

Internally Displaced Children and human right education

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ABSTRACT

Unlike refugee's children, the internally displaced children are the children who have been obliged to leave their domiciles or habitual residences within their own country. They are very vulnerable to human rights abuses because they forced to leave their homes and communities behind without any legal protection by international law rules. It is obvious these children such as other children are the future of their communities and respecting their rights is very important. They have rights just like all other children. These rights are expressly guaranteed and firmly emphasized in a wide body of rules of international law, in particular international human rights law especially Convention on the right of child of 1989 (CRC) and international humanitarian law in the four Geneva Conventions of 1949. One of these rights is a right to quality education in all circumstances, including in situations of war and armed conflict and when they are internally displaced. This education should be accompanied with human rights education in their schools. It means that for these children, the teaching of law of human rights is necessary. This education shall be directed to the respect and strengthening of the human personality and human rights and fundamental freedoms and promote peace, mutual understanding, tolerance and friendship among all nations. This research with a descriptive approach aims to study the problems of internally displaced children and the role of human right education in reducing these problems.

KEYWORDS: Education; displaced children; human rights; education right

INTRODUCTION

Around the world today, across more than 50 countries, there are an estimated 27.1 million internally displaced persons as a result of armed conflict. At least half of these internally displaced persons that is, at least 13.5 million, and likely more, are children (http://www.un.org/children/conflict/_documes). The children internally displaced by armed conflict are the most vulnerable in the world today (Mooney and French, 2005). They are the children who obliged to leave their home and community. They not only fear for their lives, but often face discrimination as their families search for means of survival. They are at high risk of recruitment as infant soldiers and are frequently sexually assaulted (Bennett, Gamba & van der Merwe, eds., 2000, 48) or sometimes abused by adults. Sometimes they are forced to become forced laborers contrary to the ILO rules. They live the years without education and adequate nutrition in internally displaced persons camps. Sometimes, displaced children become separated from their families and, unable to declare where they come from. These children are in desperate need of protection and assistance, which should come firstly from local authorities but is also needed from the international community. When we study the situation of these children we can find there is not the solid rules of international law to protect them. In this regard the role of education and especially human right education is very important to strength their protection.

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METHOD

This paper aims to verify the rights of internally displaced children according to human right education and explaining the legal basis for their formulation. With a descriptive approach this paper also survey problems of internally displaced children, legal foundation for their protection, their obstacles to education and their human rights education. And finally research presents the recommendations that with the hope to will be a useful way for their protection in their home country and ensure that these children are treated with care and dignity.

Concepts

Internally displaced children

Internally displaced children, are children who because of internal armed conflicts have been obliged to escape or to leave their homes or places of habitual residences and who, unlike refugees, remain within their own country. They are a major part of the internally displaced persons (IDPs) who have been forced to leave their place of residence and move to another part of their country of Origin (Monibi, 2010,)

Human rights education

Human rights education is an integral part of the right to education and is sometimes it is recognized as a human right in itself (<http://nhrc.nic.in/publications/dalitrights.pdf>). We can define it as the respect and promotion of human rights through educational efforts. In this kind of education, knowledge of rights and freedoms of human being is considered a fundamental instrument to guarantee respect for the rights of all. In this regard, according to Universal Declaration of Human Rights, this education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and basic freedoms (<http://www.un.org/en/documents/udhr>). We can find a simple concept of human right education when the World Conference on Human Rights in its 1993 Vienna Declaration and Programme of Action (Part I, pars. 79-80) stress that "human rights education should include peace, democracy, development and social justice," as well as "humanitarian law, and rule of law

Problems of internally displaced children

During displacement and escape from the dangers of an armed conflict, children and their families continue to be exposed to multiple physical and psychological dangers. They are threatened by sudden attacks such as snipers and especially landmines, and sometimes walk for days far from their homes with only limited quantities of water and food. Under such circumstances, children become weak and favorable to risk of illness and **dying**. The aim of escape for these children is survival. Many children abandon their homes to avoid forced recruitment as infant soldiers, if they have no documentation and travel without their families (Machel. 1996, para6).

Moreover, most of internally displaced children lack access to education. Education is a vital right of children and without it, these children are deprived not only the opportunity of learning but also they miss an important protection tool and source of psychosocial support. Such a situation also undermines their development and future potential. Displacement is a traumatic experience for them as it exposes them to high risks at a time in their lives when they need to more and more protection and stability. It is regrettable for international society that the difficult conditions of internally displaced children persist for years, even decades, without a solution. Globally, since the early 1990s, internally displaced persons and in particular internally displaced children experience among the highest rates of mortality and morbidity recorded in humanitarian emergencies (Salama, Spiegel and Brennan, 2001,1430-1431 and Nathan, Tatay, Piola, Lake and Brown, 2004, 1402)

Legal foundation for the protection of internally displaced children

"International law has recognizes certain rights for civilians. These rights are more stressed in relations to children due to their special status" (Tavassoli Naini, 2006, 97). There are some rights

covering the internally displaced children in armed conflict. They have rights just like all other children, and must be able to enjoy these rights without discrimination. Article 25 of Universal declaration of human rights and 1949 Geneva Conventions and their 1977 additional protocols contain considerable provisions devoted to protection the children victims of armed conflicts. Especially important in this regard are: Fourth Geneva Convention 1949 relative to the Protection of Civilian Persons in Time of War, which affirm that in non international armed conflicts persons not taking part in hostilities must "in all circumstances be treated humanely without adverse distinction. The necessity for elaborating international standards for the protection of internally displaced persons became obvious in the 1990s when the number of people displaced within their own countries by armed conflict began to soar. Accordingly, UN Commission on Human Rights demand the Representative on IDPs, Francis Deng, to examine the extent to which existing international law provides adequate coverage for IDPs (1992), and to develop an appropriate framework for IDPs (1996). So, he with the support of a team of international legal experts, formulated the 30 Guiding Principles on Internal Displacement, which were presented to the Commission in 1998. These principles set out the rights and guarantees relevant to the protection of internally displaced people and children in all phases of displacement, providing protection against arbitrary displacement; protection and assistance during displacement; and during return or internal resettlement and reintegration. The Rome Statue of the international Criminal Court (1998) support ban on the recruitment of the refugees and displaced children. This statute helps the international society to punish the criminals against the children.

But, the rights of children are most comprehensively articulated in the CRC. Significantly, the CRC is the most important international human rights instrument in the World. In situations of war and armed conflict, the CRC's Optional Protocol on the Involvement of Children in Armed Conflict of 2000 is particularly relevant. In situations of armed conflict, international humanitarian law (IHL) comes into effect and applies along with the international law applicable in armed conflict in general, including most provisions of international human rights law. The Convention N 182 of the International Labor Organization (ILO) 1999 concerning the elimination of the worst forms of children labor, forbidden the obligatory recruitment of children less than 18 years as workers (Ibid, 99)

These conventions specifically prohibit acts such as: "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "other violent acts against personal dignity, in particular humiliating and degrading treatment". In a legal view, the national legislation is also important for reaffirming international and regional standards within the domestic context. So, for ensuring and securing the physical, psychological, mental and social well-being of the children, all international and local measures and initiatives for the protection of children must be respected.

The Un Commission on Human Rights in 2005, expressed "its appreciation of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement", welcomed "the dissemination, promotion and application of the Guiding Principles" and encouraged "the continued dissemination and promotion of the Guiding Principles" (<http://www.internal-displacement.org/guidingprinciples>).

Right of education of internally displaced children

According to human right conventions, children have a right to quality education in all circumstances, including in situations of war and armed conflict and when they are internally displaced. Education is a vital right for to children's development and helps them to ensure future opportunities. The schooling provides a degree of stability and a source of psychosocial support for these children when they live in a context instability and uncertainty that the experience of displacement impose them. Education also can be a protection tool against the forced recruitment as infant soldier, sexual exploitation and child labor. Further, the experience of many internally children show the schools can be safe places for obtaining awareness about other risks, such as

landmines and HIV/AIDS. Finally, education also can contribute to reconciliation among the belligerents and the rebuilding of post war societies.

The World Conference on "Education for All" in Jomtien the World Education Forum in Dakar 1990 provided an opportunity to assess the education for displaced children by help of international society (Tavassoli Naini, 2004, 50).

Obstacles to education faced by internally displaced children

Many internally displaced children are unable to enjoy their right to education. In several countries the majority of internally displaced children lack access to education (IDMC, Global Overview, 2008, p. 18, [http:// www.internaldisplacement.org](http://www.internaldisplacement.org)). Among the obstacles to education often faced by internally displaced children in situations of armed conflict are: attacks against schools and teachers and students, lack of infrastructure, insecurity travelling to and from school (Mooney and French, 2005). In a number of countries, the threat of sexual violence of children by armed groups while en route to or in school have kept internally displaced children at home. Loss of documentation is another obstacle. Displacement often results in the loss or destruction of identity documentation. Without documentation, internally displaced children may be unable to go to school.

In some regions, language obstacles effect displaced children who may not know the local language in the areas to which they are displaced. In Peru, Quechua-speaking internally displaced students were unable to understand or communicate with their Spanish-speaking teachers, resulting in high levels of non-attendance and illiteracy, especially for girls (Ibid).

Sometimes school fees are very important for education of internally displaced children. Although in many countries, primary education is supposed to be free for children; informal fees of school often exist. In Colombia, the UN Special Reporter on the Right to Education reported that internally displaced families were forced to choose between eating and sending their children to school (Ibid). Without material requirements such as uniforms and school supplies and other items, internally displaced children may be turned away from school or feeling too hard to go to school. It must be noted many of internally displaced children work for income of their family and often miss school because of economic responsibilities. For this children education is treated as a subsidiary need. A global survey on education in emergencies found that underfunding of educational services is particularly acute for internally displaced persons (ibid).

Human rights education of internally displaced children

Article 29 of the Convention on the Rights of the Child provides" 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries".

This article reaffirm that the above education must be such as they contribute to the physical, psychological, emotional and intellectual development of the children, that they must improve its capacities to earn its living in peace and dignity (Tavassoli Naini, 2006, 97) The above article

shows to avoid the conflicts to come, it will not be enough to take care of the children victims of the war; it will have also to be educating with peace. The children victims by the armed conflict are potential to become adults who believe in violence more than with peace. The obligations derived from international conventions of human rights towards the children touched by the armed conflicts will increase the possibilities of peace, respect of the human rights and world security in the future. Thus it seems that education with peace or human right education can play a preventive part which decreases the risk of possible armed conflicts. This education can covers fields such as elementary rights, justice, environment, discriminations and must be based so much on the values and international legal standards, such as the Convention on the rights of the child of 1989. Meanwhile, sometime there is confusion between human rights education and education in humanitarian law. In reality, there is a clear and direct relation between education in humanitarian law and human rights education, but we must know the fact that international humanitarian law is rarely explicitly mentioned in the definition of human rights education (Duffy, 2000). Because the children are not often with the current which they have of the rights, their teachers must be familiarized with the rights of the children and the way of working with the children to aware children towards their rights. It is necessary to wake up the children with a culture of rights and peace. They must not ignore the value of the participation of the children in social affairs. In this respect, in the schools it should make known the Convention on the rights of the children especially the versions intended for the children victim of war and armed conflicts. Thus the UNICEF as an important international organization about children specifies that, education is the key of progress for the individuals, the communities and the countries; it can also be used as means of promotion of peace, social justice, the respect of human right i.e. human right education. It is clear that human right education can prevent the future conflicts and promote peace, stability and justice among the nations.

Unfortunately, there is little agreement about what should be taught as human rights educations. In most cases, the purpose determines the content, but ideological and political positions also influence what educators think should be covered in human rights education (<http://www1.umn.edu>).

Recommendations

- the human rights entrepreneurs must endeavour to establish a more powerful system of protection for displaced children similar to that of the refugees children (Monibi. 2010)
- The Guiding Principles on Internal Displacement of 1998 of UN Commission on Human Rights should be a basis for protection and assistance of displaced children during displacement, and set forth guarantees for their safe return, resettlement and reintegration.
- It is necessary to establish in countries involved with armed conflicts, the child protection working groups on violations against internally displaced children rights especially right of education (http://www.un.org/children/conflict/_documents).
- All of the actors of international society such as local and national authorities, parties to the conflicts and humanitarian and development agencies should take all necessary measures to ensure the right of internally displaced children to education, including not only primary education but also secondary education, in all phases of displacement (ibid and Tavassoli Naini, 2004, 38)).
- Parties to an armed conflict have an obligation to consider schools as "zones of peace" and safe spaces. All parties to a conflict have to respect the injunction of attacks against schools. Such attack must be considered as a grave violation of international humanitarian law and the criminals should be punished.
- Local and national authorities should identify alternative and subsidiary "safe spaces" such as in tents for children's education when schools are not safe or simply they are destroyed (http://www.un.org/children/conflict/_documents).
- Local and national authorities should support existing schools to be able to accommodate many internally displaced children through additional resources and teachers... In this regard,

accelerated learning programmes should be offered, in order to allow the children who missed parts of their education due to displacement, to quickly complete their education (ibid).

- The human rights education should cover the basic rules of humanitarian international law, in times of armed conflict; seek to protect all persons who don't take part in the hostilities, including internally displaced persons (Jennifer, 2005 and UNESCO, 1998.)

Conclusion

Millions of internally displaced children around the world do not enjoy their rights and are in conditions of grave risk and extreme vulnerability, deprived of such fundamental elements as safety, access to the basic necessities of life, and to education. The fact that these children crossed an internally recognised border to enter another country causes them to lack of the capacity to receive the same amount protection brought upon refugee children and none of the United Nations agencies has the obligation to protect them (Monibi .2010). If we pay attention to this reality that these children will be the future adults, their human right education will be very important. This education prevent the conflicts to come and familiar them with the values and international legal standards, such as the Convention on the rights of the child. In this regard, local authorities have the primary responsibility to protect, assist and find durable solutions for internally displaced children especially for their education. Meanwhile, all parties to a conflict, governmental and nongovernmental actors alike, are obligated to protect children from the harmful effects of armed conflict. This responsibility includes the obligation to prevent compulsory displacement, to protect and assist internally displaced persons and to facilitate safe, voluntary and durable solutions to displacement; paying special attention at all times to the particular vulnerabilities and risks faced by internally displaced children. These obligations are built upon a strong foundation i.e. principles of international law that are binding for all parties of an armed conflict. This research presents a set of rights of internally displaced children, their right to education, the obstacles to education and teaching human rights rules to children and finally offers some recommendations, particularly relevant for governments and local authorities, towards transforming these rights into reality. In this regard, the role of human right education is undeniable.

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