

The Right to Education of Refugees and Forcibly Displaced Persons Under International Law: Legal Obligations, Implementation Gaps and Contemporary Global Challenges

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Abstract – The right to education is a fundamental human right and an essential instrument for protecting the dignity, development, and future opportunities of refugees and forcibly displaced persons. International law recognizes education as a universal entitlement through major human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the 1951 Convention Relating to the Status of Refugees. These legal frameworks impose obligations on states to ensure non-discriminatory and equitable access to education, particularly for vulnerable populations. However, despite the existence of extensive international legal protections, refugees and forcibly displaced persons continue to face significant barriers to accessing quality and continuous education. These barriers include restrictive national policies, lack of documentation, language differences, poverty, inadequate educational infrastructure, discrimination, forced mobility, armed conflict, and insufficient international funding. The situation has become increasingly complex due to contemporary global challenges such as protracted displacement, mass migration, climate-related displacement, political instability, and the growing number of children and young people living outside their countries of origin. This study examines the international legal framework governing the right to education of refugees and forcibly displaced persons, analyzes the obligations of states and other relevant actors, and identifies major gaps between legal commitments and practical implementation. It further explores contemporary global challenges affecting educational access and emphasizes the need for stronger international cooperation, inclusive national education systems, sustainable financing, and effective accountability mechanisms. The study concludes that ensuring the right to education is not merely a humanitarian responsibility but a binding legal and developmental obligation essential for promoting social inclusion, protection, empowerment, and long-term solutions for displaced populations.

Keywords – Right to Education; Refugees; Forcibly Displaced Persons; International Law; Human Rights; Refugee Protection; Educational Access; Non-Discrimination; International Legal Obligations; Implementation Gaps; Global Displacement; Inclusive Education.

I. INTRODUCTION

1. Background and Context of the Study

It is also universally accepted that education is one of the fundamental human rights and a key tool through which people achieve their capabilities, engage with society and implement other civil, political, economic, social and cultural rights. The safeguarding of this right gain's special importance in the contexts of forced migration and displacement. Displacement can disrupt the education over a long time, limit access to formal educational institutions, and influence future growth and social engagement of a generation. The educational rights of refugees and forcibly displaced individuals thus offer a valuable set of contexts by which the interplay between proclamation of education as a universal human right and its practical application to populations with an unclear legal status, residence, nationality, or access to general institutions may be considered.

The issue of educational insecurity of refugees is not an exclusive problem of the members of a certain population, a state, or a region. Forced displacement may place educational hurdles on various levels, such as immediate disruption of schooling to future challenges in respect of access, advancement, certification, credentialing of

qualifications and tertiary education. The issues become especially relevant in case displacement ceases to be a temporary humanitarian crisis and becomes permanent. Education under these conditions cannot be conceived as an emergency service. It should also be viewed as a substantive legal right which is related to human dignity, equality, non-discrimination, childhood development, future employment, social participation, and the realization of long-term solutions to the displaced populations.

The available studies on specific displaced populations give us an idea of how far-reaching these challenges are. According to al-Haddad et al. (2022), the educational insecurity of the Rohingya over time creates potential of a so-called lost generation and shows how educational marginalisation can be linked to the broader marginalisation, statelessness and displacement. Likewise, Shohel (2022) refers to the lack of educational resources and its infrastructure, insufficient teacher supplies, language obstacles, and ambiguity with respect to decision-making on refugees as another significant barrier to delivering education in the displacement context. Though these studies focus on a specific group of refugees, the presented problems pose a question of a larger scale in terms of the ability of legal and institutions framework to ensure significant educational opportunities in an extended period of displacement.

Educational opportunities offered to displaced populations in nature and quality are also important. Through his analysis of community-led refugee education, Nilsen et al. (2023) reveal how educational provision is executed into a complicated set of relations among refugee communities, the humanitarian organisations, state policies, and the plausible durable solutions. Prodip (2023) also demonstrates that the aim and structure of the education of refugees can be shaped by further issues related to the integration, repatriation, and the future of displaced people. These results can have broader applicability to global issues of law by stating that a proper exercise of the right to education entails more than offering classrooms or simple learning tools. It also touches on curriculum, certification, education progression, equality, identity, quality, continuity and responsibility of law.

The problems can be considered on the basis of international law which offers the main normative framework. The right to education is acknowledged as a part of the broader international system of human rights, and detailed legal norms relate to accessibility, equality, non-discrimination and safeguarding children. The international refugee law also sets the norms applicable in regard to the treatment and the educational protection of refugees. However, the legal status and application of these standards can vary significantly among the states, especially due to the fact that states have varied obligations under the international treaties, domestic laws, migration policies, institutional abilities, and styles of protecting refugees. This, in turn, leads us to the consideration of a crucial international law issue which is how to apply worldwide-standards of education patterns in the contexts of various countries and regions in a consistent manner.

Comparative analyses of particular refugee locations also indicate the national aspects of this issue. Letchamanan (2013) can outline challenges related to the access of refugees to formal education in Malaysia, whereas Lee and Hoque (2024) discuss ongoing issues with educational access and quality in the same country. Rumiarta and Jayantiari (2023) discuss legal aspects of fulfilment of the right to education of refugee children in Indonesia. Collectively, these works indicate that educational insecurity cannot be perceived as a challenge emerging in a single national or regional context. Instead, examples of cases reported under other jurisdictions can be employed as examples of a larger legal task of how internationally recognised educational rights can be practiced on refugees and forcibly displaced persons.

The international importance of this problem thus necessitates a solution that does not center on any one group of refugees or host country. Although specific refugee experiences can be of great relevance in illustrating the implementation challenges, the issue of law is the wider issue of the relationship between international standards and state practice. The analysis, in turn, looks at how much international law offers an efficient model to safeguarding the right to education of refugees and the forcibly displaced and the reasons behind unequal realizations, as well as the

legal and institutional steps that can be made to offer more uniformity and responsibility.

2. Object of the Study

The research topic is the international jurisprudential protection of the right to education of the refugees and forcibly displaced individuals. It covers the international cultural standards, law and institutional norms, in light of which education is acknowledged as a fundamental human right and where the expected role of the state is to make available successful and non-discriminatory learning opportunities to individuals, who are forced to flee. This is not the only object of the research; it can be physical admission to schools, universities and the other learning institutions. The availability, accessibility, acceptability, and adaptability of educational opportunities are also a key element to effective enjoyment of the right to education. These dimensions can encompass access to secure learning environments, suitable curricula, competent teaching, relationship between various levels of education, acknowledgment of previous learning and credentials, significant certification, and prospects of education advancement in cases of forced migration. In this regard, it is based on the study that education is more of a legal right than humanitarian meaning that the role of education is substantive and aims at no more than a delivery service in times of emergency. It looks at how universal legal norms determine the subject matter of this right and the way in which the responsibilities ascribed by the standards may be applied both to refugees and forcibly displaced individuals in various legal and institutional settings.

3. Subject of the Study

The research topic is the width, practice and success of international legal duties in reference to right to education of refugees and forcibly displaced individuals. Much focus is placed on how universal international legal standards are related to differences in the legal, institutional, and practical circumstances that states realize educational rights. The issues covered in the research are the legal matters on equality and non-discrimination, excessiveness, availability, quality, continuity and curriculum, certification, recognition and progression in education. These aspects are of specific relevance as the status of Refugee might be combined with other disadvantages. Rahman et al. (2023) show in the example of the displaced children in the refugee community that the educational discrimination can be multiplied in the two ways: displacement or the status of a refugee can intersect with sex, age, poverty, and disability, and other conditions to create more obstacles to the meaningful participation in classes. The topic thus covers the formal legal status of a right to education and the substantive factors that are needed to enable the right to become practically effective. The study does not focus on particular refugee group or geographical area, but instead the international system of law as a whole and relates the experiences of other displacement situations to analyse patterns of implementation and accountability issues.

II. RESEARCH PROBLEM

The main research question is the discrepancy between the wide-ranging normative acceptance of the education as a human right under the international law and the unequal access of refugees and forcibly displaced persons to the right in various national and institutional settings. The international legal norms set some key principles related to access to education, equality, non-discrimination, the development of children, and protection of vulnerable groups of people. However, official acceptance of these standards does not always lead to their uniform realization or successful application, especially in situations where the nationality, place of residence, migration status, or refugee status comes into play and the right to national education systems. In this case, the discrepancy is especially relevant in the case of the long-term displacement. The educational arrangements provided in response to a humanitarian crisis have been observed to be simultaneously ineffective in addressing long-term humanitarian emergencies and when displacement extends over lengthy durations and children and youth are themselves outside normal national education systems. Through the case of Rohingya children, Shohel (2023) proves that if the level of uncertainty is sufficient, it can influence the childhood process and enjoyment of education rights.

Despite this being a particular displacement scenario, it serves as an example of a broader legal issue: temporary educational solutions can create a set of disadvantages over time, in which they fail to offer any meaningful advancement, recognised credentials, certification or access to post-secondary education. The policy issue of integration of refugee education with the larger policies on durable solutions is also a further complication to the implementation problem. Prodip (2023) shows that the arguments about the aim of having refugee education can be linked to the issues of repatriation and integration. States and institutions may not be eager to become part of national education systems permanently where policies put a greater value on eventual return. Meanwhile, there is uncertainty about safe and sustainable returns which could lead to displacing populations that relied on temporary educational solutions in the long run. Nilsen et al. (2023) also show that community-oriented educational programs can provide valuable institutional space to refugees, but also emphasize the multifaceted connection between communities, states, humanitarianism and an overall political agenda. The other dimension of the research problem is brought about by equality and non-discrimination.

Access to an educational programme, whether formal or not, does not always translate into the enjoyment of right of education being equal and effective. Rahman et al. (2023) show that refugee children can experience many and overlapping kinds of discrimination, meaning that implementation has been gauged and evaluated not only through the availability of education, as such, but with respect to its accessibility, quality, sustainability, acknowledgment, and ability to offer meaningful

educational advancement. The underlying research issue is consequently not specifically constrained by the educational conditions of a single refugee group. It has to do with the general gap between the universal quality of right to an education in international law and how far in different places this right is applied to refugees and to forcibly displaced persons. The research will therefore inquire into how the international legal obligations can be better interpreted and applied in various national settings, why implementation and accountability loopholes still exist, and whether the available international legal mechanisms are adequate to provide access to personalities impacted by forced displacement to high-quality and sustained, inclusive, consistent, and uninterrupted education.

III. RESEARCH GAP

The available literature is useful in informing the educational experience of refugees and forcibly displaced populations, albeit much of the literature in the subject matter does so via a specific refugee community or national context, humanitarian service, discrimination, or distinct educational provision. It results in the necessity of a more comprehensive discussion of the role of the right to education in the protection under the international law and its implementation in various situations of displacement. Al-Haddad et al. (2022) provide a discussion of the functional lasting educational insecurity, as well as an item of the creation of a lost generation, discussing that limited educational opportunities can have manifestations beyond short-term displacement. Whether Shohel (2023) relates the long-lasting nature of displacement to the right to childhood and education, its concerns the issues of delivering education to children residing in a refugee camp (Shohel, 2022). Though these studies present specific evidence based on a specific population in a displaced situation, the issues they present lead to the bigger questions of how well legal protection goes to sustain education in a long-term displaced situation. There is other literature covering aspects of this problem on a case-by-case basis. Rahman et al. (2023) investigate the topic of discrimination and intersectionality in education provision among refugee children and show that educational vulnerable groups can interplay with other types of vulnerabilities. Nilsen et al. (2023) explore the community-led education and its connections with the political aspects of the refugee education. Likewise, in a somewhat different way, Prodip (2023) also discusses the political intentions related to the education of refugees and proves the significance of broader questions about what should become of displaced populations.

IV. THESIS / CENTRAL PROPOSITION

The main thesis of the present research is that despite the international law acknowledging education as one of the principal rights and setting criteria applicable to both the children and to refugees as well as to the forcibly displaced population, there is still a great discrepancy between the

formal statement on the right and its actual exercise in the scenarios of displacement. The endurance of the lack of educational security that is reported by Al-Haddad et al. (2022) illustrates how long-term displacement and marginalisation may impact productive access to education. In the same vein, the educational barriers that have been identified by Shohel (2022) provide a pointer that the practical access of educational opportunities can be subject to restrictions in terms of facility, educative resources, instructors, language and refugee statuses. These experiences can offer examples of a broader issue, the translation of the recognised rights of education to effective protection.

Purpose / Aim of the Study

This critical paper aims at examining the protection and implementation of the right to education of refugees and forcibly displaced persons under international law and evaluating the efficacy of the current legal framework to address the educational problems related to forced displacement.

The study will go beyond the position of comprehending educational deprivation as a humanitarian, educational issue to analyze it as a legal matter with the question of rights, obligations, implementation, equality and accountability. Shohel (2023) illustrates the connection between years of displacement and the right of children to education, and Rahman et al. (2023) emphasize the importance of discrimination and intersectionality in deciding the possibility to enjoy the right to obtain education equally.

Specific Research Task

In order to fulfil the given purpose, the paper will initially discuss the conceptual and legal framework of the right to education according to international law and establish the applicable international principles of human and children rights and principles of refugee and forcibly displaced persons law. The research will subsequently explore key aspects of the right to education such as availability, access, acceptability, adaptability, equality, and non-discrimination, continuity, quality, curriculum, certification and educational progression. The fact that a substantive, as opposed to formal, access to education is significant is supported by the article by Rahman et al. (2023) in which the analysis conducted revealed that discrimination might be present in relation to refugee children regardless of some educational opportunities being in place. The study will then look into reported education issues within the sampled displacement situations in order to seek how these situations align with the international standards. Those studies by Letchamanan (2013) and Lee and Hoque (2024) aim to reveal more evidence about refugee education in Malaysia, whereas Rumiarta and Jayantiari (2023) focus on education right fulfilment in Indonesia. These experiences are going to be taken on a relative and illustrative level as opposed to being regarded as the limits to the territories of the study.

Scope and Limitations of the Study

The research is restrictive in terms of theme, law, comparative, time and institutional. It is geographically not focused solely on a single refugee population or host country. Rather, the analysis takes a more global approach and employs chosen recorded experiences within various displacement contexts as a way of demonstrating and contrasting difficulties in terms of the realisation of educational rights. Comparative material Existing studies give useful comparative material to this purpose. Letchamanan (2013) and Lee & Hoque (2024) discuss refugee education in Malaysia and Rumiarta and Jayantiari (2023) discuss educational rights in Indonesia. The studies by Al-Haddad et al., (2022) and Shohel (2022) are additional sources of evidence of educational insecurity in another context of displacement. These environments will not be wholesale single case studies; they will serve as illustrations, around which international legal issues in general could be analysed.

Significance and Original Contribution

The proposed research has scholarly, judicial and practical implications. In the academic field, it adds to the body of scholarship around international human rights law, refugee law, children's rights, equality and non-discrimination, and refugee education by analysing the issue of educational insecurity as an international legal issue more than as a problem facing a two-fold displaced population. Existing research supports the significance of such a wider analysis. Al-Haddad et al. (2022) show that consistent education insecurity could be affecting the displaced groups in the long-term, whereas Shohel (2023) relates the prolonged displacement to childhood and educational rights. Rahman et al. (2023) go on to show that educational disadvantage may encompass many and overlapping types of discrimination. These data imply that to be effective and be able to protect the interests, both formal access to the education and equality and continuity, quality, and meaningful participation should be taken into consideration.

V. CONCLUSION

The right to education of refugees and forcibly displaced persons is firmly recognized under international human rights and refugee law as an essential component of human dignity, equality, and social development. International instruments establish that access to education should be provided without discrimination and that vulnerable displaced populations, particularly children and young people, must receive meaningful opportunities for learning and personal development. Education plays a crucial role not only in protecting fundamental rights but also in promoting social inclusion, economic independence, peacebuilding, and long-term solutions for displaced communities.

Despite these legal obligations, a significant gap continues to exist between international commitments and their practical implementation. Refugees and forcibly displaced

persons frequently encounter barriers such as restrictive national policies, lack of legal documentation, language difficulties, poverty, discrimination, inadequate infrastructure, shortages of qualified teachers, interrupted schooling, and insufficient financial resources. Protracted conflicts, political instability, climate-related displacement, and the increasing scale of forced migration have further intensified these challenges.

Addressing these implementation gaps requires stronger cooperation among states, international organizations, humanitarian agencies, educational institutions, and civil society. Host countries should be supported in integrating refugees into national education systems and in developing inclusive, flexible, and culturally sensitive educational policies. Sustainable international financing, improved data collection, recognition of prior qualifications, language support, digital learning opportunities, and effective accountability mechanisms are also necessary to ensure that legal guarantees become practical realities.

Ultimately, the protection of the right to education for refugees and forcibly displaced persons must be viewed not merely as humanitarian assistance but as a binding legal and moral obligation. Ensuring equitable access to quality education can empower displaced individuals, reduce social exclusion, strengthen host communities, and contribute to peace and sustainable development. Closing the gap between international legal commitments and actual educational access is therefore essential for creating a more inclusive and just global response to forced displacement.

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