Primary Education of Syrian Refugees in Turkey: A background to the gap in education for Syrian children and legal analysis
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Introduction

One of the most basic rights enshrined in the United Nation’s Convention on the Rights of the Child, is the recognition of every child’s entitlement to primary education. (United Nations General Assembly, 1989) In the same vein as the Convention on the Rights of Refugees, states party to the convention are obliged to afford refugees the same primary education opportunities as nationals of that country. (United Nations General Assembly, 1951) However, as has been widespread for Syrian refugees as a result of the conflict in their home country, human rights enshrined in international documents and declarations have been rendered futile, with little regard for the foundations of humanity that were once revered as sacrosanct. For hundreds of thousands of Syrian refugee children, the affliction of absence from education bears ramifications beyond short term consequences, hindering their physical, emotional and mental wellbeing. (KidsRights Report, 2017) In this essay I will examine the climate of education in the primary host countries for Syrian refugees, in turn I will then bring into focus the legal ramifications for children in Turkey and the measures that can be taken to overcome the potential plight of a ‘lost generation.’

At the Supporting Syria Conference in 2016, the international convening of nations resulted in $12 billion dollars be pledged in aid of the Syrian cause. (Supporting Syria and the Region, 2016) $1.4 billion of this was to be made available for education, of which only $618 million was received by the years end. The residual effects of this can be seen in the enrolment, or lack thereof, of Syrian refugee children in school, with ‘more than 40% of all-aged Syrian children living in Turkey, Lebanon, Jordan, Egypt and Iraq’ still not having access to education. (KidsRights Report, 2018) This is in stark contrast to school attendance in Syria prior to the conflict, with 97% of all children in primary education, and 67% in secondary education. (ibid 1) The pull factors that govern withdrawal from education are included but not limited to language barriers, prohibitively expensive school fees, and safety concerns. As was previously noted in 2014, a survey of refugees in Istanbul noted that assuring provision of ‘food, shelter and health’ came as the main priority to their lives, with education being a secondary consideration. (6)

Children and young adults also bear the brunt of the nuanced gender dynamics of lack of educational enrolment, notably in Turkey. It has been outlined in many instances in the
country that boys are more inclined towards early participation in the labour market, with girls being at greater risk of child marriage. (7) Child marriage is seen as a means of protection from sexual and gender based violence, and relief from the burden of providing financially for another family member. (8) For Syrian boys with no other choice but to provide for their families, they face increased risks, such as verbal abuse (9), financial exploitation and hazardous working conditions. (10)

Despite the gradual reduction in Syrian refugee children out of education from 41% in 2016, to 35% in 2017, nearly 700,000 children are still out of school. (11) While host countries have been generally openly supportive of welcoming Syrian refugee children into their classrooms, many practical issues still loom at large. Education systems of host countries have become strained, and while measures such as the introduction of ‘a second shift’ in school days have become a norm in some communities, resources are limited for the needs of refugee students. Teachers also suffer under the constant demand for their resources, the result being that they are exhausted, overburdened, and in many circumstances, untrained in how to provide the emotional support required by children who have experiences trauma. (12)

When you combine issues such as ‘unfamiliar curricula, language barriers, limited legal status of their parents’ with other factors such as discrimination and the enduring psychological impact of the crisis, it is evident that the focus on providing education should not be seen in isolation. (ibid, 12) That is to say, quality education needs to take precedence over fulfilling solely the requirement for children to be enrolled in school, and reducing absence from education numbers.

It has been acknowledged by the New York Declaration for Migrants and Refugees that quality education ‘gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.’ Furthermore, it must be noted that for children who have been absent from education and have lived without semblance of normality in their lives for some time, access to education is one of the primary mechanisms to help children flourish under the structures of routine and stability. (13)
**Law and Turkey:**

The above explanation is only to give the most basic background to both the context of primary education for Syrian refugee children and the challenges that arise in trying to fulfil this most basic human right. I will now in more detail seek to delve into the legal framework that provides the backdrop to education for these children in Turkey, starting with the fundamentals of law relating to education in the country.

Article 42 of the Constitution of the Republic of Turkey provides that: ‘no one shall be deprived of the right to education.’ It also goes on to assert that those who do not have the financial means to provide for education will be assisted through scholarships ‘or other means of assistance.’ It is also noted that the state is obliged to provide special education through rehabilitation for those requiring its assistance in this regard, and furthermore that all teaching to Turkish citizens will be done through Turkish with exceptions given provision by law. (14)

The principles of the Turkish constitution have been evidently used as a means of guidance for policy on education of refugee as a host country. In 2013, the ‘Law on Foreigners and International Protection’ was adopted, the intention being to establish, inter alia, ‘the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey,’ with education coming within the remit of the legislation. In relation to access to assistance and services, it is noted in article 89 that an ‘applicant or international protection beneficiary and family members shall have access to primary and secondary education.’ with those considered as an ‘international protection beneficiary constituting what was formerly known as a stateless person or asylum seeker. (15)

The Basic Law of National Education, (16) comprise of, inter alia, the Fundamental Principles of National Education, enacted in 1973 to outline the guidelines of the Turkish strategy towards education, the achievement of the objectives is to be founded on the basis of ‘equality in education’ with no discrimination permitted on the grounds of ‘race, sex or religion’ (17) Primary education as under Law No. 4306 implemented since 1997, outlines that primary education comprises of 8 years between ages 6 and 14, with the Primary Education and Training Law, Number 222 regulating the primary education system. (ibid 17)

The Turkish Government through the Ministry of National Education, has to its credit, adapted accordingly to the influx of refugees in some regards in recognising Syrian students’
needs in pursuing education. This has been done through their addressing of the different needs of Syrian children in the classroom, and in the accrediting Temporary Education Centers, ‘staffed with Syrian teachers using a modified Syrian Arabic curriculum, in order to prepare children for transitioning into Turkish Public Schools (TPS).’ (ibid, 5) In consideration of further integration, there are plans to gradually phase out Arabic schools for Syrians, and beginning in 2018, enrolment was made ‘compulsory for first, fifth and ninth grade Syrian children in public schools, instead of temporary education centres’ (18).

While it is encouraging that such measures are being taken to gradually incorporate Syrian children into the Turkish education system, the reality is that accessing education does not rest solely on law and policy, but the holistic realities that accompany the life of a refugee in Turkey. In 2017, it was estimated that nearly 67% of refugees live below the poverty line, and ‘many [were] in shelters with insufficient WASH facilities and inadequate protection against poor weather.’ (19) If there is any potential that children are to be used as a mechanism to alleviate at least some of the burden of poverty that would override the value of education, the aforementioned issues of child labour and early marriage are therefore, not wholly unsurprising.

The laws and policies that have come into protect children and nurture their education are only as effective as the environment that they are to be borne into. While law is a best practice guiding principle in this regard, the only plausible execution of it can be made through its conjunction with the socio-economic environment through which it is to be enforced. Serious consideration of mitigating the allure of child labour has come into effect with the Conditional Cash Transfer for Education project which came into May 2017, with ‘bi-monthly cash transfers’ being made ‘to vulnerable refugee families whose children attend school regularly. The scheme was also issued parallel to implementing ‘a strategic child protection component’ so as to ensure the continued presence of the most at risk refugee children in education. (20) This scheme however was deemed by the KidsRights foundation to have limited effectiveness, with service users being disincentivised through long wait times for initial cash payments, and the amount of money provided falling short of being an encouragement for parents to send their children to school. (ibid, 5)
Concluding remarks:

Schemes such as the Conditional Cash Transfer to Education, if implemented successfully can bear the overarching theme of lifting not only the student, but their family, out of poverty through education through a two-fold impact. That is to say, the sustained cash injection to the family income through the regular payments while their child learns, but further into their lives, the viability of better, and more well-paying jobs given their educational background. It is evident that while education laws for refugee children in Turkey are most certainly present, and a means of having secure definition of one’s rights in this regard, they are completely worthless if the environment of those who are meant to be protected by them is not one that encourages them to flourish. Legislation can never be viewed in isolation, and the rule of law is only effective as its implementation. It must be acknowledged that Turkey has created significant steps to increase refugee student’s enrolment in education, but that non-legislative actions are the fundamental means through which the law can be achieved. In order to better enrolment rates, fully integrating refugee children into Turkish society and protect them against plights such as involuntary child labour and early marriage, it is essential that practical infrastructure is put in place for the realisation of the rights of these children.

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