

WHAT FUTURE?

A report documenting the situation relating to EDUCATION for REFUGEE CHILDREN in PENANG



This Report is a community-based documentation coordinated by the Penang Stop Human Trafficking Campaign and ASPIRE Penang

December 2019





This report is produced from discussions, focus groups and individual interviews with women,

Key among these have been the various refugee Learning Centres in Penang, which have met together several times for mutual support and interaction and have taken discussions and ideas to the wider Penang Working Group and beyond.

The Centres include Lifebridge, Spring Learning, Rohingya Education Centre, Good Start Learning Centre, Peace Learning Centre, the refugee school in Bukit Mertajam, and the spontaneous provision initiated by individuals both refugee and non-refugee.

Without the dedication and commitment of these providers, refugee children would have absolutely no opportunity for learning at all.

This support is supplemented by the encouragement given by the United Nations High Commissioner for Refugees (UNHCR) in Malaysia, not least through its Education Unit and Community Liaison Unit.

The Education Unit is of course the default Unit overseeing the provision of education for refugees in Malaysia, and manages a system of registration and support to learning centres across the country. This includes maintaining a database, providing a protection letter, initiating meetings of head teachers and others, and providing some training. The Community Liaison Unit, amongst other things, carries out an annual Participatory Assessment of issues facing refugee communities in Malaysia, of which education is inevitably a major topic. We appreciate and acknowledge UNHCR's help with statistics and the sharing of their participatory assessments as contributing to this Report.

This Report is keen to emphasise that the stories and descriptions and recommendations have come from women, men and youth in the refugee community itself. We acknowledge the work done by Elaine Cheah and Mustafa in coordinating this process and James Lochhead in the design and some of the writing. We cannot stress enough that, in looking forward, it is these women, men and youth who need to be acknowledged and respected, and centrally included in any on-going discussions and initiatives, whether specifically in relation to education or other possibly broader issues facing the community. By so doing, we can significantly transform the confidence, resilience and capacity of the refugee community to articulate issues on their own behalf and be very much a part of any 'solutions'.

We look forward to continuing to help make this happen.

The most important thing: what you can do!

OPPORTUNITIES for SUPPORT

This Report provides some context relating to the provision of education for refugee children in Penang. The reason is simply so that we can chart the ways forward together.

So whoever you are, you can

- **SUPPORT** the implementation of a legal and administrative framework for refugees in Malaysia, to provide protection, security and basic rights to this community, importantly including for children.
- **SUPPORT** the longer term goal of ensuring all children in Malaysia have a right to education and are able to access national mainstream schooling.
- **SUPPORT** interim initiatives, which would include
 - SUPPORT existing Learning Centres, to consolidate their provision, help increase capacity for delivery of quality education, and provide possibility for expansion. Funding here is always a challenge and any financial support is particularly welcome.
 - **SUPPORT** persons who want to open Learning Centres in new locations. This might include community-based initiatives: refugee communities who are trying to organise their own educational projects.
 - **SUPPORT** any work done with state and local governments, and enforcement agencies, to ensure the value of education provision for refugee and stateless children is understood and supported, and actions taken against those providing such education are minimised (supported).
 - **SUPPORT** the development of a coherent teacher training targeted at consolidating classroom practice and establishing some consistency of provision. We would encourage this to prioritise training teachers from the refugee community, as a more sustainable and empowering approach. This would both provide valuable skills and income-generation for women and men in refugee families and is line with Penang Stop Human Trafficking Campaign's Core Principles and UNHCR Malaysia's Strategic Directions 2017-2021, both of which stress the importance of community-based support. Again, funding for such programmes would be particularly welcome.

Photo: Ifath Sayid





REFUGEE CHILDREN'S EDUCATION IN PENANG

UNHCR statistics at the end of August 2018 tell us that there were 3,380 children registered with the UNHCR and located in Penang who were of school-going age (3 - 17 years old). 1,777 were boys and 1,603 were girls. The numbers will have increased since then.

Because refugees have no rights in Malaysia, none of these children had or have a right to education. It has been left to the work of the UNHCR and voluntary groups and individuals giving of their time and efforts to offer some provision. It is not nearly enough, but it is something.

We should never forget the incredible work that these groups and individuals have done over the years.

If a voluntary group established a Learning Centre or equivalent for refugee children, they can apply to the UNHCR's Education Unit for registration. At end August 2018, there were eight (8) learning centres registered in Penang. These catered to 899 children, of which 471 were boys and 428 were girls.

Most of the provision was for children of primary school age; there is very little **preschool** provision and very little **secondary** provision.

This is one of the issues that needs to be addressed in having a comprehensive approach to education for refugee children in the state.

Of course it is **absolutely** fundamental to understand that this figure of 899 children represents just 27% of all children who should be accessing school. In other words, **the vast majority of children of refugees in Penang have no access to any education at all.**

What do we think will become of them? With no education, what futures do these children and their families face? What hope have they got?

It can be noted that there will be some education provision not registered with the UNHCR, including *madrasah*-based classes (focussing on religious teachings) and small possibly community-based provision which fall outside the UNHCR's criteria for registration. Again, there is room to explore

whether and how these can be made part of on-going plans for integrating children of all schooling age (including preschool) into a coherent provision that in the end becomes part of national mainstream education.

Teachers

UNHCR figures also tell us that at August 2018, there were 41 teachers in the eight (8) learning centres. 18 were men and 23 were women. 27 were Malaysian and 11 were refugees, with the remaining three being neither Malaysian or refugee.

In looking at appropriate responses to especially the challenges over the next two or three years (while transitioning to a situation where refugee children can be more easily accepted into Malaysian national provision), it is possible that the identification and support for *teachers to be drawn from the refugee communities* be considered a priority.

This would also help to fulfil UNHCR Malaysia's own objective to 'support community-based structures in order to stimulate and increase community participation and self-management'. This is part of Goal 1 of its Strategic Directions, which is the commitment to support empowered and more resilient stateless and refugee communities.

Further, if support for teacher skills and capacity within the refugee community is linked to the sort of wider community work that a group like Penang Stop Human Trafficking Campaign and ASPIRE Penang is doing, then these teachers become part of a wider network. They are then part of a network of refugee leaders and persons who can inform parents and the wider community of challenges, initiatives and wider hopes with regard not just to provision of education but the wider issues that affect the refugee community.

In this scenario, our support for education then mirrors our support for the wider empowerment of the refugee community: we adopt a holistic and integrated, long-term community-based approach. We would see this as important.

In addition, if there is to be a transition stage towards creating the right environment whereby refugee children can be integrated into the Malaysian national school system, having refugee teachers in place will help community-based explanation and advocacy of what is happening, to include what refugee parents and others need to do to help the process along.

ISSUES RELATING TO EDUCATION FOR REFUGEE CHILDREN

The issues relating to education for refugee children have been consistently identified and articulated over many years first and foremost by women, youth and men in the refugee communities.

It is their experience and their ideas that are presented in the following pages. Other stakeholders and supporters have also provided their comments.

This gives us a good context for positive proposals of how we can move forward to support education for refugees.

Crucially, we need a comprehensive plan that addresses provision at pre-school, primary and secondary levels, taking into consideration all the aspects reported below.

The issues include

Refugees have no rights and refugee children have no right to education

Low and uncertain income (Poverty)

Gender and cultural norms

Lack of provision

Inappropriate provision

Lack of access

Safety concerns

Lack of awareness

Trauma





1. Refugees have no rights and refugee children have no right to education

This is obviously the root cause of the lack of access to education for children of refugees. Refugees have no legal or administrative status in Malaysia, meaning they have no status, and this means the children of refugees have no status either. They are not recognised as having a right to education within the national school system.

Any right to education is therefore not applicable to these children, a situation consolidated in the Malaysian government's reservations to its signature to the UN Convention of the Rights of the Child (CRC).

The general lack of rights also of course impacts on the ability of refugee families to support even a most basic income and livelihood. The fact they have to work 'illegally' means many are unlikely to be able to afford to send their children to schools, even if the costs are minimised. We elaborate on this below.

2. Lack of provision and inappropriate provision

The statistics presented earlier show that there is a fundamental lack of provision of education places for refugee children. This is particularly true for preschool, and particularly true for secondary and vocational education. At all levels, the majority of refugee children have no opportunity for learning. A comprehensive plan for education for refugees in Penang needs to be drawn up as a matter of urgency.

Without secondary provision, those children who are fortunate enough to find places in a primary learning centre have little option but to stop schooling, possibly as early as at age 9 or 10. Of course the majority will not have had any access at all.

It is also reported that children may stop schooling because they find it inappropriate. This may be because (understandably) very few learning centres have any special programmes to address learning difficulties. They also cannot provide 'catch-up' support to allow children of different age groups to attain appropriate age-related levels of literacy and learning. Some children are placed in classes where they simply cannot follow what is happening: they drop out. Continuity of curriculum and classroom pedagogy may also affect a child's comfort in class. There are many challenges.

ack of Provision

ISSUES RELATING TO EDUCATION FOR REFUGEE CHILDREN



3. Low and uncertain income (Poverty)

The lack of rights for refugees means they are deprived of a protected employment status, and are forced to work illegally. This means that any employment refugees are able to find is unprotected and they are subject to arbitrary and often exploitative treatment. The lack of income directly affects the options a family has to get education for their child(ren).

Feedback from parents and others in the community tells us that:

- many potential employers are reluctant to hire refugees in the knowledge that they may get into trouble with the authorities. Information from women, youth and men in the community tells us that employers have become steadily more insistent that the refugee has a UNHCR card, meaning those that are still waiting, or are not yet registered, find it extra difficult to find work and therefore a sustaining income. Even then, employers have always been reluctant to commit to any guarantee of regular employment. This makes income precarious and uncertain, and makes it very difficult for refugee families to plan a future and to commit to regular expenditure, for example for education for the children. For many families, it is hard to get beyond day-to-day survival.
- income (wages) may be low, sometimes between RM35-RM50 per day, and even to get this, the hours of work may be up to 12 hours a day.
- given that refugees have no rights, there are many reports of refugees being cheated by employers or agents. These reports include non-payment of wages, partial payment of wages, arbitrary payments, no payment in cases of accident, and no proper accounting for overtime, rest periods and rest days, and other provisions in the Employment Act.
- given that refugees are so vulnerable, there are also many reports of refugees being stopped and harassed by persons from enforcement agencies, and wages or part-wages being taken from that refugee (under the threat of detention). Again, this impacts on household income levels and any ability of families being able to commit to regular payments for education for their children.
- there is the fact (and prospect) of a circle of deprivation and marginalisation. The fact that many refugees have been excluded from education in the past (for example, in Arakan state in Myanmar) means that employment opportunities are reduced. Employers may ask for a level of either skills or language proficiency or both that may be out of reach of many refugee would-be workers.
- many families are reliant on a single source of income (usually from the man). This means there is extra vulnerability, for example to situations where the man cannot find a job, is sick, has an accident, or is detained. Again, this adds to the precariousness of existence and the difficulty to commit to expenditure over a period of time (for example, a child's education). This situation prevails significantly because social and cultural norms may preclude women from going to work, as their role is seen as primarily being married and responsible for the home and for caring for the children. This situation may be expecially relevant to more patriarchal communities like the Rohingya.



Why did people stop schooling?

We asked 50 parents to say why they had stopped their child from going to a Learning

80% said 'irregular income'; 10% said the provision not appropriate; 5% said transport issue; 5% said location inconvenient.

Why are children not going to school?

We asked 24 parents to say why their children were not going to a Learning Centre.

11 said because of finance

5 said because of cost of transportation

4 said the school was too far

3 said they do not have a UNHCR card

1 was unsure of where to go





ISSUES RELATING TO EDUCATION FOR REFUGEE CHILDREN

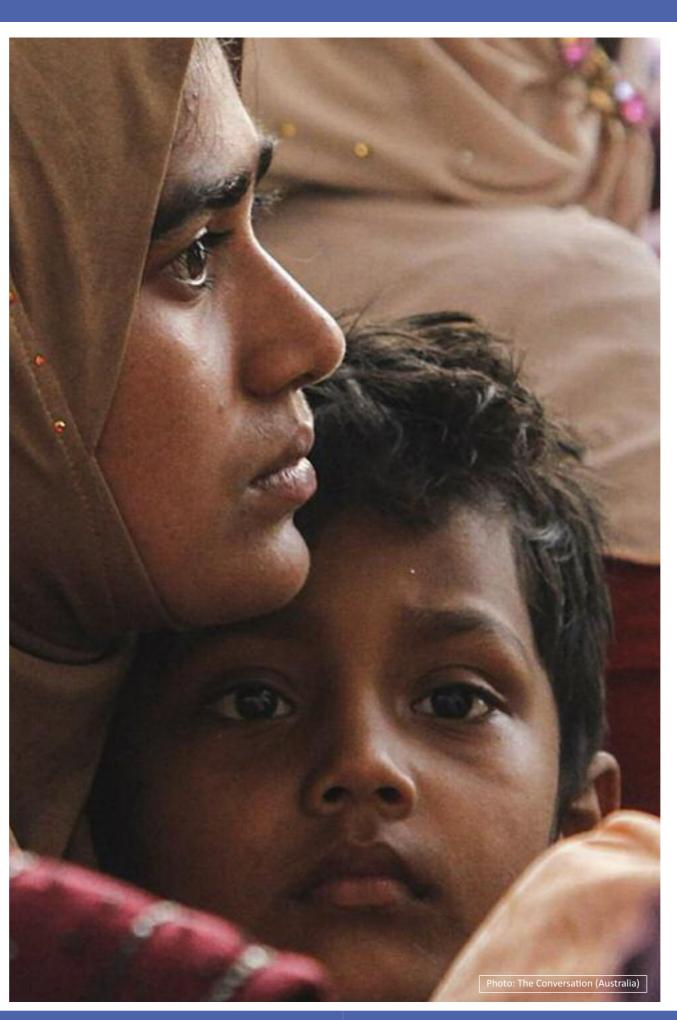
3. Gender and Cultural Norms

The assumptions about gender roles found in some if not all refugee communities in Malaysia also impact on the access of their children to education.

Generally speaking, we have remarked in the previous section on the way the gender norms of the community may limit income-earning opportunities to the detriment of household sustainability and the possibility of finding money for education. The usual norm is that men work outside and earn income, while women work at home and do not earn income.

More specifically, gender roles may also affect education as follows:

- the education of girls (daughters) may be compromised by fears of safety and the possibility of the reputation of the girl becoming undermined. This follows from the perception that unmarried girls should be segregated from young/older men. This particularly may apply the older the girl becomes, meaning girls may drop out after two or three years of primary school. The safety factor is linked, and relates to the concern that an unmarried girl venturing into public spaces may be vulnerable to sexual harassment or actual violence. Beyond the actual impact this has on the girl, this would of course be seen to affect reputations of both the girl and the family.
- the above is linked to the still prevalent incidence of child marriage, especially among the Rohingya. The role of girls is still seen to be primarily as a wife and homemaker, and the situation in Malaysia is that early marriage is not against the law. A separate Report from our Penang community goes into the various factors that explain why the practice of child marriage still occurs in refugee communities like the Rohingya, but for purposes of keeping girls in education, this practice and the gender and cultural norms that underpin it are not supportive to doing that. Girls are too often taken out of school to get married young.
- part of the reason why both girls and boys may be with-drawn from education (especially as they grow older) relates to the economic situation faced by many refugee families, described earlier. The lack of a legal and administrative framework means that refugees live precariously, under the radar, in limbo land. on a day-to-day survival basis. The idea of investing in longer term futures (for example, in a child's education) may not be relevant in this environment. Girls, boys, women and men have



shared the benefits of keeping children at school are not obvious when the household is desperate for immediate money.

- Many families told how they would divide responsibilities between their sons and daughters, with sons being seen as potential income earners from as young as 11 and certainly by the time they become teenagers. The fact that in Penang there are hardly any secondary school opportunities would only consolidate this expectation - there is actually likely to be no option! Ditto for the girls, who are groomed from young to be ready for help in the house, and for marriage.
- The pressure on younger boys and teenagers to start working is also exacerbated by the activities of agents. These may be from the community or outsiders. They will wait outside education centres and housing areas and lure boys into work by promising good daily wages (for example, RM60). What they fail to tell them is that they will deduct up to 40% as a 'fee': the fact that they can earn these commissions explains why they are so active. Of course, even a small income is better than nothing for the boys and the families, and is one more reason why refugee children do not complete schooling (even if they could find places). It amounts to little more than a cycle of deprivation and poverty.

If refugee girls and boys had the right to education and we made sure there was provision for education for every girl and boy through pre-school, primary and secondary levels, there would be huge change in relation to gender equality opportunities as well as decent options for the families of refugee communities. No one will be left behind.

This of course needs to be accompanied by a change in status for all refugees, where there is a legislative and administrative framework to provide a wider protection and security to all.

We asked the hypothetical question "If you only could choose one child's education, would you choose to send your son or your daughter to school?"

26 out of the 38 parents answered "son"; 9 answered "daughter"; 1 answered "the eldest child"; 1 answered neither; and 1 answered "the more intelligent or well-behaved".



Lack of access, safety and awareness

5. Lack of access

One reason parents may not send their children to school, assuming they have a place, is because of the school's location. If it is not close to home, the difficulty of taking the child to and from school may deter parents. Refugees of course are unable to obtain any licence (for motorcycle or car) and any journey is a vulnerable one, with any refugee (woman, man or child) liable to be stopped by authorities with possible consequence being extortion or detention.

Where there is transport available, the cost of such transport may also be an inhibiting factor.

In addition, the further the distance, the more likely there is to be a worry about the safety of the children.

6. Safety Concerns

The worry about safety is both in relation to physical safety (especially for daughters, as described above) as well as concern over 'moral' safety and the possibility of boys, for example, skipping school to go to cyber cafes or other hangouts. This concern is one major reason why parents may stop sending their daughters to school, especially around the age of puberty. Hanging out with boys and/or being targets for men is cause for concern, and education may be sacrificed in order to protect daughters from any potential 'trouble'.

7. Lack of information

One reason that is often cited as a barrier to education for refugee children is the simple one, that refugees do not know where to send their children. There is ignorance about opportunities and learning centres.

While this is possibly a factor in the Klang Valley, where there is a more diverse refugee population, the feedback from women and men refugees in Penang that this is not such an issue. The smaller numbers and the fact that most are from the same ethnic grouping (Rohingya) means that information travels quickly.

This is helped by the work done by certain groups in Penang to create, build and support community leadership and community networks, which then facilitate the spread of news. The Penang Working Group also allows shared dissemination of information.

Sadly, besides indicating what learning centres exist and where they are, the information that can be shared is often that these centres are already full.....



"With these 'schools' undertaking education according to their own understanding and ability, the end result can only be and is a complete lack of standard teaching and conduct practices, unsafe facilities and children who are unable not only to achieve age appropriate learning goals but also to integrate into the larger society."

(From a Harvest school document)

Please note this is in no way to disparage the fantastic work done by education providers: it just points to one of the many challenges.



8. TRAUMA an issue?

One thing we have heard people say is that **TRAUMA** is a major issue for refugee children and is one reason it would difficult to integrate such children into mainstream Malaysian education.

This is usually presented in the context of the horrors that children have witnessed, for example in Arakan state.

While in no way understating the impact of trauma on individual children, we would caution against over-generalising the situation.

First, we are unaware of any studies that have quantified the incidence of trauma amongst refugee children in Malaysia (there may be: these need to be circulated more fully). We do need a more substantial basis for understanding the extent and the possible interventions and support needed to tackle this important issue. And of course we do need to be sensitive and responsive to the

possibility of a child suffering from trauma: we need to have solutions available.

But, secondly, we note that there are many children of refugees who have been born in Malaysia: UNHCR will have the numbers. It is not clear that 'trauma' would be relevant to them, unless we are thinking 'trauma' also includes the difficulties of status, identity, poverty, and uncertain futures.

We would again say that the biggest challenge is to provide basic education to all. There are huge issues of literacy across age groups within the refugee population, including across children's age groups. Many older children and teenagers have very low literacy skills, and this makes for a major challenge if we are to open up mainstream Malaysian education to all children. Tackling literacy is basic; tackling trauma where it exists is also important.

There is much to do.

CONSEQUENCES: WHAT FUTURE?



Without education, what do we expect to happen to the children?

It is impossible to exaggerate the consequence of 'no education' on the lives of a whole generation of refugees: the individual girls and boys and teenagers, and families and the community at large.

The consequences of allowing a whole generation of children and teenagers to grow up in Malaysia without any education include

- consigning thousands of girls and boys to a future without prospects and without hope
- making sure that thousands of refugee families will have little option but to continue to live in poverty
- denying the potential of the individual women and men, girls and boys, so depriving Malaysia and others of their possible contribution
- institutionalising the probability of human trafficking and modern day slavery by ensuring a whole generation of children and teenagers will be vulnerable to the lies of human traffickers and the exploitation of modern day slavers
- encouraging the activities of recruiters for extremist groups who thrive on ignorance and desperation, which will be a consequence of no education
- encourage child marriage, as families have little option but to find what they see as a protected space for their daughters by marrying them young, given they have no obvious alternative
- institutionalising the activity of begging, as many families try to exploit whatever options are available to them to earn even a meagre income. This may involve more girls than boys, since it is assumed girls elicit more sympathy from would-be givers

IF WE PROVIDE EDUCATION TO ALL CHILDREN....

If we provide education for all children, regardless of background and status, we will

- give hope for a future for everyone
- combat poverty
- help maximise peoples' contribution to our country and economy
- leave no-one behind
- combat human trafficking and modern day slavery
- combat extremism
- reduce begging
- reduce the incidence of child marriage





APPENDIX ONE

REFUGEES IN MALAYSIA: GENERAL BACKGROUND

We need to remember who refugees are. This UN definition captures the awfulness of their situation:

"A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a wellfounded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group."

Refugees are human beings, the same as you and me. The circumstances they are facing have developed out of their control. They are survivors or victims of horror situations and oppression. The women, children, men and babies who are refugees are simply seeking a safe place to live and to bring up their families.

On a global and governmental level, the situation facing refugees and the 'right' response is acknowledged in the United Nations Declaration of Human Rights (UNDHR) 1948, specifically paragraph 14. In 1951 the United Nations also adopted a Refugee Convention, and in subsequent years there have been associated Protocols attached. As is the case with all UN Conventions and equivalent, individual countries can voluntary sign. Some do and some do not.

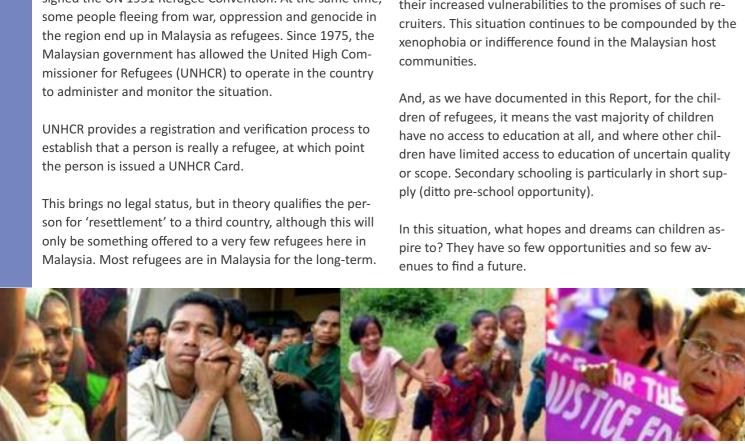
Although Malaysia is a signatory to the UNDHR, it has not signed the UN 1951 Refugee Convention. At the same time,

REFUGEES HAVE NO RIGHTS IN MALAYSIA

Despite the fact that most are here for the long-term, and many have already been here for more ten years (and some more than twenty or thirty years), up to now in Malaysia, refugees have not had any rights. They have no rights to work, no rights to education, and little or no rights of redress where someone does them harm. Refugees in Malaysia live in a limbo land: sort of 'allowed to stay' but not allowed (legally) to do anything. You can imagine how utterly difficult this is.

It has meant that the thousands of women and men who have fled to Malaysia from situations of horror and persecution still find themselves living in a highly precarious environment, subject to arbitrary and humiliating treatment by the authorities, employers, agents and others. They face daily harassment, extortion, threats, abuse, violence, and possible detention. To earn a livelihood, they have no choice but to work in the black economy, as 'undocumented workers', with all the vulnerabilities this brings.

The lack of recognition and protection of basic human rights is a godsend for human traffickers, modern day slavers, colluders and others who prey and make profit from groups like refugees. It is creating a situation which plays into the hands of recruiters for extremist organisations including terrorist groups: where people have no rights, no future and no protection, it is not difficult to see their increased vulnerabilities to the promises of such re-







SOME RELEVANT CONTEXTS



SUSTAINABLE DEVELOPMENT GOALS

Malaysia is a supporter of the Sustainable Development Goals, a global initiative setting a variety of commitments and targets across a range of issues. Goals are set to be achieved by 2030. One of the mantras of the SDGs is 'to leave no one behind'. Sadly, the fact that refugees have no legislative or administrative status in Malaysia means they are not just left out, but often remain invisible.

This applies to the provision of education and other essential services for children of refugees, meaning Malaysia's commitments to a number of the SDGs will not be fulfilled. We can reverse this, by recognising refugees and the needs and experiences of refugee children. Relevant SDGs include SDG 1 (poverty), SDG 2 (hunger), SDG 3 (health), SDG 5 (gender equality), SDG 10 (inequality) and SDG 11 (sustainable communities).



CONVENTION on the RIGHTS OF THE CHILD

Malaysia is a signatory to the United Nations' Convention on the Rights of the Child, meaning in theory it is duty-bound to protect and enhance the rights of all children in the country. But the Malaysian

government has attached several reservations to its signature, one of which is to exclude refugee children from access to education, to health and to other protection and support services. There are many people working within and outside the government who are trying to change this.

CONVENTION on the ELIMINA-TION of all FORMS OF DISCRIMI-**NATION AGAINST WOMEN**

(CEDAW)

Malaysia is also a signatory to CEDAW, which amongst other things commits it to combat situations of gender inequality, including in education, and to tackling issues including child marriage.





WHO WE ARE

The **PENANG STOP HUMAN TRAFFICKING CAMPAIGN** works holistically, linking human trafficking immediately to modern day slavery, and to the huge vulnerability of many groups to being trafficked or enslaved. These groups importantly include refugees, asylum seekers and migrant workers – women, men and children – who have little or no protection in Malaysia.

So we do two main things.

- We collaborate with others to raise awareness about human trafficking, as well as bring specific information, experience and recommendations about human trafficking and modern day slavery to the attention of authorities and to policy makers and influencers.
- And at the same time, we have committed to long-term work with refugee communities and other stakeholders, especially in Penang. This work has been consolidated under ASPIRE Penang.

With the guidance and hard work of two refugee community workers and three refugee teachers, together with other refugee leaders and supporters, a range of community-led initiatives have developed.

These include building a coalition of refugee leaders in Penang from across the different locations where refugees are living in Penang; the pre-school Good Start Learning Centre, a unique refugee-run school catering to up to 60 children aged 4-6; computer classes and language classes for teenagers and adults and a football project run by teenage youth (in partnership with Payong and JREC, supported by UNHCR); and community documentation where women, men and youth discuss and contribute their ideas and experiences on a wide range of issues, to contribute to advocacy.

The work is based on our Core Principles which stress refugee empowerment and self-determination.

Working with other groups is very much part of our ethos, and we have consistently supported the Penang Working Group, an occasional forum which brings together refugees, UNHCR, NGOs, service providers, and others to address the key issues facing the refugee community in Penang.

We are open to all who share our Core Principles, and we work as a collective, inclusive and mutually respectful. We welcome your interest and support.







