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Denial of Education for Rohingya Refugee Children in Bangladesh

The government of Bangladesh is blocking aid groups from providing any meaningful education to Rohingya children in refugee camps and banning the children from attending schools outside the camps.

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. 2019 Human Rights Watch

The government of Bangladesh is blocking aid groups from providing any meaningful education to Rohingya children in refugee camps and banning the children from attending schools outside the camps.

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.

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.

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.

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

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.

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 foreducation.

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. Its 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.

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 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.

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,

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.

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.

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.

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 fulfill 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.

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.

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 Rohingyas' 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 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]

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] 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.

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]

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] 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 Rakhine State, said that Rohingya children from settlements [in Myanmar] without any schools were unable to 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.

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.

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 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]

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 sectors 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 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 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.

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 governments 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 fulfills their rights, because of restrictions imposed by the government of Bangladesh. The government has claimed that its response to the Rohingya crisis aims to fulfill its commitments in global treaties and declarations that guarantee the right to 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:

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]

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 funders 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:

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]

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:

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]

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, 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 Faisal, 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 making 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 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:

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]

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 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.

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 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]

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 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, its not super-basic, but its 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 agencies' response to humanitarian emergencies globally provides, among other things:

The project led by UNICEF to design the informal education program (the LCFA/GIEP) avoided crossing the governments' 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 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 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.

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 governments 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.

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 experts 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 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 governments 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 sectors 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 were developing now.^[151]

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,

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]

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:

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.

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 Forces instructions to 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, were 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 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,

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.[\[179\]](#)

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 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 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.

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.

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 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 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 (*moktaps*) 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 *moktaps* was that their hours of instruction should not conflict with the hours at learning centers.[201]

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.

A teacher at the Pioneer school, Ali Hossain, 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 humanitarian education sectors 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:

To bring Rohingya children into some form of learning while still operating under the Bangladesh governments 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, 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 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]

School feeding programs are often rolled out in humanitarian responses to emergencies in order to 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] centers and became a criterion for families to enroll their children in the centers.[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 *moktaps*, 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]

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]

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]

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 daughters' 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,

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 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]

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 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.

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:

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 populations vulnerability, the fact that Bangladesh bans Rohingya adults from the job market may exacerbate Rohingya childrens 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]

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]

A policy that risks prolonging the denial of Rohingya refugee childrens right to education and exacerbating the low rates of school enrollment among Bangladeshi children in Cox's Bazar, is Bangladeshs 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 Bangladeshs 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 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 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]

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 emergencies, and \$8.3 million from the Global Partnership for Education. Major foreign donations for education include \$19.2 million from Saudi Arabias 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 UNICEFs response to the Rohingya humanitarian crisis, and the UK reported that part of a September 2019 grant of 87 million would support education.^[274]

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 childrens 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 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 sectors 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 wont 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 arent getting funding for quality control, an international NGO staff member focused on education said.^[283] An education official at another NGO said, if we were 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]

Donors that are providing much-needed support to Rohingya children have privately acknowledged concerns about Bangladeshs restrictions on their access to education, but 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 Banks 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 Banks 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 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 governments 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 Banks inclusion policy does not apply to these loans, 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 partnerships 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 were 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 partnerships Secretariat recommended the approval of an \$8.3 million grant to address Rohingya childrens urgent needs because the grant proposal was based on the education clusters emergency assessment, and contained an operational plan, and partnerships funds would not displace other funding.^[298] These criteria make no reference to the right to education.

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 childrens immediate right to primary education. In addition, basic humanitarian standards on education explicitly reject the distinction between immediate and long-term access. UNHCRs 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 Bangladeshs 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 minimum standards for education in emergencies, or the Bangladesh governments 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 childs refugee or residency status.

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

Bangladeshs 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 nations development education is the backbone of the nation, wrote Prime Minister Sheikh Hasina in the preface to the countrys 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] Bangladeshs 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]

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 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]

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:

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]

Research for this report was conducted by Bill Van Esveld, senior researcher in the Children's Rights Division, Zama Neff, executive director, and by an assistant researcher in the Asia Division at Human Rights Watch. Susan Raqib, former senior associate, and Stefan Walzer-Goldfeld, former intern, provided desk research. The report was reviewed by Zama Neff; Elin Martinez, senior children's rights researcher; Bill Frelick, director of the Refugee Rights program; and by researchers and Meenakshi Ganguly, deputy director, in the Asia Division. Tom Porteous, deputy program director, provided review. Clive Baldwin, senior legal adviser, provided legal review. Alex Firth, associate, and Fitzroy Hopkins, production manager, provided production assistance.

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Unlawful Restrictions on Schooling Risk Creating a Lost Generation

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