Life of Congolese School Children in Refugee Camp in Burundi: Applicability of Human Rights Standards and Conventions Relating to the Status of Refugees

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Abstract

In accordance with international human rights law and of refugee law, member states are obliged to provide schooling to foreigners as well as nationals. This article explores the impact of schooling on Congolese refugee children in Burundi. Our objective is to identify the factors that are linked to the non-enjoyment of certain rights. The methods resulting from the qualitative and quantitative approach seem to us the most relevant. For sample size, we surveyed 352 refugee students out of MUSASA School's enrollment of 2029 students.

The factors that impede the enrollment of refugee children in school include sexual harassment, out of 166 respondents, or 52.8% out of 47.2% say that there are cases of sexual harassment in their school. Early and forced marriage, 224 out of 128 respondents 63.6% out of 36.4% ), lack of food, 231 respondents out of 121, or 65.6% out of 34.4% gender discrimination, and ignorance of the rights of children in general, and of refugee children in particular, 186 out of 166 respondents, or 52.8% . This study is based on qualitative and quantitative data collected through documentation and fieldwork conducted in the Congolese refugee camps of MUSASA. The research findings highlight that refugee children's right to access schooling is often violated. That said, appropriate measures must also be considered to guarantee rights related to schooling as ratified and promulgated in legal texts. Some of these are the respect and implementation of education rights and laws in force in host countries.
This research was carried out on the school in the refugee camp of MUSASA. It would be interesting to approach it by considering the refugee camps of other refugee camps on Burundian territory.

**Keywords:** Camps, Child, Law applicability, Refugee, Right to education, Schooling

### 1. Introduction

According to the UNHCR(2015a [1] report, the total amount of refugees globally is only increasing from 2014 to 2020: 19.5 million refugees, 21.3 million refugees, 22.5 million, 25.4 million refugees, 25.9 million, 26 million. Concerning, the educational systems in the world, have for objective to transmit to the children and the teenager’s knowledge, and a common culture The founding of UHNCR, by the UN in 1950 in context of the Cold War and decolonization was an important step in taking into account the situation of refugees. The number of people of concern to UNHCR , (2019) [ 2],amounted to 20.7 million registered refugees in , more than half of them in Asia. In addition, 5.7 million registered refugees are cared for in some sixty camps in the Middle East by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA2021)[3]

The term refugee covers a precise legal definition that falls within the scope of international law. Article 1 of the 1951 Geneva Convention, ratified by 145 countries, relating to the status of refugees defines a refugees as(1951 [4] “ a person who is outside the country of nationality or in which he has his habitual residence, and who by reason of his race, religion, nationality of his membership of particular social group or of political opinions has a well-founded fear of persecution and cannot claim the protection of that country or, because of that fear, cannot return to its”


A crucial step in leading refugees towards greater independence and prospects for a better life, but which suffers from a severe lack or resources

The average gross enrolment rate from March2019 to March 2020for the countries that reported data was 68% for primary. For secondary education, it was 34%, evidence that significant structural barriers prevent refugee students from accessing post-primary education. A comparison of the enrolment rate of pupils in the host country and refugee pupils reveals significant disparities. For example, in Jordan, in primary education, the enrolment rate for refugees was 59%, While it was 82% for students in the host county in 2019-2020. In Chad, the school enrolment rate for refugees was 78% , compared with 89 per cent for students in the host county over the same period . The gap is even more striking in secondary education .In Jordan, for example, the school enrolment rate of refugees was 25%
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while that of students in the host country was 65% in 2019-2020. At the higher level, school level, school enrolment rates for same period 5%; While the school enrolment rate of Burundian students is around 94 per cent, the enrolment rate of Congolese children in the refugee camps is about 50 per cent boys and 50 per cent girls. Also, in secondary school the enrolment rate of girls is about 41% while the enrolment rate for national children varies between 75.7% and 78.7% in secondary school.

International comparisons show that this central objective is achieved to varying degrees from country to country. Access to schooling for refugee children is limited, with nearly half of them not attending school at all.

In this article, we focus on the right of access to schooling for Congolese refugee children in Burundi. Indeed, according to international conventions, it is an inalienable right. And everything should be done to maintain it despite the crises and the constant wars which are at the origin of the violation of these rights.

From the perspective of the integration of refugees in Burundi, we can ask ourselves questions about the general texts of protection and human rights, and we will analyze the state of the application of the rights allowing to protect and guarantee the fundamental rights of refugee children in Burundi. This study of humanitarian and refugee law allows us to examine the issue of refugee children's right to access schooling. The state that has received the refugees, in collaboration with other regional and international actors, must implement the necessary means for the schooling of refugee children.

Therefore, the integration of refugees in Burundi can be an object of study in many disciplines. In human rights and refugee rights, the most measurable elements are social rights and in particular the right of access to schooling for refugee children. To observe the extent to which persons in need of international protection can enjoy these rights, it is first necessary to demonstrate the applicability of the rights guaranteed by national, regional, and international standards to these persons.

Burundi, like other African countries, is in a context that hinders the schooling of refugee children. The problems faced by Congolese refugee children in Burundi are multiple. They experience difficulties in accessing various rights, particularly the right to schooling.

Our hypothesis is that the difficulties are linked to precarious living conditions and the implementation of the right to schooling, which appears to be unenforced by the States Parties.

Our objective is to identify the factors that are linked to the non-enjoyment of certain rights, in particular the right to schooling for refugee children. This research will also formulate recommendations to remedy this situation.

2 Materials and Methods

In order to answer our research question, the methods resulting from the qualitative and quantitative approach seem to us the most relevant. It is a question of knowing what scientific purpose we wish to serve and the angle we wish to use.
According to Schneider, [6] this research tends to have an exploratory and explanatory purpose. Within the framework of this research, we have carried out investigations in the form of a field survey among educational actors in the context of the right to schooling in a school located in the refugee camp of MUSASA. This phase was carried out in the form of a questionnaire. To collect data, we used a questionnaire for refugee students and teachers.

3 Results

Factors related to the inaccessibility of schooling for Congolese refugee children in Burundi.

This research shows us the varied figures on the schooling of Congolese refugee children. At this point, the statistics ONPRA of June 30, 2021, specify that at the elementary school level (12,499 students), at the secondary school level (5,263 students) in the five Congolese refugee camps. And the number of children not attending school is increasing. These data were completed by data collection from the directors and prefects of studies working at the MUSASA camp school.

Investigation already conducted.

As of 5/10/2021 Field visit to the UNHCR National Office as part of collect data on the rights of refugee children and as of 7/11/2021 visit to UNPRA at the national level to collect statistical data regarding the right to education of Congolese refugee children. From 11 to 13/10/2021 and from 26 to 28/4/2022 Field visit to the MUSASA refugee camps.

Concerning school dropouts, we interviewed the people in charge of the NAPRO Muyinga Antenna. He specified that the causes are "resettlement, poverty, famine, the others say that they do not see the interest of attending the studies in the refugee camps, because of their return to their native countries do not take advantage of the studies made in the refugee camps. There is also early marriage, and juvenile delinquency," said the respondent.

When asked about specific measures adopted for the care of refugee children, the camp administrator said: "It would be better if children's rights organizations such as Save children, UNICEF, JRS, UNHCR, seek funds to help these refugee children in need.

Among the factors justifying the de-schooling of refugee children from the parent's point of view: "the educational support provided under the education assistance is minimal. This does not allow for full coverage of the educational needs of refugee children and ultimately leads to school dropouts. In addressing this theme, we analyzed the data using SPSS software."
Frequency Table

Table 1: The food

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
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<tbody>
<tr>
<td>non</td>
<td>231</td>
<td>65,6</td>
<td>65,6</td>
<td>65,6</td>
</tr>
<tr>
<td>oui</td>
<td>121</td>
<td>34,4</td>
<td>34,4</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>352</td>
<td>100,0</td>
<td>100,0</td>
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Among the factors, which handicap the access to the schooling of refugee children, including famine. It is difficult to attend school when they are hungry, which causes them to drop out of school, as we have seen. Indeed, 231 respondents out of 121, or 65.6% out of 34.4% of the respondents, underlined that they do not often go home to eat.

Table 2: Eat regularly

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
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</thead>
<tbody>
<tr>
<td>non</td>
<td>256</td>
<td>72,7</td>
<td>72,7</td>
<td>72,7</td>
</tr>
<tr>
<td>oui</td>
<td>96</td>
<td>27,3</td>
<td>27,3</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>352</td>
<td>100,0</td>
<td>100,0</td>
<td></td>
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</tbody>
</table>

In addition to the question of finding what to eat regularly, 256 out of 96 respondents (72.7% out of 27.3%) say that they do not find food regularly. To this end, 248 out of 104 respondents (70.5% out of 29.5%) said that they did not eat enough. Thus, the reduced economic capacity of the parents of refugee children implies difficulties in satisfying their basic needs, including the right to education. Our informant said, "Sometimes I eat, sometimes I go all day without eating. I don't eat at noon and sometimes I go all day without eating, which prevents me from going to school. Thus, the food given to refugee children hinders their schooling.

Table 3: Early pregnancies and forced marriages

<table>
<thead>
<tr>
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<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
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<tbody>
<tr>
<td>non</td>
<td>188</td>
<td>53,4</td>
<td>53,4</td>
<td>49,4</td>
</tr>
<tr>
<td>oui</td>
<td>164</td>
<td>46,6</td>
<td>46,6</td>
<td>100,0</td>
</tr>
<tr>
<td>Total</td>
<td>352</td>
<td>100,0</td>
<td>100,0</td>
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Our data collected through the questionnaire reveals that early pregnancy and forced marriage affect the school dropout rate of refugee children, especially girls. To this end, statistical analysis of the results of our respondents showed that 188 respondents out of 164, or 53.4% out of 46.6%, stated that cases of early childbearing had been observed in their class. The analysis of this situation leads us to affirm that early pregnancy and forced marriage of refugee children in the MUSASA camp are factors linked to the de-schooling of refugee children. The analysis of this situation leads us to affirm that early pregnancy and forced marriage of refugee children in the MUSASA camp are factors linked to the de-schooling of refugee children.

**Table 4: Sexual Harassment, Bullying, and Discrimination of Refugee Children**

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
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<tbody>
<tr>
<td>non</td>
<td>186</td>
<td>52.8</td>
<td>52.8</td>
<td>52.8</td>
</tr>
<tr>
<td>oui</td>
<td>166</td>
<td>47.2</td>
<td>47.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>352</td>
<td>100.0</td>
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New social and special structures may lead to new risk factors specific to humanitarian situations. Indeed, in this regard, 186 out of 166 respondents, or 52.8% out of 47.2% say that there are cases of sexual harassment in their school. And 196 out of 156 respondents or 55.7 out of 44.3% say that there are cases of bullying within the school of MUSASA. In addition, 237 out of 115 respondents, or 67.3% out of 32.7% say that discrimination is frequently observed in the refugee school. We conclude that in the face of this situation as observed in the field, variables, harassment, intimidation, and discrimination are considered factors in the de-schooling of refugee children.

**Table 5 : Knowledge of rights related to schooling**

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<tr>
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<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
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<tbody>
<tr>
<td>non</td>
<td>224</td>
<td>63.6</td>
<td>63.6</td>
<td>63.6</td>
</tr>
<tr>
<td>oui</td>
<td>128</td>
<td>36.4</td>
<td>36.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>352</td>
<td>100.0</td>
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Ignorance or lack of knowledge of certain education rights can also be a handicap for children and parents in the schooling of refugee children.

At this point, almost the majority of respondents (224 out of 128, or 63.6% out of 36.4%) confirmed that they were not aware of their right to education. It is, therefore, necessary to organize awareness sessions to enable refugee children to appropriate certain rights that concern them. This can also be classified as one of the causes of the lack of schooling among refugee children.
4 Discussions

The inapplicability of norms, human rights treaties, and refugee conventions on the schooling of refugee children in Burundi

According to the obligation, Burundi should respect the principles of integration of refugee children and asylum seekers into the Burundian educational system. But according to the results obtained, the Burundian state has not yet implemented this obligation. Yet the African Charter on the Rights and Welfare of the Child (1990)[7] recognizes the right of every child to education. Art (11) and instructs States Parties, within their means and national circumstances, to take all appropriate measures regarding nutrition, health, education, clothing, and housing. The integration of the national education system's curricula in refugee camps is not respected. Refugee children in the camps still follow the Congolese curriculum. According to Article 21, paragraph 1 of the Geneva Convention (1951)[8] "The Contracting States shall accord to refugees the same treatment as to nationals for primary education. This declaration represents an ideal to achieve. This dream of a country that guarantees human and refugee rights comes up against the tragic reality that Congolese refugee children in Burundi are experiencing today in terms of schooling.

The lack of knowledge of the texts of international law protecting refugees by the decision-makers and educational actors in the countries concerned with refugee education is a blockage to collective mobilization on this issue. The insufficient development of a state cannot fail to influence the respect for human rights and its satisfactory application requires minimal political, economic, and social conditions. Ultimately, respect for human rights is only possible in an organized society with proven institutions. The obligation of states to protect the rights guaranteed in general human rights treaties and specifically to the rights of refugee children only binds them in the territories where they exercise their jurisdiction.

State authorities unwilling to guarantee a refugee child his or her basic rights could avoid this obligation by failing to provide necessary elements related to the schooling of refugee children. According to Article 17 of the African Charter on Human and Peoples' Rights (1981)[9]; “Everyone has the right to education; the promotion and protection of morals and traditional values recognized by the community constitute a duty of the State in the context of safeguarding human rights”

About human rights education, international human rights, and refugee instruments are unequivocal and mandate state parties to integrate human rights education at all levels of education. States are reminded of their obligations to guarantee and integrate the right to education into human rights curricula.

Regarding the notions of the right to schooling for refugee children, almost the majority of the respondents (63.6%) confirm that they do not know any rights related to the schooling of refugee children. Elisabeth Clanet(2007)[10] also noted that "many parents are unaware of their rights and duties concerning the
schooling of their children”. Without the knowledge of the right to education, a child could not claim access to education Bernard Gastaut. (2014) [11]. The rights to education for refugees exist and are ratified by several countries. Like France CRC 1989 ratified by France, Burundian legislation specifies that no distinction can be made between students of Burundian and foreign nationality. In the MUSASA refugee camp many children do not face secondary education or even university compared to Henry Cuny, (2016)[12], the Roma minority will continue to be very poorly represented in secondary schools and almost non-existent in universities. This is also the case in the refugee camp in Dadaab, Somalia where a large portion of the population is of school-age; 60% of the refugees in Dadaab are 17 years old and younger O Arvisais (2020),[13] However, school enrollment is low with 37% in elementary school and 15% in middle school.

In comparisons with other studies, the factors linked to the life and education of refugee children, such as discrimination at school (67.3%) of respondents in the refugee camps of MUSASA, have been confirmed (A. Manço, 2006; Papazian-Zohrabian et al.(2018) P46[14]. Also the harassment in the school environment that even causes school drop-outs (52.8% out of 47, 2%) have affirmed this statement. These results converge with (stark and Landis .D 2016,[15]. In similarity with research conducted in France, the accumulation of academic difficulties among refugees can lead to school interruption (Alaincia Nacitas, Angeline Lalanne, (2011) [16]. In addition to the similarities mentioned, the deschooling of refugee children can be caused by forced and early marriages practiced on girls while they are still young and which often prevent girls from attending school. (SK.DASSA, D. MBASSA-MÉNICK (2007)[17]. Thus, violence can impair children’s ability to learn and perform academically. Compared to Jordan, or Turkey, or Lebanon, Congolese refugee children in Burundi, whether in the refugee camps, have rarely been able to attend school. The reasons given by our respondents are the existence of schooling opportunities in refugee camps and the violence suffered in Burundianschools. The violence can impair the ability of the children to learn and perform scholastically. In convergence with the French situation, the build-up of academic problems among refugee students can lead to school drop-out. Education systems face a disparity among schools fueled by socio-economic and cultural separation. A number of other factors must be taken in to consideration to explain refugee school dropouts. These include adverse socio-economic conditions. In contrast to the study conducted (Akkari . A, (2021) [18], the weakness of the states to underline the major challenges that represent the guarantee of basic education by the Burundian state.

**Conclusion**

In conclusion, in the context of a massive influx of refugees, it is essential to reflect on an appropriate reception policy in order to implement the policy of protection and application of the fundamental rights of refugees in Burundi particularly the right to schooling for refugee children. From the data provided by
our respondents, we have noticed that the right of access to schooling for Congolese refugee children in Burundi has some very remarkable problems. These problems are essentially linked to multiple reasons, some of which we will mention below. Some of the children suffer from a lack of sufficient nourishment. In addition, sexual harassment and early marriage are relevant obstacles to the schooling of refugees. The State of Burundi should be sufficiently involved in the implementation of the right to education for the refugee children. The constant is that not only is this right violated on a daily basis, but also the states tend to offload their responsibility.

References


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