human Rights Watch interview with Saiful Islam, Pulse Bangladesh, Cox’s Bazar, February 8, 2019.

²⁴⁰ Fortify Rights, “ARSA: End Abduction, Torture, Threats Against Rohingya Refugees and Women Aid Workers,” March 14, 2019, <https://www.fortifyrights.org/publication-20190314.html> (accessed June 10, 2019).

²⁴¹ Lewis, McPherson, Paul, “In Rohingya Camps, a political awakening faces a backlash,” Reuters, April 24, 2019.

Children with Disabilities

Estimates of the number of Rohingya children with disabilities vary, but all available information indicates that at the least, tens of thousands of children are affected. A UNHCR update from May 2019 cites an estimate that 4 percent of Rohingya refugees in Cox's Bazar have disabilities, while another NGO report found that 12 percent of refugee households have one family member with a permanent disability.²⁴² One assessment found that 17 percent of families had a temporary disability from injury such as gunshots and landmines.²⁴³ Another estimates that 17 percent of Rohingya refugee children are suffering "severe mental health impacts."²⁴⁴

Humanitarian agencies need to better identify Rohingya refugee children with disabilities and mental health needs. The vast majority of Rohingya refugee children with disabilities may be completely excluded from education.

Some NGOs, such as Humanity & Inclusion, have inclusive education programs in the camps and host communities, but the needs and numbers of children with disabilities appears to far outstrip the availability of inclusive programs.²⁴⁵ Other NGOs like CBM provide child-friendly spaces, and crucial health and other services for people with disabilities in the camps, but not education.²⁴⁶

During visits to the camps in 2018 and 2019, Human Rights Watch has observed children with visible physical disabilities, which were often the result of attacks in Myanmar.²⁴⁷ However, during visits to 25 learning centers in the camps in February 2019, Human Rights Watch did not observe any children with visible disabilities attending classes. The

²⁴² UNHCR, "Bangladesh Refugee Emergency: Population factsheet," May 31, 2019; Center for Disability in Development (CDD) and CBM, "Inclusive Humanitarian Actions for Rohingya Refugees and Host Communities," January 2019, p.2, https://cdd.org.bd/wp-content/uploads/2019/04/CDD_CBM-Rohingya-Response-Brochure-January-Final.pdf (accessed July 31, 2019).

²⁴³ CDD and CBM, "Inclusive Humanitarian Actions for Rohingya Refugees and Host Communities," p. 2.

²⁴⁴ 2019 Joint Response Plan for the Rohingya Humanitarian Emergency, January-December, p. 45.

²⁴⁵ A Humanity and Inclusion project aims to provide inclusive education, sports, and mainstreaming disability into service provision for 4,712 children and other vulnerable people in the Cox's Bazar refugee camps and host communities. "Bangladesh 2018," September 2018, p.6, https://hi.org/sn_uploads/federation/country/Humanity---Inclusion-Bangladesh-Projects.pdf (accessed July 29, 2019).

²⁴⁶ CBM, "Responding to the Rohingya Crisis," April 4, 2019, <https://www.cbm.org/news/news/news-2019/responding-to-the-rohingya-crisis/> (accessed August 1, 2019).

²⁴⁷ See, e.g. Human Rights Watch, "Bangladesh: Rohingya Refugees with Disabilities," September 24, 2018.

difficulty of traveling to learning centers along narrow, steep, uneven, often slippery paths in the crowded camps is a barrier to education for children with physical disabilities.

Restrictions on International NGOs that Provide Education

Some international humanitarian NGOs described what they believed to be arbitrary difficulties obtaining government permission to carry out education projects for Rohingya refugee children. According to local and international NGO staff, before being eligible to apply for permission to carry out projects, NGOs must be registered, a process that entails an “FD 1” application to a specialized body, which is then transferred to the Ministry of Home Affairs, which then requests investigations by security agencies.²⁴⁸

Three international NGOs described opacity and delays in the registration process, and as a result, difficulty in planning and carrying out projects and obtaining work permits for foreign staff.²⁴⁹ One education specialist who worked in Cox’s Bazar in 2018 said that it had been especially difficult for INGOs to obtain government approval for education projects:

First you need an FD 1. These are under a big rock for international NGOs. They don’t want to register new NGOs. Then you should get an FD 6, a permit to operate for development projects. The normal procedure is that permit for the project would include staff work permits, valid for one year. But the government doesn’t want to sign off for any NGO to deliver education. So you have to get an FD 7 permit. It’s valid for three months, meant for short emergency response projects, and you can’t hang a work permit off of it. You have to get a new FD 7 every three months – and if you write ‘education’ they won’t sign it for you – some NGOs write in ‘play areas’ or whatever instead of ‘education’ for their project descriptions.²⁵⁰

Child Labor

²⁴⁸ Human Rights Watch interviews with INGO staff, Cox’s Bazar, February 15 and 16, 2019. See also Shafquat Alamgir, “Registration of INGOs in Bangladesh,” Daily Observer, April 13, 2019, <https://www.observerbd.com/details.php?id=193122> (accessed July 23, 2019).

²⁴⁹ Human Rights Watch interviews with international NGO staff, Cox’s Bazar, February 16-20, 2019.

²⁵⁰ Ibid.

Some children said that they prioritized earning an income for their families or collecting humanitarian assistance over attending classes because of the poor quality of education available in learning centers, and because of the level of deprivation their families faced in the refugee camps. Given the Rohingya population's vulnerability, the fact that Bangladesh bans Rohingya adults from the job market may exacerbate Rohingya children's vulnerability to child labor. Some boys are reportedly exploited in bonded labor in the fish drying industry in Cox's Bazar, while Rohingya girls work in the homes of Bangladeshi families up to 150 kilometers from the camps, and some girls are reportedly forced into commercial sexual exploitation.²⁵¹ A UNICEF assessment noted that "the lack of adolescent, youth and adult education is a critical gap in the education response" because out-of-school children are more vulnerable to child labor as well as violence, trafficking, child marriage and exploitation.²⁵²

Child labor was a significant cause of dropouts from learning centers, especially among boys, according to teachers. One learning center instructor said that seven or eight of the 40 children in her class, all boys, had dropped out to work because their families needed income.²⁵³ Abdus Shukur, a 26-year-old teacher, said two boys, around 10 years old, dropped out of his learning center "to take jobs in a local tea stall," where they were paid very little, but that "their parents said even this cash is helpful."²⁵⁴ Another instructor, Ruma, 21, said she followed up with parents whose children stopped attending the learning center to work. "There are parent meetings two times a month, and we ask them why they are withdrawing their children and putting them to work. They always reply, 'We need money. The aid is not always sufficient for large families. It is better to put the kids into the work. Earlier is better.'"²⁵⁵ Toslima, an instructor at a learning center, said "one of my smartest students is selling puffed rice in a nearby market, because his parents did not want him to come to class but to contribute to the family income."²⁵⁶

²⁵¹ U.S. Department of Labor, 2017 Findings on the Worst Forms of Child Labor: Bangladesh, p. 2, <https://www.refworld.org/pdfid/5bdo5aa62.pdf> (accessed August 1, 2019).

²⁵² UNICEF, Evaluation of UNICEF's Response to the Rohingya Refugee Crisis in Bangladesh, November 2018, Vol. 2, Annex 4, "Summary of Response Against Core Commitments for Children," p. 22.

²⁵³ Human Rights Watch interview with Shabnur, learning center instructor, Cox's Bazar, February 6, 2019.

²⁵⁴ Human Rights Watch interview with Abdus Shukur, Cox's Bazar, February 6, 2019.

²⁵⁵ Human Rights Watch interview with Ruma, Bangladeshi learning center instructor, Cox's Bazar, February 5, 2019.

²⁵⁶ Human Rights Watch interview with Toslima, Rohingya learning center instructor Balukhali 2 camp, Cox's Bazar, February 7, 2019.

The UN has called on Bangladesh to ease restrictions on freedom of movement and access to income-generating activities for Rohingya refugees, as is required to respect their rights.²⁵⁷ In other refugee contexts, restrictions on freedom of movement and bans on access to the labor market for adult refugees have exacerbated the prevalence of exploitative child labor among refugee children.²⁵⁸

Denial of Birth Registration

A policy that risks prolonging the denial of Rohingya refugee children's right to education and exacerbating the low rates of school enrollment among Bangladeshi children in Cox's Bazar, is Bangladesh's suspension of official birth registration for all children – both Bangladeshi and Rohingya – in the district. Bangladesh requires families to present a birth certificate for children to access education. Although Bangladeshi law, in line with international obligations, provides for the right of every child to birth registration, the government has suspended all birth registration in Cox's Bazar since the influx of Rohingya refugees in August 2017, including for Bangladeshi children born there, due to fears that Rohingya families would try to bribe officials to provide birth certificates that falsely stated that their children were Bangladeshi citizens.²⁵⁹

The first sentence on the homepage of Bangladesh's Office of the Registrar General of Birth and Death website quotes article 7 of the UN Convention on the Rights of the Child: "Every child has the right to a name, birth registration and nationality. As far as possible every child has the right to know and be cared for by his/her parents," and described how the law had been revised with support from UNICEF.²⁶⁰ The Births and Deaths Registration Act of 2004 requires the registration of the birth of "any person" in Bangladesh, including "any

²⁵⁷ See "International Legal Standards," Section III.

²⁵⁸ Human Rights Watch, "When I Picture My Future, I See Nothing": Barriers to Education for Syrian Refugee Children in Turkey, November 8, 2015, "Economic Hardship," Section II, <https://www.hrw.org/report/2015/11/08/when-i-picture-my-future-i-see-nothing/barriers-education-syrian-refugee-children>; "Growing Up Without an Education": Barriers to Education for Syrian Refugee Children in Lebanon, July 19, 2016, "Work Restrictions," Section II, <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon>; "We're Afraid for Their Future": Barriers to Education for Syrian Refugee Children in Jordan, August 16, 2016, "Economic-Related Barriers: Work Restrictions," Section III, <https://www.hrw.org/report/2016/08/16/were-afraid-their-future/barriers-education-syrian-refugee-children-jordan>.

²⁵⁹ Human Rights Watch interviews with NGO staff, Cox's Bazar, August-September 2019; "Birth registration in Cox's Bazar to restart soon," The Business Standard, September 12, 2019, <https://tbsnews.net/bangladesh/birth-registration-coxs-bazar-restart-soon> (accessed September 17, 2019).

²⁶⁰ Office of the Registrar General, Birth and Death Registration, "Welcome all to the office of the Registrar General, Birth & Death Registration," no date, <http://br.lgd.gov.bd/english.html> (accessed June 10, 2019).

refugee taking shelter in Bangladesh.”²⁶¹ The Registration Act, which came into force in July 2006, requires a birth certificate to be used as proof of age for enrolment in educational facilities.²⁶²

On March 9, 2015, Bangladesh began to register the births of registered refugee children born in the camps, including previous unregistered births since 1992, in the Bangladesh Civil Registry.²⁶³ Bangladesh had “started the process” with the condition that “the birth certificates would have a seal saying the children were Myanmar citizens,” according to the Ukhiya sub-district officer in Cox’s Bazar, but “the birth registration has been stopped since the latest influx.”²⁶⁴ After August 2017, the authorities suspended the registration of all births in Cox’s Bazar, including for Bangladeshi nationals.²⁶⁵

Since then, the authorities and UN agencies have been “registering” newborn Rohingya children, but these processes were conducted for limited purposes, and have not resulted in the children being given access to a legal identity, as is the case for Bangladeshi children in other districts whose births are registered. In January 2018, for instance, the Bangladesh health minister stated that the Army, UNHCR and the government were registering newborns in the Rohingya camps in Cox’s Bazar, and that the government was drawing up plans for a vaccination program for Rohingya children.²⁶⁶ In July 2019, the home minister said that 1,118,576 Rohingya had been biometrically registered, and that a “work-station” was open in Cox’s Bazar to register newborn Rohingya children.²⁶⁷

While the government has collected information about and collaborated with UN agencies to issue biometric identification documents to Rohingya refugees for humanitarian

²⁶¹ Bangladesh, Act No. 29 of 2004, December 7, 2004, Articles 2(n) and 3, (amended in 2013) available at <https://www.refworld.org/pdfid/511b54192.pdf> (accessed June 10, 2019).

²⁶² UNICEF, “Bangladesh declares first ever national Birth Registration Day,” July 3, 2007, https://www.unicef.org/media/media_40280.html, (accessed June 11, 2019).

²⁶³ UNHCR, “UNHCR Submission on Bangladesh: 30th UPR session,” May 2018, p. 2, <https://www.refworld.org/docid/5b081ec94.html> (accessed 26 July 2019).

²⁶⁴ Jakia Ahmed, “What happens to Rohingya children born in Bangladesh,” Dhaka Tribune, September 25, 2017, <https://www.dhakatribune.com/bangladesh/2017/09/25/happens-rohingya-children-born-bangladesh> (accessed June 10, 2019).

²⁶⁵ Jakia Ahmed, “What happens to Rohingya children born in Bangladesh,” Dhaka Tribune, September 25, 2017; “Birth registration in Cox’s Bazar to restart soon,” The Business Standard, September 12, 2019,

²⁶⁶ “Registration of births is on in the camps,” New Age, January 21, 2018, <http://www.newagebd.net/article/33085/registration-of-birth-on-in-camps> (accessed June 12, 2019).

²⁶⁷ “All Rohingya refugees registered: Minister,” The Daily Star, July 11, 2018, <https://www.thedailystar.net/rohingya-crisis/all-rohingya-refugees-registered-minister-1603690> (accessed June 10, 2019).

purposes, it has prohibited Rohingya from obtaining Bangladeshi identification documents. In January 2018, the government launched investigations and prosecutions against Rohingya and Bangladeshi nationals responsible for fraudulently providing them with official documents, according to news reports.²⁶⁸ In January and February 2019, the government ordered public and private schools in Cox's Bazar to expel Rohingya students who had enrolled in secondary schools by obtaining identification documents that falsely identified them as Bangladeshi nationals.²⁶⁹ In February 2018, the Registrar General of Birth and Death ordered an investigation into an allegation by the Cox's Bazar district administration that birth certificates had been issued to "at least two" Rohingya children.²⁷⁰ As of September 2019, birth registration remained suspended in Cox's Bazar, according to humanitarian NGO staff.²⁷¹

The Bangladeshi Citizenship Act of 1951 is based on the principle of *jus solis*, allowing all persons born in Bangladesh to acquire citizenship at birth, according to UNHCR, but in practice no Rohingya children born in Bangladesh can avail themselves of this right.²⁷²

International Funding

The education sector includes UN humanitarian agencies and international and local NGOs. The sector has taken responsibility for providing education for Rohingya refugees as well as improving access to education for children in Bangladeshi host communities.

International donors are funding education for Rohingya refugees, primarily through funding to UNICEF, which coordinates education for Rohingya who arrived since August 2017, and UNHCR, which has since 1996 supported education for "registered" Rohingya refugees who arrived in Bangladesh before mid-1992 and their children. Multilateral funding for education that has already been committed includes a \$25 million World Bank grant, \$12 million from Education Cannot Wait, a funding mechanism for education in

²⁶⁸ "300 Rohingya in Bangladesh Traveled Abroad on Bangladeshi Passports," The Irrawaddy, June 7, 2019, <https://www.irrawaddy.com/news/300-rohingya-bangladesh-traveled-abroad-bangladeshi-passports.html> (accessed June 10, 2019).

²⁶⁹ Human Rights Watch, Bangladesh: Rohingya Refugee Students Expelled, April 1, 2019, <https://www.hrw.org/news/2019/04/02/bangladesh-rohingya-refugee-students-expelled>.

²⁷⁰ "DSCC accused of issuing birth certificates to Rohingyas, probe body formed," Dhaka Tribune, March 28, 2018, <https://www.dhakatribune.com/bangladesh/dhaka/2018/03/28/dsc-accused-issuing-birth-certificates-rohingyas-probe-body-formed> (accessed June 10, 2019).

²⁷¹ Human Rights Watch telephone interviews, staff at international humanitarian NGOs, Cox's Bazar, September 1, 2019.

²⁷² UNHCR, States of Denial: A review of UNHCR's response to the protracted situation of stateless Rohingya refugees in Bangladesh, December 2011, p. 8.

emergencies, and \$8.3 million from the Global Partnership for Education. Major foreign donations for education include \$19.2 million from Saudi Arabia's King Abdullah Foundation, \$10 million from KFW (the German state development bank), and \$8.2 million from Canada.²⁷³ The US reported giving several multi-million dollar grants to UNICEF's response to the Rohingya humanitarian crisis, and the UK reported that part of a September 2019 grant of £87 million would support education.²⁷⁴

Insufficient Donor Funding for the Humanitarian Education Sector

Donor funding for education for Rohingya children in Bangladesh is linked to the UN-coordinated Joint Response Plans for the Rohingya Humanitarian Emergency, which reflect the annual funding needs of UN agencies and NGO implementing partners for education programs as well as programs to address shelter, food, health, water and sanitation, protection, and other humanitarian needs. Education needs, as budgeted under the UN-coordinated Joint Response Plan (JRP), were not fully funded in 2018 or 2019.²⁷⁵ The education appeal reflected in the JRP was 40 percent funded as of October 7, 2019.²⁷⁶

The education budget in the JRP may not reflect the full amount of funding actually needed to support Rohingya children's access to education.²⁷⁷ Staff at two humanitarian NGOs with education programs said that the 2018 JRP education budget was too low, because it was determined in a way that required them to shrink their programming in order to fit within the overall education budget, rather than adding up each NGOs' education programs to as

²⁷³ UNESCO, Education for Rohingya Refugees and Host Communities in Bangladesh: Education Cannot Wait Facilitated Multi-Year Resilience Programme 2018-2020, p. 22, http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dhaka/pdf/EDU/ECW_MYRP_Bangladesh_2018.pdf (accessed July 17, 2019),

²⁷⁴ US AID Foreign Aid Explorer, explorer.usaid.gov, Bangladesh, Fiscal Year 2018, accessed November 5, 2019; British High Commission Dhaka, "UK announces extra 87 million funding for Rohingya crisis in Bangladesh," September 22, 2019, <https://www.gov.uk/government/news/uk-announces-extra-87-million-funding-for-rohingya-crisis-in-bangladesh>, accessed November 5, 2019.

²⁷⁵ 2019 Joint Response Plan for the Rohingya Humanitarian Crisis, January-December, p. 89.

²⁷⁶ Cox's Bazar Education Sector: Dashboard, October 7, 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/190929_edsector_5w_ma.pdf (accessed November 9, 2019).

²⁷⁷ For example, the two largest education actors in the JRP are UNICEF, with an education budget of \$34 million, and UNHCR, with a \$12.3 million budget under the plan. However, these two agencies' own funding requests for education in 2019 are substantially larger than what is reflected in the JRP: UNICEF's 2019 education budget is \$49 million, while UNHCR's is \$26.9 million. See 2019 Joint Response Plan for the Rohingya Humanitarian Crisis, January-December, p. 89; UNICEF, "Humanitarian Action for Children: Bangladesh," January 2019, p. 3, [https://www.unicef.org/appeals/files/2019-HAC-Bangladesh\(2\).pdf](https://www.unicef.org/appeals/files/2019-HAC-Bangladesh(2).pdf); UNHCR, "Operations: Bangladesh," "2019 Revised Budget for Bangladesh," <http://reporting.unhcr.org/node/2539> (accessed June 3, 2019).

to determine the education budget. “The total was set, and then to fit within that, we had to reduce our education budget,” one NGO employee said.²⁷⁸

International and local NGO workers have warned of the need for predictable, multi-year support for education. Most humanitarian funding, including for education, is provided in grants of one year or less.²⁷⁹ In other contexts, a lack of transparent, predictable funding for education has led to inefficient and inadequate education programs for refugee children.²⁸⁰

Humanitarian officials worried in February that the education sector’s multi-annual costs would be difficult to fund, particularly a projected \$9 million per year in salaries for the instructors. “To sustain that indefinitely is a huge challenge, so we are trying to ... reduce costs,” one official said.²⁸¹ A local NGO director argued, “we need long-term plans to get a good result. Big [international] organizations have the capacity, but they won’t stay here. If local organizations had the capacity – we will stay. Even if our programs are closed down, we will still be here.”²⁸²

Staff at some NGOs in the humanitarian education sector also encouraged donors to support monitoring of the quality of education. “Some donors will say, ‘Build a hundred learning centers,’ but we aren’t getting funding for quality control,” an international NGO staff member focused on education said.²⁸³ An education official at another NGO said, “if we’re doing competency assessments for students [to place them in one of the first two levels available under the informal education program], we really need to be doing them for teachers, too.”²⁸⁴

Donor Responses to Government Restrictions on Refugee Education

Donors that are providing much-needed support to Rohingya children have privately acknowledged concerns about Bangladesh’s restrictions on their access to education, but

²⁷⁸ Human Rights Watch interview, international NGO staff, Cox’s Bazar, February 19, 2019.

²⁷⁹ OECD Refugee Funding Report, 2019.

²⁸⁰ Human Rights Watch, *Following the Money: Lack of Transparency in Donor Funding for Syrian Refugee Education*, September 14, 2017, <https://www.hrw.org/report/2017/09/14/following-money/lack-transparency-donor-funding-syrian-refugee-education>.

²⁸¹ Human Rights Watch interview, senior humanitarian agency official, Cox’s Bazar, February 16, 2019.

²⁸² Human Rights Watch interview, Alam Rashid, director, NONGOR, Cox’s Bazar, February 8, 2019.

²⁸³ Human Rights Watch interview, international NGO education official, Cox’s Bazar, February 15, 2019.

²⁸⁴ Human Rights Watch interview, international NGO education official, Cox’s Bazar, February 17, 2019.

public criticism has been muted. Donors should seek ways to leverage their funding and press Bangladesh to agree to meet human rights benchmarks on education for Rohingya children, including access to formal, accredited education.

The World Bank has recognized the need for multi-annual, concessional funding for low-income countries hosting refugees, and raised \$2 billion in dedicated funding for this purpose in 2018.²⁸⁵ It has required some governments to have an action plan to meet refugees' needs in order to access this "sub-window" of financing: the bank delayed funding for an employment program in Ethiopia, for instance, until the government fulfils its commitment to allow some refugees to move freely and legally work outside of camps.²⁸⁶ The Bank has also refused to finance education systems that violate human rights, including by withholding a \$300 million loan to Tanzania until schools stop barring and expelling pregnant girls.²⁸⁷ In Lebanon, where the bank is providing a \$100 million credit and \$124 in trust fund financing over five years to improve education for Syrian refugees as well as vulnerable Lebanese children, it has linked disbursements to meeting annual benchmarks such as increases in enrollment and better data collection and transparency.²⁸⁸

The World Bank's new lending globally is guided by its 2016 Environmental and Social Framework, which went into effect on October 1, 2018. This framework states that "inclusion" is "critical for all of the World Bank's development interventions," and "encompasses policies to promote equality and non-discrimination by improving the access of all people, including the poor and disadvantaged, to services and benefits such

²⁸⁵ Sarah Charles, Cindy Huang, Lauren Post, Kate Geogh, "Five Ways to Improve the World Bank Funding for Refugees and Hosts in Low-Income Countries and Why These Dedicated Resources Matter More than Ever," Center for Global Development, November 18, 2018, <https://www.cgdev.org/publication/five-ways-improve-world-bank-funding-refugees-and-hosts-low-income-countries-and-why> (accessed July 23, 2019).

²⁸⁶ *Id.*

²⁸⁷ "Rights Groups Press Tanzania to Drop Pregnant Students Ban," Human Rights Watch, June 18, 2018, <https://www.hrw.org/news/2019/06/18/rights-groups-press-tanzania-drop-pregnant-students-ban>; "World Bank scraps \$300m education loan to Tanzania over ban on pregnant schoolgirls," *Theirworld*, November 15, 2018, <https://theirworld.org/news/world-bank-scraps-300m-education-loan-to-tanzania-over-ban-on-pregnant-schoolgirls> (accessed September 15, 2019).

²⁸⁸ World Bank, "Lebanon - Reaching All Children with Education (RACE 2) Program for Results Project," Report No. 108014, September 2, 2016, <http://documents.worldbank.org/curated/en/980641475200856910/pdf/Lebanon-RACE2-PforR-Board-Package-PAD-WB-9-5-16-09072016.pdf> (accessed December 10, 2018).

as education,” among others.²⁸⁹ Also, the World Bank, as well as other funders and humanitarian actors, has endorsed the “Education Charter for Action,” which restates commitments under the Global Compact for Refugees to “provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement,” and to “promote tertiary education, skills training and vocational education,” and in this regard, “to turn our promises into tangible changes for refugees; in long-term plans that we invest in, implement and review in collaboration with host countries.”²⁹⁰ Consistent with its inclusion policy, the World Bank stated that as part of its fulfillment of the commitment to “support the inclusion of refugees in national education systems,” it is investing in education in Bangladesh, among other countries, and will help these governments “develop strategic education sector plans that include displaced populations and cover education services at all levels, from early childhood education to tertiary and adult education.”²⁹¹

The World Bank approved two large loans to benefit education for Bangladeshi children in 2017. Due to the Bangladesh government’s restrictions, the “registered” Rohingya refugee children who were already in Bangladesh, as well as the children who fled after August 2017, will not benefit from a \$700 million World Bank loan, repayable at 0 percent interest over 38 years, to establish learning centers for 1 million out-of-school Bangladeshi children and provide them with a pathway to formal primary education.²⁹² Because Bangladesh bars Rohingya children from attending public or private secondary schools, they will also be excluded from a “Program for Results” project supported with \$510 million in World Bank funding, intended to benefit 13 million Bangladeshi secondary-school students.²⁹³ The World Bank’s “inclusion” policy does not apply to these loans,

²⁸⁹ Environmental and Social Framework, World Bank, 2016, p. 1, <http://pubdocs.worldbank.org/en/837721522762050108/Environmental-and-Social-Framework.pdf> (accessed September 15, 2019).

²⁹⁰ High Level Meeting on Action for Refugee Education, “Education Charter for Action,” <https://www.actionforrefugeeeducation.net/charter-for-action> (accessed September 3, 2019).

²⁹¹ World Bank, “Commitments,” High Level Meeting on Action for Refugee Education, p. 1, <https://static1.squarespace.com/static/5b5boe973917ee4023caf5f4/t/5baa77af24a69467b83e9eea/1537898418369/World+Bank+Commitments+on+Action+for+Refugee+Education.pdf> (accessed September 3, 2019).

²⁹² “World Bank Provides \$700 Million to Improve Primary Education in Bangladesh,” World Bank, June 14, 2018, <https://www.worldbank.org/en/news/press-release/2018/06/14/world-bank-provides-700-million-to-improve-primary-education-in-bangladesh>; see also <http://documents.worldbank.org/curated/en/121231568368848062/pdf/Bangladesh-Quality-Learning-for-All-Program-Fulfilling-Educations-Promise.pdf> (accessed September 29, 2019).

²⁹³ “Bangladesh: World Bank Provides \$510 Million to Improve Secondary Education,” World Bank, August 13, 2018, <https://www.worldbank.org/en/news/press-release/2018/08/13/bangladesh-world-bank-provides-510-million-to-improve-secondary-education> (accessed July 29, 2019); “International Development Association Program Appraisal Document on a

since they were approved before it came into effect on October 1, 2018.²⁹⁴ Overall, one analysis found that the World Bank “has not publicly pushed for the Government [of Bangladesh] to improve its policies that would enable refugees to participate in formal, accredited schooling or to find work.”²⁹⁵

Another important multilateral donor supporting education is the Global Partnership for Education. The right to education is one of the pillars of the partnership’s Charter.²⁹⁶ According to the Charter, governments that receive funding from the partnership are “responsible for the development, implementation, monitoring and evaluation of ESPs [education sector plans] that promote equitable access to quality education for all” (3.2.2), while “development partners” are responsible to help “ensure the sector plan is evidence-based, of good quality, and focused on equity, efficiency and learning outcomes” (3.3.3.c). In September 2018, the partnership noted “the need to ensure that interventions fulfil the ... education rights of [Rohingya] refugee children and youth” in Bangladesh, but characterized these as “longer-term education rights” that would require “more time and negotiation amid continuously evolving circumstances and negotiations between Myanmar and Bangladesh,” especially “given high sensitivities” around “curriculum and language.”²⁹⁷ The partnership’s Secretariat recommended the approval of an \$8.3 million grant to address Rohingya children’s “urgent needs” because the grant proposal was based on the education cluster’s emergency assessment, and contained an operational plan, and partnership’s funds would not displace other funding.²⁹⁸ These criteria make no reference to the right to education.

Proposed Credit in the Amount of \$510 Million and a Grant in the Amount of \$10 Million to the People’s Republic of Bangladesh,” November 23, 2017, <http://documents.worldbank.org/curated/en/377151513825229495/pdf/Bangladesh-Transforming-114568-BD-PAD-11292017.pdf> (accessed September 23, 2019).

²⁹⁴ Human Rights Watch interview, World Bank education officials, Washington D.C., September 25, 2019.

²⁹⁵ Sarah Charles, Cindy Huang, Lauren Post, Kate Geogh, “Five Ways to Improve the World Bank Funding for Refugees and Hosts in Low-Income Countries and Why These Dedicated Resources Matter More than Ever,” Center for Global Development, November 18, 2018.

²⁹⁶ “Charter of the Global Partnership for Education,” revised June 2019, 1.2(a) (“The Global Partnership for Education’s vision, mission, goals and objective are established in its strategic plans, approved by the Board from time to time. GPE’s guiding principles are: a) Education as a public good, a human right and an enabler of other rights. [etc.]” https://www.globalpartnership.org/sites/default/files/2019-06-gpe-charter_o.pdf (accessed September 2, 2019).

²⁹⁷ Global Partnership for Education, “Application for accelerated funding for Bangladesh,” Grants and Performance Committee Meeting September 17, 2018, GPC/2018/09 DOC 02, Annex 2, p. 12, https://www.globalpartnership.org/sites/default/files/gpc-2018-09-doc_02_-_bangladesh_accelerated_funding_proposal-en_no_pd.pdf (accessed July 29, 2019).

²⁹⁸ *Ibid.*, p. 7.

Donors cannot logically justify funding humanitarian NGOs and agencies to provide education for Rohingya children on the basis of progressive implementation by the government of Bangladesh when the government is fully denying those same children's immediate right to primary education. In addition, basic humanitarian standards on education explicitly reject the distinction between immediate and long-term access. UNHCR's "Emergency standard" for education provides that "refugee children and youth are able to participate in accredited national education systems and programmes under similar conditions to local children." On different issues, UNHCR sometimes distinguishes an "emergency standard" from a "longer-term standard," but with regards to education, "the same standards apply to long term and emergency situations."²⁹⁹

The World Bank, as well as UNICEF, UNHCR, Education Cannot Wait, and other funders and humanitarian actors, have endorsed the "Education Charter for Action," which restates their commitments under the Global Compact for Refugees to "provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement," and to "promote tertiary education, skills training and vocational education," and in this regard, "to turn our promises into tangible changes for refugees; in long-term plans that we invest in, implement and review in collaboration with host countries."³⁰⁰ The World Bank stated that as part of its fulfillment of these commitments, it is investing in education in Bangladesh and will help the government "develop strategic education sector plans that include displaced populations and cover education services at all levels, from early childhood education to tertiary and adult education."³⁰¹

Donors should pressure the government of Bangladesh to permit formal, certified, quality education to refugee children, regardless of their status, whether inside or outside of the camps. In order to do so, donors first need to squarely acknowledge that Bangladesh's restrictions violate the right to education. Donors should affirm that the only education that Rohingya are allowed to access in the camps, the GIEP, does not meet their own

²⁹⁹ UNHCR, "Education emergency standard," <https://emergency.unhcr.org/entry/53852/education-emergency-standard>, accessed September 3, 2019. Bullet points in original.

³⁰⁰ High Level Meeting on Action for Refugee Education, "Education Charter for Action," <https://www.actionforrefugeeeducation.net/charter-for-action> (accessed September 3, 2019).

³⁰¹ World Bank, "Commitments," High Level Meeting on Action for Refugee Education, p. 1, <https://static1.squarespace.com/static/5b5boe973917ee4023caf5f4/t/5baa77af24a69467b83e9eea/1537898418369/World+Bank+Commitments+on+Action+for+Refugee+Education.pdf> (accessed September 3, 2019).

minimum standards for education in emergencies, or the Bangladesh government's obligation to fulfill the right to education without discrimination and to ensure all children access compulsory quality primary education, that secondary education is accessible and available, regardless of the child's refugee or residency status.

III. Legal Standards

The government of Bangladesh, by impeding international efforts to provide Rohingya children with a quality education, is violating their right to education.

Education Law and Policy in Bangladesh

Bangladesh's Constitution provides that "fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed," and requires the establishment of "a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children."³⁰² "Education is key to a nation's development ... education is the backbone of the nation," wrote Prime Minister Sheikh Hasina in the preface to the country's 2010 National Education Policy.³⁰³

Despite the words of its constitution, the government interprets the right to education as a right only of Bangladeshi nationals. Bangladesh cited the UN Convention on the Rights of the Child when it updated and revised the National Child Policy in 2011. However, while the revised policy provides for universal education (article 6.5), child protection (6.7), birth registration (6.10), a role for NGOs in policy making and implementation (11), and other measures, it is "applicable to *all children – the citizen[s] of Bangladesh* without any discrimination" (art. 3).³⁰⁴ Bangladesh's "Core Documents" submitted to the UN in April 2015 state that its national objectives include eliminating illiteracy and addressing dropouts to achieve universal enrollment in upper secondary school (12th class) by 2021, with gender parity.³⁰⁵

³⁰² Constitution of Bangladesh, Articles 11 and 17(a), available at <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf> (accessed May 20, 2019).

³⁰³ Bangladesh Ministry of Education, National Education Policy, "Preface," p. iii, December 2010, <https://reliefweb.int/sites/reliefweb.int/files/resources/02.National-Education-Policy-2010-English.pdf> (accessed June 10, 2019).

³⁰⁴ National Child Policy (emphasis added), 2011, <http://ecd-bangladesh.net/document/documents/National-Children-Policy-2011-English-04.12.2012.pdf> (accessed June 10, 2019).

³⁰⁵ Bangladesh, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CoreDocuments.aspx (accessed June 15, 2019).

International legal standards

Bangladesh is a party to the Convention on the Rights of the Child (CRC), which affirms a child's right to education, and to the Convention on the Rights of Migrant Workers.³⁰⁶ In a General Comment issued jointly with the UN Committee on the Rights of Migrant Workers, the UN Committee on the Rights of the Child asserted that, irrespective of their status, all children shall have full access to education at all levels on the basis of equality with nationals of the country in which they are living.³⁰⁷ The non-discrimination principle of the CRC means that asylum seekers and refugee children are entitled to all rights in the convention, including access to “quality and inclusive” education.³⁰⁸

In June 2009, the Committee on the Rights of the Child called on Bangladesh to “allow access to education for Rohingya children residing in the refugee camps as well as education and birth registration for Rohingya children not registered as refugees ... and fully implement existing High Court Orders that would facilitate equal enjoyment of their rights.”³⁰⁹ In October 2015, the Committee reiterated its concern about “the lack of education for refugee children.”³¹⁰

The UN Committee on the Elimination of Discrimination against Women, concluding its review of Bangladesh in March 2011, stated that it was “deeply concerned” that Rohingya were denied legal status and access to education and other basic services outside the

³⁰⁶ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, <http://www.refworld.org/docid/3ae6b38fo.html> (accessed June 8, 2018), art. 28-29; Convention on the Rights of All Migrant Workers and their Families, adopted December 18, 1990, G.A. Res. 45/158, entered into force July 1, 2003, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&clang=_en (accessed August 25, 2019).

³⁰⁷ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, Joint General Comment No. 4, and No. 23, Committee on the Rights of the Child on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return, U.N. Doc. CMW/C/GC/4-CRC/C/GC/23 (2017), <http://www.refworld.org/docid/5a12942a2b.html> (accessed June 8, 2018), para. 59.

³⁰⁸ *Id.*, paras. 9, 59.

³⁰⁹ UN Committee on the Rights of the Child (CRC), Concluding Observations, Bangladesh, June 26, 2009, paragraph 79, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.BGD.CO.4_en.pdf (accessed June 8, 2019). In 2003, the Supreme Court ordered the government to register Urdu-speakers as citizens and issue them national identification documents. UNHCR, “How a Bangladesh court ruling changed the lives of more than 300,000 stateless people,” September 23, 2015, <https://www.unhcr.org/news/latest/2015/2/54ec22869/bangladesh-court-ruling-changed-lives-300000-stateless-people.html> (accessed June 17, 2019).

³¹⁰ CRC, Concluding Observations, Bangladesh, October 30, 2015, paragraph 66(c), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/BGD/CO/5&Lang=En (accessed June 8, 2019).

camps.³¹¹ The committee reiterated its concern at the lack of access to education for Rohingya girls in its November 2016 review.³¹² The Committee issued a General Recommendation in 2017 that states should provide “universal, free and compulsory education from pre-school up to the secondary level regardless of socio-economic status for citizens of the state as well as for girls and women with migrant and refugee status.”³¹³

The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that governments must recognize the right of everyone to education, that shall enable all persons to participate effectively in a free society, including that primary education shall be compulsory and free to all.³¹⁴ Children with disabilities and older children should have equal access to education. The UN Committee on Economic, Social and Cultural Rights, the independent expert committee that provides authoritative guidance on the ICESCR, has observed that “[t]he obligation to provide primary education for all is an immediate duty of all States parties.”³¹⁵ In addition, states are obligated to provide everyone access to public educational institutions on a non-discriminatory basis.³¹⁶ The committee reaffirmed, in line with the non-discrimination requirements in article 2, that nationality is not a legitimate ground upon which to deny access to a right, including a child’s right to education.³¹⁷ The committee specifically outlined within that requirement the right of asylum seekers and refugees to education.³¹⁸

³¹¹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding observations, Bangladesh, March 2011, paragraphs 27-28, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/417/30/PDF/G1141730.pdf?OpenElement> 3 (accessed June 8, 2019).

³¹² CEDAW, Concluding observations, Bangladesh, November 25, 2016, paragraph 40(d), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/50/PDF/N1640250.pdf?OpenElement> (accessed June 12, 2019).

³¹³ CEDAW, General Recommendation No. 36 on the right of girls and women to education, CEDAW/C/GC/36, November 16, 2017, paragraph 39(a), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_36_8422_E.pdf (accessed July 26, 2019).

³¹⁴ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, <http://www.refworld.org/docid/3ae6b36co.html>, art. 13. Human Rights Watch believes secondary education should also be compulsory and free to all.

³¹⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13, The Right to Education, U.N. Doc. E/C.12/1999/10 (1999), para. 51.

³¹⁶ *Ibid.*, para. 57.

³¹⁷ CESCR, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights, U.N. Doc. E/C.12/GC/20 (2009), <http://www.refworld.org/docid/4a60961f2.html> (accessed June 8, 2018), para. 30.

³¹⁸ CESCR, General Comment No. 20; CESCR, “Statement of the CESCR: Duties of States Towards Refugees and Migrants under the ICESCR,” March 31, 2017, U.N. Doc. E/C.12/2017/1 (2017), <https://undocs.org/E/C.12/2017/1> (accessed July 23, 2018).

While the committee acknowledged the ICESCR may provide developing countries like Bangladesh an exception to providing education to non-nationals, it affirmed that each state should recognize the right of each child to education regardless of their status.³¹⁹ This “progressive realization” of the right to education does not apply to Bangladesh’s denial of education to Rohingya refugee children. Bangladesh is obliged to ensure immediate access to education for these children, including its provision through internationally-funded humanitarian agencies and non-governmental organizations. In April 2018, the committee stated it was “deeply concerned” that Bangladesh restricts Rohingya refugees’ movement outside of the camps to access education and other basic services.³²⁰

Bangladesh endorsed the Global Compact on Refugees at the United Nations General Assembly on December 18, 2018, welcoming it as “a paradigm shift in establishing migration as a development phenomenon” and stating that “Bangladesh stands ready to work with all interested parties” for its implementation.³²¹ However, Bangladesh’s prohibition on the integration of Rohingya refugee children in formal education, more than two years after they arrived and without any prospect of safe or voluntary return, flouts the Global Compact’s provisions:

States and relevant stakeholders will contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls), adolescents and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival.³²²

³¹⁹ CESCR, “Statement of the CESCR,” para. 8.

³²⁰ CESCR, “Concluding Observations on the initial report of Bangladesh,” April 18, 2018, paragraph 27, E/C.12/BGD/CO/1, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/BGD/CO/1&Lang=En (accessed June 12, 2019).

³²¹ UN, “General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants,” December 19, 2018, <https://www.un.org/press/en/2018/ga12113.doc.htm> (accessed May 10, 2019).

³²² Report of the United Nations High Commissioner for Refugees, Part II: Global Compact on Refugees, A/73/12 (Part II), “Education,” section 2.1, paragraph 68, September 13, 2018.

Bangladesh is a party to the Convention on the Rights of Persons with Disabilities, which obliges states to “ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children,” (art 7.1) to “ensure the protection and safety of persons with disabilities” in humanitarian emergencies, (art 11) and to ensure that “children with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live” (art 24.2.b.).³²³

³²³ Bangladesh ratified the Convention on the Rights of Persons with Disabilities on November 30, 2007. Bangladesh accepted the Inquiry procedures set out in articles 6-7 as well as the convention’s Optional Protocol, which provides for individual communications from persons with disabilities to the Convention’s expert committee, on May 12, 2008.

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