

Asian Center for the Progress of Peoples

FYI09-04:

Right to Education for Refugee Children in Thailand

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Introduction

Refugees are those who flee their countries due to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, or membership of a particular social group, and they are unwilling to or unable to return to the home countries.¹

In December 2000, the United Nations General Assembly adopted Resolution 55/76 for the establishment of World Refugee Day, which was decided to be observed on 20 June annually. Explaining the aim of the World Refugee Day, Mr. Ruud Lubbers, UN High Commissioner for Refugees (UNHCR), pointed out that,

“We see on a daily basis the incredible courage and perseverance of refugees who have lost everything. For them, every day spent in exile or fight is a day too long. This is why World Refugee Day should be, for all of us, a time to pause and think. Because if they refuse to give up hope, how can we?”²

It is true that “every day spent in exile or fight is a day too long”. Disappointingly, refugees in Burma have been waiting for more than 20 years to return home. As the World Refugee Day is approaching, *ACPP* takes this opportunity to raise the issues of refugees from Burma in Thailand, focusing on the right to education of refugee children. This *FYI* illustrates that the right to education is far more than placing children in schools, but it must encompass the value of dignity.

Background of Refugees in Thailand



Source: UNHCR

In Asia, Burma is one of the countries with the largest source of refugee. According to statistics of the UNHCR, as of 2007, there were 191,256 refugees from Burma³, of which, 140,355 are living in Thailand, while the rest reside in Malaysia, India and Bangladesh.⁴

Burma was once one of the richest countries in Asia with abundance of natural resources. Within three decades after the military overthrew the democratic regime in 1962, it became the least developed country with high

level of international debt in 1987.⁵ In the past 47 years, people in Burma not only suffered from economic hardship, they have been living in fear of intimidation, arbitrary arrest, long sentences in jail, torture and so on, day by day. Ethnic nationals who comprised of 40% of the country’s population⁶ are the most vulnerable under the Burma Army’s motto of “one blood, one voice, one command”.⁷ On the top of the torments mentioned, ethnic nationals are at higher risk of being subjected to forced labour, raped, killed, and having their villages burnt without any reason by the army of State Peace and Development Council (SPDC), the current military regime. Recently, in early June, over 3,000 Karen, one of the ethnic groups of Burma living

¹ Convention Relating to the Status of Refugees, article 1(2).

² “Why a Refugee Day?”, UNHCR, (<http://www.unhcr.org/events/EVENTS/3e8181f711.html>).

³ United Nations High Commissioner for Refugees, *2007 UNHCR Yearbook*, p. 69.

⁴ *Ibid.*, p. 123.

⁵ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity (2nd Updated Ed.)*, Bangkok: White Lotus, 1999, p. 24.

⁶ Altsean-Burma, Key Issues-Ethnic, (<http://www.altsean.org/Key%20Issues/KeyIssuesEthnic.htm>).

⁷ Harn Yawngwe, “Burma: Perspective of the Ethnic Nationalities”, *Burma Digest*, 8 November 2007, (<http://burmadigest.info/2007/11/08/burma-perspective-of-the-ethnic-nationalities>).

next to the Thai border, escaped to Thailand due to shelling by the SPDC troops.⁸ The brutal military regime in Burma is the major reason for the massive outflow of refugees and migrants. Before altering the situation in Burma, there is need to offer protection to the people who fled from home. With regards to this, Thailand and other countries in Asia are playing significant role in refugee protection.

Thailand is now housing over 14,000 refugees, in 9 camps along Thai-Burma border, under the protection of the UNHCR. While some of them have gone through the refugee-status determination, and resettled in third countries, many of them have been encamped for years, some up to 20 years or more. Thailand is not a party to the 1951 Convention relating to the Status of Refugees (Refugee Convention), but the Royal Thai government is generous to offer protection to refugees over the years. Nonetheless, this also implies that rights of refugees, for example, the right to work, right to public education, right to freedom of movement and residence, right to access to court, right to process travel document, cannot be guaranteed in Thailand, but depends on the generosity of the government.

Right to Public Education of Refugee Children

Although Thailand is not a party of the Refugee Convention, the government has obligation to protect rights of non-citizens under its jurisdiction, including refugees and asylum seekers, in accordance with various international human rights treaties which it has ratified, such as International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention on the Rights of Child (CRC).

As the political crisis in Burma escalates without sign of change in the country, the hope for refugees returning home is grim. As such, the policy to encamp refugees in closed environment for decades must be reviewed. Some organizations advocated for ending the warehouse condition of refugees, and urging the government to ratify the Refugee Convention followed by formulation of refugee-screening policy. To pursue the goal for social integration, non-governmental organizations (NGOs) suggest that refugee children should be allowed to receive education in public schools as a pioneer project.

Aims of education

To elaborate the right to education, the Committee on Economic, Social and Cultural Rights illustrated the aims of education in its General Comment No. 13 in 1999:

“Education shall be directed to the human personality’s ‘sense of dignity’, it shall ‘enable all persons to participate effectively in a free society’...perhaps the most fundamental is that ‘education shall be directed to the full development of the human personality’.”⁹

Additionally, education is a human rights as well as an essential means to reinforcing other human rights. It is an empowering tool that helps to promote democracy and human rights. It also opens the gateway for people to alleviate poverty and to be free from exploitation and abuses.¹⁰

Admittedly, education and vocational training are provided in the 9 refugee camps. When the Thai government announced the new education plan for refugees in the camps in 2006, where they would allocate budget and provide teachers, and educational materials such as computers, textbooks and TV, it was welcomed by NGOs. However, the government plan still failed to effectively respond to the aims of education as stated by the Committee. Being encamped in closed environment for years may make refugee children feel alienated from what they learn vis-a-vis the reality that they encountered. Therefore, allowing refugee children to attend public schools is one of the answers responding to the problem.

⁸ Michael Casey, ‘Aid Groups: 3,000 Villagers Flee Myanmar Shelling, *Associated Press*, 7 June 2009.

⁹ General Comment, no. 13, Committee on Economic, Social and Cultural Rights, E/C.12/1999/10, 8 December 1999, para. 4.

¹⁰ *Ibid.*

Obligation of the Thai Government

As mentioned above, Thailand is bound by the ICESCR and CRC. For instance, the CRC stipulates that,

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall...receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”¹¹

Even though the provision does not define what is appropriate, for the benefit of every child, including refugee child, exposure in social community is crucial. In line with this principle, public schooling for refugee children can serve the benefits of refugee children.

Church's Perspective in Rights of Refugees and Children

Refugees who fled from persecution in their countries are vulnerable and deserve kindness of the host countries. Throughout the Bible, God remind us stories of refugees and the marginalized groups that require us, as Christians, to treat strangers well,

“But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the LORD your God.” *Leviticus 19:34*

Also, treating refugees well is more than just hospitality, but also show recognition of their human dignity,

“The Church is close to them [refugees] not only with her pastoral presence and material support, but also with her commitment to defend their human dignity: ‘concern for refugees must lead us to reaffirm and highlight universally recognized human rights, and to ask that the effective recognition of these rights to be guaranteed to refugees.’” *Compendium of Social Doctrine of the Church, para. 505*

To highlight dignity of children, the Compendium also states that,

“The situation of a vast number of the world's children is far from being satisfactory, due to the lack of favourable conditions for their integral development despite the existence of a specific international juridical instrument for protecting their rights, an instrument that is binding on practically all members of the international communities.” *Compendium of Social Doctrine of the Church, para. 245*

Apparently, government has the primary obligation to respect, protect and fulfill human rights of refugee. Meanwhile, Church communities also have responsibility to side with refugees to defend their human dignity. As children are most vulnerable among the refugees, Church should also pay special attention to the development of children by ensuring favourable conditions of their growth in line with human rights standards.

Conclusion

Although this *FYI* focuses on refugee children in Thailand, it does not mean that the issues of refugees are out of our concerns, if we are based in other countries. There must be refugees living in our countries, however, maybe they are invisible to us due to different reasons.

Refugees who flee their countries because of rampant violations in civil and political rights, are in a preventable situation. To resolve the problem, human rights protection at national level is the fundamental step to take. Everyone has responsibility to uphold human rights in our own countries, as well as to support campaigns to defend human rights in other countries.

¹¹ Convention on Rights of the Child, article 22(1).

Online Resources

Please visit the following website for more information on the World Refugee Day and Plight of refugees in Thailand:

World Refugee Day	http://www.un.org/Depts/dhl/refugee
UN High Commissioner for Refugees	http://www.unhcr.org/cgi-bin/texis/vtx/home
UN High Commissioner for Refugees, Thailand	http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=tha
US Committee for Refugee and Immigrant-Thailand	http://www.refugees.org/article.aspx?id=1438
ReliefWeb, Thailand	http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=tha
Jesuit Refugee Service, Thailand	http://www.jrs.or.th/th

Sources

UN High Commissioner for Refugees
Altsean-Burma
Burma Digest
Burma: Insurgency and the Politics of Ethnicity
Committee on Economic, Social and Cultural Rights



Source: UNHCR