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Rights of Rohingya Refugee Children: “Absolute” or “Humanitarian” Basis?

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Abstract

The issue related to Rohingya refugees has been debated since the 1970s. However, the discussion about Rohingya refugee children only began to be acknowledged by scholars by the year 2000. Among the pertinent aspects in the discussion by many scholars are those related to children’s rights as well as their status as refugee children. The main aim of this study is to review the discussion on the rights of Rohingya refugee children that covers rights to education, health, food, home, shelter, protection, development, and survival. This study applied a systematic literature review using the Scopus database involving peer-reviewed journal articles related to social science from the years 2000 and above. The findings of this study revealed that the right to education is the main focus of many scholars. This is due to the most significant right to livelihood for Rohingya refugee children, followed by the right to health. In relation to discussing the issues related to Rohingya refugee children, the majority of the study used a qualitative approach. Hence, this study concluded that there are many rights that are still under research except for education and health. In addition, the practise of these rights should also be thoroughly discussed in other countries than Bangladesh, including the signatory countries of the 1951 Convention that may include the core principle of children’s rights such as the right to participate.

Keywords: Education, Health, Refugees, Rights, Rohingya Children

Introduction

“The world will not be destroyed by those who do evil, but by those who watch them without doing anything”

~Albert Einstein~

Refugees are people who have been forced to escape their home country due to persecution, conflict, or violence (Ahmad et al., 2012; Kassim, 2015; Mohajan, 2018), and the Rohingya are the most vulnerable group of refugees in the world. These Rohingya have been

denied their nationality and have been stateless in their own country since the 1940s. They are constantly victimised and harassed, with women and children being raped, their homes being burned, and frequent conflicts between Buddhists and Muslims worsening the situation (Mohajan, 2018). They must leave Myanmar and seek refuge in other countries. Furthermore, parents must evacuate with their children in order to protect them from continuous violence and perhaps enable them to have a brighter future. According to the United Nations High Commissioner for Refugees (UNHCR), approximately 27.1 million refugees are reported in the world on June 2022, with roughly half of them being children under the age of 18. Furthermore, the Rohingya make up around 5% of Myanmar's overall population of refugees (UNHCR, 2022). In addition, the rising number of refugee children born each year seems to be concerning, given that their citizenship status is still debatable. As a consequence, any concerns about children must be considered thoroughly and objectively.

Realizing the urgency of protecting the vulnerable group, the United Nations established the 1951 Convention Relating to the Status of Refugees (hereinafter referred to as the 1951 Convention) and the 1967 Protocol Relating to the Status of Refugees. Aside from the 1951 Convention, there are many related international legal frameworks. The 1989 Convention on the Rights of the Child (here in after referred as the 1989 CRC), in particular for children, is among the international guiding laws to which many scholars have referenced when discussing their rights. The 1989 CRC is based on four basic principles: (1) non-discrimination; (2) the best interests of children; (3) the right to life, survival, and development; and (4) the right to participate. This legal framework acknowledges the numerous rights that all children have across the world, regardless of their status. Among the main rights emphasised are the right to no discrimination, the right to life, survival, and development, the right to protection from violence, the right to the best health care possible, clean water to drink, healthy food, and a clean and safe environment in which to live and others (United Nations International Children's Emergency Fund, 2022). For the purpose of this study, the term rights of the Rohingya refugee children consistently referring to their right to education, health, food, home, shelter, protection, development and survival. By signing the 1989 CRC, all members or signatory parties committed to all of the convention's obligations, particularly in providing their rights and allowing them to exercise their rights. However, there are a number of issues and challenges in upholding the rights of Rohingya refugee children that are conflicting with child rights. As a result, the purpose of this study is to investigate the direction of research and publish it in a respectable publication namely, Scopus to further investigate the research gap and recommend future directions of research linked to the rights of Rohingya refugee children.

Literature Review

According to Kyaw (2017), millions of babies are born without documentation and remain undocumented until they enter maturity, prohibiting them from exercising their rights. Weissbrodt and Collins (2006) mentioned that the most basic right for each human is "the right to have a right". The stateless individual, on the other hand, is seen to have no rights. This includes refugee children, whose future will be influenced in some ways.

Rohingya Refugee Children's Right - The rights of Rohingya refugee children are constantly being debated. The rights of Rohingya refugee children were denied even before they fled Myanmar. According to Bhatia (2018), Rohingya children have been denied legal status, birth documentation, food and water, education, vaccination and health care. This situation has indirectly led to acute malnutrition, child mortality and other health issues.

Then, after they depart Myanmar in seeking protection, some countries continue to place restrictions on them, even when they have recognised them as refugees or assisted them on a humanitarian basis as illegal immigrants. Some nations that are not signatories to the 1951 Convention must nonetheless be accountable for refugee children, particularly if they are members of the 1989 CRC. In theory, there should be no distinction in rights between Rohingya and other refugee children. However, in certain host or resettlement countries, there were disparities in their acceptance and treatment of these refugees, particularly in terms of their rights.

Right to Education - According to Cregan and Cuthbert (2014), education is a universal right for children that enables them to prepare for adulthood. Several international legal frameworks, including the United Nations Declaration of Human Rights (UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the 1989 CRC, emphasise the importance of education as a component of fundamental human rights. According to the UDHR, education is a basic human right, and "primary education should be obligatory and free, and secondary education should be available and accessible." Lee (2013) highlighted the need to emphasise education as a fundamental right, suggesting that providing children with a basic education would provide them with a meaningful life and empower them to contribute to society. According to the author, the right to an education is equivalent to the right to have freedom and food. As a consequence, this connection should have raised awareness of the need to provide free basic education for everyone, at the very least basic elementary education. The right to education is also clearly stated in the 1989 CRC, where primary education is compulsory and free for all children regardless of their status, particularly their citizenship. The issue regarding Rohingya refugee children's right to education differs in each resettlement country. That scenario may be influenced by the environment, culture and government policy. The majority of resettlement countries permitted Rohingya refugee children to attend alternative learning centres run by NGOs and private organisations (Azlinariah et al., 2018; Missbach, 2017).

Right to Health and Food - According to Toole and Waldman (1993), one of the leading causes of mortality among refugee children is a lack of nutrition. Measles, diarrhoea, malnutrition, acute respiratory infection and malaria are among the most common diseases. Furthermore, the authors said that those seeking refuge frequently come to seek medical treatment since their right to health has been violated by their own government. They are not an exception in the case of Rohingya refugee children. In addition to being denied the right to vaccination in Myanmar (Bhatia, 2018), children are also victims of the Myanmar government's long-term inhumanity (Hoffstaedter, 2017; Ullah, 2016, 2011). This circumstance has resulted to children in Rakhine State suffering from malnutrition, which is worsened by the stress of the journey to Bangladesh (Leidman et al., 2020). Furthermore, the health problem among Rohingya refugee children may be related to their poor living conditions or poverty (Bhatia, 2018). Since their parents cannot afford better health care in resettlement countries (whereby the non-citizen must pay more), they must face the consequences, which have an indirect effect on their children's health. This contradicts Article 24 of the 1989 CRC, which states that everyone has the right to access health care for illness treatment and rehabilitation. Furthermore, the right to health is also connected to the right to food for refugee children. Article 24 of the 1989 CRC also emphasizes providing enough nutritious foods and clean drinking water as a strategy of preventing disease and malnutrition among children. However, Rohingya refugee children, particularly those living in camps or detention centres, are constantly experiencing food crisis (Uddin, 2021). Besides, there are

cases in Bangladesh camp sites when parents are forced to allow their daughters to marry at a young age in order for their children to have enough food to live.

Right to a Home and/or Shelter - Although the 1989 CRC covers the right to citizenship, this right has been denied in several nations, even those that are members of the convention. The right to citizenship is closely related to the right to shelter, as stated by Howard-Hassmann and Walton-Roberts (2015), who finds that citizenship is the best instrument for delivering rights to each individual. Furthermore, the authors said that children from minority groups faced deeply rooted discrimination against socioeconomic rights, particularly the right to shelter. However, according to Leidman's et al (2020) study on the humanitarian concern for Rohingya children, one of the most prominent rights provided for refugee children is the right to shelter. The author continued by stating that most host countries provide temporary shelter on a humanitarian basis. For example, the government of Bangladesh operates a large-scale refugee camp to aid Rohingya people, including children. Other countries that are not signatories to the 1951 Convention, such as Malaysia and Indonesia, provide temporary shelter for the Rohingya, at least until they are granted a UNHCR card, which recognises them as refugees. In the long run, however, the refugees must leave the shelter after they have been examined and issued a refugee card. Despite having a refugee card, there is no guarantee that they will acquire a job. Hence, many of them stay jobless, and Rohingya refugees and their children will end up homeless and living on the streets. As a result, another problem of street children among Rohingya refugee children has emerged.

Right to Protection and Survival - Before the Rohingya children start the migration from Myanmar, their government has revoked their right to protection. This could be interpreted as Myanmar's military carrying out mass killings and rapes (Pittaway, 2008). As a result, the right to protection, which was clearly highlighted in the 1989 CRC, seems to have been blatantly neglected. Even once the Rohingya children flee for safety, they become victims of various crimes, including sex violence, exploitation, human trafficking and smuggling (Uddin, 2021). Furthermore, according to Letchamanan (2013), this vulnerable group is not exempt from being exposed to critical social issues as a result of a lack of protection. The living conditions in host countries have become a determining factor in their survival. According to Uddin (2021), they are children who've already lost their parents and guardians and are in desperate need of a guardian. They end up being victims of violence and sex workers after marrying locals. There have also been cases when parents have been forced to sell their children in order to not only survive but also to ensure the security and survival of their children.

Right to Development - Kirsten (2018) defines development as "a wide notion that encompasses a child's physical, mental, spiritual, moral, and social progress." As a result, the right to development should not be overlooked. Research conducted by Hamzah et al. (2016) revealed that the Rohingya endured discrimination and repression, which directly hampered their right to development and negatively impacted these children's physical and mental development. The right to development will also help them to have a better future without depending too much on the host countries. According to Article 6 of the 1989 CRC, members must ensure the child's survival and growth to the greatest degree feasible. As a result, all state parties should address the rights to development of these Rohingya refugee children.

Method

One of the most contemporary strategies for reviewing the literature is a systematic literature review (SLR). Due to certain limits to the traditional literature review, researchers

recommended meta-analysis or SLR where these techniques aid in thoroughly locating and synthesising relevant literature via the use of an organised, transparent, and reproducible technique at each stage of the process (Grant & Booth, 2009). Hence, this study adopted the SLR technique to analyse and explore the shifting research landscape on the issue pertaining the rights of Rohingya refugee children via PSALSAR Framework which developed from the six main stages which are: (1) Protocol; (2) Search; (3) Appraisal; (4) Synthesis; (5) Analysis; and (6) Report (del Amo et al., 2018). This framework was also applied by Mengist et. al (2020); Shaffril et al (2021) with certain modifications related to their studies. As this PSALSAR Framework is rigor and very useful to explore research gap from literature, therefore the six steps of this framework are applied in this study. The description are reported in Diagram 1.

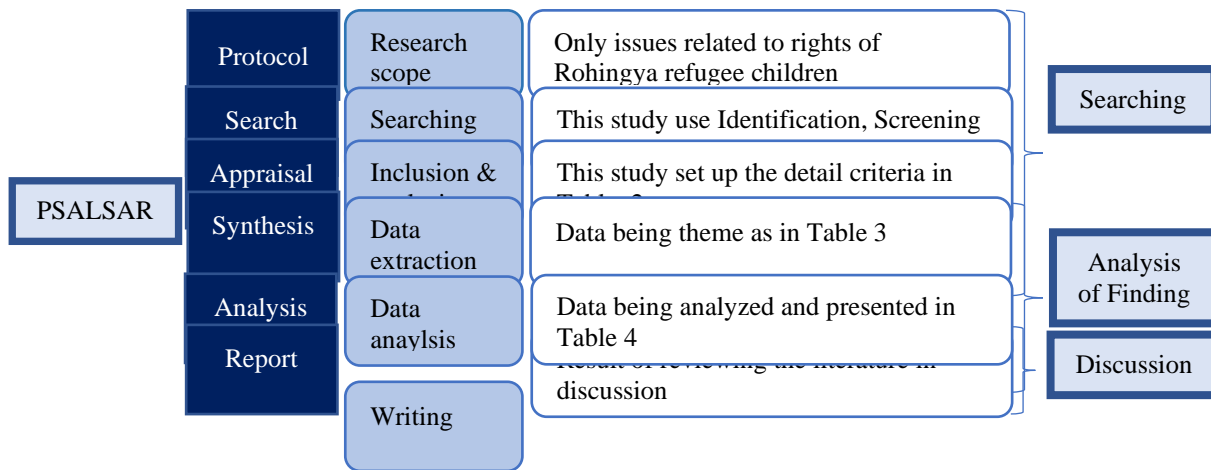


Diagram 1: Application of PSALSAR Framework in this study

Searching Strategy - There are several databases that may be utilised to perform the SLR. For example, Scopus, Web of Science, and Google Scholars are among the most popular and frequently utilised. Only Scopus has been chosen for this research as one of the most popular online databases with the most source entries (Mengist et al., 2020). The next part of this research is about the search strategy, which includes the steps of identifying, screening, and deciding its eligibility.

Identification - For this research, the search strategy included the keyword for Rohingya refugee children as well as rights-related phrases. Table 1 contains a comprehensive list of keyword search strings. The search was limited to the dates of August 12 and 13, 2022. A total of 250 relevant publications were screened, producing 12 articles for review that perhaps due to a gap or limited studies in the area. This study's main search term has continuously remained "Rohingya refugee children," followed by the main discussion, which is their rights. Because many scholars have discussed a variety of rights, this research focuses on the key rights that have been identified and are acceptable to be used in SLR, which include "education," "health," "food," "home," "shelter," "protection," "survival," and "development." The results of this Scopus database search are not limited to "title-abstract-keyword." Instead, the domain "all fields" has been used to make sure that the results cover a wide range of topics before they are screened with specific criteria.

Table 1

Searching terms used and number of publications using Scopus Database

Searching string and searching terms	No. of Articles	Date of acquisition
Main searching terms “Rohingya refugee children” AND “rights”	45	12/8/2022
Secondary searching terms “Rohingya refugee children” AND “education”	37	12/8/2022
“Rohingya refugee children” AND “health”	45	12/8/2022
“Rohingya refugee children” AND “food”	12	12/8/2022
“Rohingya refugee children” AND “home”	29	12/8/2022
“Rohingya refugee children” AND “shelter”	4	12/8/2022
“Rohingya refugee children” AND “protection”	28	13/8/2022
“Rohingya refugee children” AND “development”	42	13/8/2022
“Rohingya refugee children” AND “survival”	8	13/8/2022

Screening - The major reason why each search result should be screened is to verify that only the relevant outcomes for this research have been examined. The primary criteria for screening articles for this research are the year of publication, subject area and document type. To be more specific, Table 2 lists the criteria that have been chosen to be used when deciding what to include and what to exclude.

Table 2

Criteria for selection of the literature

Criteria	Decision
When the searching terms exist as a whole	Inclusion
Articles published in peer-reviewed journal	Inclusion
Articles should be written in the English language	Inclusion
Articles that publish in the journal article	Inclusion
Articles that publish in the social science field	Inclusion
Articles mentioned signatory or non-signatory the 1951 Convention	Inclusion
Articles that are not empirical research	Exclusion
Articles that are duplicated within the search documents	Exclusion
Articles that are not accessible	Exclusion
Articles that were published before year 2000	Exclusion

Eligibility - After the articles are retrieved during the screening process, the eligibility process starts. This study focused on the eligibility process in terms of accessibility, article type (empirical or analysis) and duplication. To begin with, the abstracts of each retrieved article will be examined to ensure that only appropriate articles are included. Unless there is no clear information in the abstract, the content of articles will be read. These articles will be deleted if they are not empirical and do not offer any related findings. The actual article that cannot be accessed via Scopus or the university library will also be removed. Lastly, if using the keywords above leads to the same articles, which is called duplication, they will not be counted.

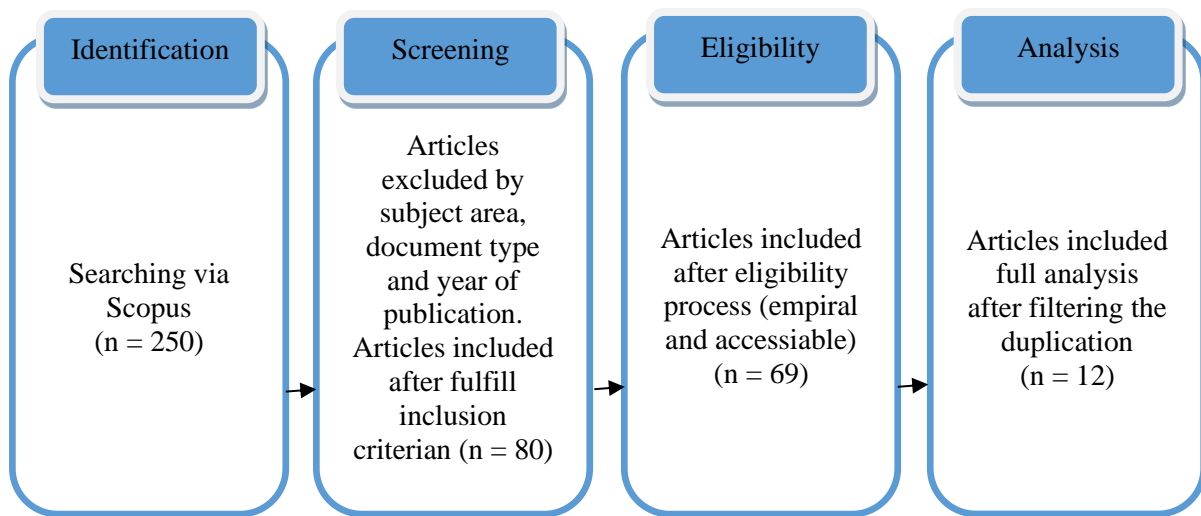


Diagram 2: Process of filtering the articles to review

Table 3

Screening the articles based on inclusion and exclusion criteria

Searching string and searching terms	No. of Articles (n)						
	Publish on year 2000 and above	Subject Area: Social Science	Document Type: Journal article	Empirical research	Accessibility and Relatedness	Final Analysis	
"Rohingya refugee children" AND "rights"	45	29	13	12	10	3	
"Rohingya refugee children" AND "education"	37	26	13	12	11	10	
"Rohingya refugee children" AND "health"	45	27	13	12	12	9	
"Rohingya refugee children" AND "food"	12	5	4	4	4	5	
"Rohingya refugee children" AND "home"	29	19	10	9	8	6	
"Rohingya refugee children" AND	4	3	3	3	3	6	

"shelter"						
"Rohingya refugee children" AND "protection"	28	21	8	7	6	6
"Rohingya refugee children" AND "development"	42	29	13	12	10	3
"Rohingya refugee children" AND "survival"	8	6	1	1	1	4

Though the final analysis discovered multiple articles that based on searching words, however, mostly each of the articles are redundant between each other. This resulted the final number of articles to be reviewed decrease to 12 articles.

Results and Discussion

Table 4 lists the important factors that were taken into account while analysing the data. The frequency of research journals in any topic of study indicates the growth trends of the research area. Following publication years, all of the articles were published in 2017 or after. This might be related to the word string selection and the significant tragedy that resulted in the Rohingya migration from Myanmar in 2017. Furthermore, a new trend of research has lately begun to highlight the significance of pandemic COVID-19. Scholars have explored the connection between this worldwide phenomenon and the long-standing problem of Rohingya refugee children. This research trend may be continuously discussed in the next few years as it develops numerous research gaps to be explored by future research.

In terms of methodologies, an analysis of 12 articles found that the majority of them utilised the qualitative approach. This is consistent with the topic or field of refugee study, which is mostly concerned with sociology or social sciences. As a result, in-depth interviews and focus group discussions are some of the most frequently used methodologies by researchers. Due to the nature of the study, the qualitative technique provide better understanding and more fruitful information. Still, there are studies that use quantitative methods, like surveys, to answer research questions, and some studies use both quantitative and qualitative methods to gather data.

In the framework of nation distribution analysis, this research has set criteria to exclude any specific country from analysing the practise of listed rights. However, it turned out that Bangladesh was the most mentioned country in debates about the rights of Rohingya refugee children in all 12 articles. This might be connected to the significant influx of Rohingya refugees from Myanmar to Bangladesh, which has various push and pull factors such as geography, culture and humanitarian aid offered by the Bangladesh government.

Lastly, when looking at the keywords used for this research, which looked at eight substrings related to children's rights, the most popular and common substrings were related to education and health. While there has been minimal discussion of food and shelter, this may be due to the fact that food and shelter are among the fundamental rights not just of Rohingya refugee children, but of all humanity. As a result, the debate on children's rights

focuses on key issues such as education and health. Moreover, most publications significantly link the right to health to the right to clean drinking water and food. Table 4 summarises general findings and analysis for a more thorough understanding.

Legend

1-General rights; 2-Education; 3-Health; 4-Food; 5-Home/shelter; 6-Protection; 7; Development; 8-Survival

Table 4
Analysis of Systematic Literature Review

No.	Article's Title	Year of Publication	Method	Country	Rights of Children								
					1	2	3	4	5	6	7	8	
1.	Health and educational status of Rohingya refugee children in Bangladesh Journal of Population and Social Studies	2017	Qualitative	Bangladesh	√	√	√	√	√				
2.	The status and rights of the Rohingya as refugees under International Refugee Law: Challenges for a durable solution	2020	Document review	Bangladesh	√	√	√						
3.	Preparedness for education to Rohingya refugee children in Bangladesh potentials and challenges to citizenship education	2021	Document review	Bangladesh		√	√				√	√	√
4.	Translational research to support early childhood education in crisis setting: A case study of collaborative working with Rohingya refugees in Cox's Bazar	2020	Mixed method	Bangladesh		√	√		√	√	√		
5.	Localisation	2021	Qualitative	Bangladesh		√					√		√

	requires trust: an interface perspective on the Rohingya response in Bangladesh												
6.	Sustainable development and livelihoods of Rohingya refugees in Bangladesh: The effects of COVID-19	2021	Document review	Bangladesh	√	√	√	√	√	√	√	√	√
7.	Recent development and emerging trends of research on Rohingya refugee crisis (1993-2020): A bibliometric analysis	2022	Document review	Bangladesh		√	√	√	√				√
8.	Climate risks and truncated opportunities: how do environmental challenges intersect with economic and social disadvantages for Rohingya adolescents in Bangladesh?	2022	Qualitative	Bangladesh		√	√		√	√			
9.	Provision of education to Rohingya refugee children in Bangladesh: Exploring the forms of discrimination and intersectionality	2022	Qualitative	Bangladesh		√							
10.	Exploring the impacts of COVID-19 on Rohingya adolescents in Cox	2020	Mixed method	Bangladesh		√	√	√		√			

	bazar: A mixed-method Study											
11.	Effect of nutritional status on Rohingya under-five children in Bangladesh	2020	Quantitative	Bangladesh			√	√				
12.	An integrated machine learning and remote sensing approach for monitoring forest degradation due to Rohingya refugee influx in Bangladesh	2022	Quantitative	Bangladesh					√			

This study is useful for investigating the execution of Rohingya refugee children's rights. The majority of articles have focused on the international legal framework, which includes the 1959 Convention. Meanwhile, the 1989 CRC was extensively utilised on the topic of children. Despite the fact that Bangladesh is not a member of the 1951 Convention, the Bangladesh government's actions have been exclusively humanitarian in purpose. Nonetheless, this study showed that there may be challenges to the rights of Rohingya refugee children in other countries that have signed the 1951 Convention, but the concerns may be less severe than in non-signatory countries. Although there are just a few examples in the articles, most of them are of heroic or humanitarian assistance. As a consequence, other countries such as Malaysia, Indonesia and Thailand may have made comparable efforts but may not have received as much attention in academic publications as Bangladesh (in particular for this study which only focuses on Scopus journals published year 2000 and above).

Furthermore, almost all publications emphasised the efforts made by the government of Bangladesh on the rights to education and to health. This is due the reasons that the importance of these two aspects has assist the development and survival of this Rohingya refugee children. Besides, eventhough the Bangladesh government has limited capability to provide necessary protection to the Rohingya people, their children’s health and educational status is still better in the camps than it was in Myanmar.

Aside from addressing children's rights, analysis of all articles reveals that the trend of child marriage among Rohingya refugee children is among the significant issues related to exercising their rights. The problem of child marriage has been included in this situation: (1) some Rohingya parents are refusing to allow their daughters to exercise their right to education because they would get married as soon as possible and have their own life. This situation may be affected by parents who do not understand the value of education; and (2) parents who are unable to provide proper food, home or shelter, and protection to their children, and as a result, they will let their daughter marry the Bengali man. In other situations, the children have become sex workers or have been exploited as victims of human

trafficking and smuggling. As a result, the obstacle to practicing child rights is not only from others, but also from the parents themselves, who may be influenced by survival concerns.'

Conclusion

Notably, this research is restricted to the SLR Scopus database and the previously specified criteria, with no additional papers, reports or anything else pertaining to this subject included. Thus, the overall results of the SLR study of Rohingya refugee children's rights identified two significant patterns. Firstly, in terms of the research conducted, this study revealed one key gap in which a quantitative method may be used to gather input from society in terms of their acceptance and understanding of Rohingya refugees. Second, when it comes to the body of knowledge about Rohingya refugee children's rights, most of the articles and arguments are based on the 1989 CRC international legal framework. Based on this analysis, there are several research gaps for the future direction of research related to the rights of Rohingya refugee children, which are: (1) focusing more on Rohingya refugee children's rights in other non-signatory countries to the 1951 Convention; (2) exploring the Rohingya refugee children's rights in signatory countries; (3) elucidating the trend of Rohingya refugee children's rights before and after their movement from Myanmar; (4) comparing rights practised among other refugees; (5) exploring the issues and challenges in terms of right to participation and engagement of Rohingya refugee children; and 6) delving the assimilation as part of the mechanism to enhance the survival and development of Rohingya refugee children in resettlement countries. As the Rohingya children are vulnerable and must be protected, their rights as outlined in the 1989 CRC should be fully considered, which indirectly drives each government to be more accountable for the children's well-being and recognises their rights (Alias et al., 2018).

"A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights"

~Carol Bellamy~

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