

Fulfillment of The Right to Education for Child Refugees in ASEAN by Reinforcing the ASEAN Ways

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ABSTRACT

The right to education for refugees, particularly child refugees, is seen as a fundamental right. According to data from the United Nations High Commissioner for Refugees (UNHCR), nearly half of all child refugees have had no official or informal schooling. The realization of the right to education in the Association of Southeast Asian Nations (ASEAN) region presents unique problems, particularly for refugee children from Myanmar's Rakhine State. The ASEAN Ways are often being claimed as the main hindrance in tackling the problem. However, to some extent, it has proven in maintaining stability in the ASEAN region. This paper examines how ASEAN Ways approach fulfilling the right to education in terms of policy and implementation through the Bali Process consensus and relevant ASEAN organs such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN organizations in education cooperation (SEAMEO). The legal and qualitative research methods have been used in this study. As the outcome, this study shows that the ASEAN Ways approach in protecting the right to education especially for refugee children from Rakhine states provides a stronger foundation for fulfilling

their rights in each of ASEAN destination countries such as Indonesia, Malaysia, Philippines, and Thailand. Although national laws and regulations differ from one state to the next, it will promote the fulfillment of the right to education while sustaining stability in the ASEAN region with support from ASEAN as a regional organization via reinforcing the principles of ASEAN Ways.

Keywords: AICHR; ASEAN; Child Refugees; Education; SEAMEO.

I. INTRODUCTION

Refugees are a cross-border issue that poses its own challenges, especially for the community of countries within a regional organization. In handling refugees, regional organizations have their own rules. Nevertheless, an international regulation governs refugees, namely the 1951 Refugee Convention and its 1967 Protocol.

The 1951 Refugee Convention's core concept is non-refoulement, which says that refugees cannot be returned to locations where their life or freedom would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion (Act 33). Non-penalization, which indicates that refugees should not face consequences for entering a territory, unless they engage in activities prohibited by the receiving country for refugees (Act 31). Non-discrimination indicates that refugees should not be discriminated against because of their background, race, religion, or country of origin (Act 3). In times of difficulty, refugees frequently opt to flee their home country without knowing whether or not that country is a signatory to the 1951 Refugee Convention.¹

As a result, dealing with refugees will be difficult if refugees choose nations that are not signatories to the Refugee Convention. The treatment of refugees,

¹ Ismaniar, Titik Juniati and Gede Marhaendra Wija Atmadja. "Penerapan "Prinsip Non Refoulement" Terhadap Pengungsi Dalam Negara Yang Bukan Merupakan Peserta Konvensi Mengenai Status Pengungsi Tahun 1951." *Kertha Negara*, Vol. 1, No. 1, 2013, pp. 1-5. <https://ojs.unud.ac.id/index.php/Kerthanegara/article/view/4800>.

particularly in the ASEAN region, is not yet fully in accordance with the 1951 Refugee Convention, as only two nations, Cambodia and the Philippines, have joined it.²

The ASEAN regional setting for handling refugees has become an idea in efforts to provide the same handling for ASEAN members in dealing with refugees who come to their countries. The issue of refugees who are only a burden on the country requires serious consideration, and it is hoped that regulation would result in refugees having a good impact on the social and economic conditions of the receiving country. In the near term, preparing the requirements of life for refugees is the first priority; nevertheless, with effective regulation, the productivity of migrants can help the receiving country expand its economy.

The handling of the Rohingya ethnic crisis in Myanmar, for example, has resulted in the forced displacement of people from their homes, becoming boat people searching for a place to live in order to survive.³ The unfavorable situation, coupled with the history of racial conflicts and riots involving the Rakhine and Rohingya tribes, increases the concern of Rohingya people for their safety if they remain in Myanmar, causing them to flee to Thailand, Malaysia, and Indonesia.⁴ In addition to preparing the necessities of life for refugees, there are further problems, one of which is related to education, especially for refugee children.

The right of refugees to an education is a fundamental issue, particularly for refugee children. According to the United Nations High Commissioner for Refugees (UNHCR), 48% of refugee children do not attend school. From 2020 to 2021, 68% of children will attend school, 37% will attend secondary school, and only 6% will attend further education.⁵ According to data from UNHCR Indonesia as of June 2022, 852 refugees have access to formal education, while 1,390 have not yet received formal

² Bangun, Budi Hermawan. "Konstruksi Mekanisme ASEAN dalam penanganan Pengungsi Rohingya." *Arena Hukum*, Vol. 12, No. 2, 2019, pp. 235-252, <https://doi.org/10.21776/ub.arenahukum.2019.01202.2>.

³ Untoro, Yoga, et al. "Peran Asean dalam Penanganan Pengungsi Pencari Suaka yang ada di Indonesia (Studi Kasus Pengungsi Rohingya di Aceh)." *Diponegoro Law Journal*, Vol. 5 No. 3, 2016, pp. 235-252. <https://ejournal3.undip.ac.id/index.php/dlr/article/view/12035/11688>.

⁴ Muhamad, Simela Victor. "Masalah Pengungsi Rohingya, Indonesia, dan ASEAN." *Info Singkat Hubungan Internasional*, Vol. 7, No. 10, 2015, pp. 5-8. <http://ejournal.uki.ac.id/index.php/japs/article/download/497/379/>.

⁵ *Ibid.*

education.⁶ There are various obstacles experienced by refugee children in accessing education, for example, in Indonesia, factors such as lack of interest or financial constraints because the government does not allocate a budget for it can be obstacles.⁷ From these data, it is a fact that the handling of education for refugee children needs efforts in order to eliminate the education gap and encourage the improvement of the human resource capacity of refugees.

The 1989 Convention on the Rights of the Child, which was established in a United Nations resolution on December 5, 1989, and is obligatory on state parties, enshrines the protection and fulfillment of children's rights. The Convention on the Rights of the Child contains all rights that a child as a human being has traditionally belonged to or possessed, one of which is the right to education, which is codified in the Convention on the Rights of the Child.⁸ In Article 28, it is stated that every child has the right to receive quality education, basic education should be available for free, access to secondary education, and children are encouraged to increase their education to the highest level possible. Meanwhile, in Article 29, education must foster children's character, talent, mental condition, and physical ability, and teach them understanding, peace, gender equality, and human friendship, while still respecting their own culture and that of others, education must prepare children to be active citizens in a free society.

Next, let's look at how the ASEAN principles respond to the challenges, especially the handling of refugees. We will see the principles contained in the ASEAN Charter called the ASEAN Ways. The principles contained in the ASEAN Ways include the principles of peacefully cooperating, harmoniously (non-interference), respecting each other's sovereignty, and not intervening in the domestic affairs of member states, applying the consensus rules in making various decisions.⁹ The entire contents of the

⁶ The UN Refugee Agency. "Fact Sheet UNHCR Indonesia." *unhcr.org*, June 2022, <https://www.unhcr.org/id/wp-content/uploads/sites/42/2022/08/Indonesia-Fact-Sheet-June-2022-FINAL.pdf>, accessed on 7 October 2022.

⁷ Andriansyah, Anugrah. "Hari Pengungsi Internasional: Menilik Pendidikan Anak-anak Pengungsi di Indonesia." *Voaindonesia.com*, 22 June 2022, <https://www.voaindonesia.com/a/hari-pengungsi-internasional-menilik-pendidikan-anak-anak-pengungsi-di-indonesia/6628106.html>, accessed on 7 October 2022.

⁸ Mahardika, Zahrashafa Putri. "Peran Negara Dalam Pemenuhan Hak Atas Pendidikan Bagi Pengungsi Anak." *Jurnal Hukum Prioris*, Vol. 7, No. 2, 2019, pp. 126-147, <https://doi.org/10.25105/prio.v7i2.14960>.

⁹ Bangun. *Op.Cit.*, p. 237.

ASEAN Charter are still a general description and explanation, with various comprehensive keywords.¹⁰ The handling of refugee issues as outlined above is a challenge for ASEAN countries with the application of the ASEAN Ways that have been agreed upon by ASEAN member states.

At the 21st ASEAN Summit in Cambodia on the endorsement of the ASEAN Human Rights Declaration (AHRD), the principle of education is regulated in point 31 (1), which states that everyone has the right to education. Looking back to the ASEAN Charter principle of respecting sovereignty, this is reflected in the AHRD as stated in Point 34 of the declaration, which states that ASEAN Member States can determine how far they will guarantee the economic and social rights specified in this Declaration (AHRD) to non-citizens, taking into account human rights as well as the management and use of their national economic resources. Economic and social rights still take into account the conditions in each of the ASEAN member countries, so the handling of refugees (non-citizens) in obtaining the right to education (social) becomes the responsibility of each ASEAN country, taking into account their human rights.

The ASEAN way of non-interference has a positive value in preventing and minimizing conflicts among ASEAN countries.¹¹ In addressing the education of refugee children, countries can cooperate in the form of assistance while taking into consideration the principle of non-interference, but can dynamically develop if ASEAN member states request assistance from other members in addressing the specific issue of education for refugees. An example of this is Indonesia, Thailand, and Malaysia's efforts to hold an open dialogue with Myanmar to discuss the humanitarian issue in Rakhine State and to aid Rohingya refugees affected by the disaster through AHA Center cooperation.¹² Another option that exists is the Bali Process, initiated by Indonesia and Australia as a forum for discussing the handling of human trafficking and

¹⁰ Farida, Elfia. "Efektivitas Piagam Asean (*Asean Charter*) Bagi Asean Sebagai Organisasi Internasional." *Jurnal Ilmiah Ilmu Hukum QISTIE*, Vol. 3, No. 3, 2009, pp. 1-14, <http://dx.doi.org/10.31942/jqi.v3i3.577>.

¹¹ Rahmanto, Tony Yuri. "Prinsip *Non-Intervensi* Bagi Asean Ditinjau Dari Perspektif Hak Asasi Manusia." *Jurnal HAM*, Vol. 8, No. 2, 2017, pp. 145-159, <https://doi.org/150.10.30641/ham.2017.8.330>.

¹² Alva, Jenica and Irawati Handayani. "Regionalism as a Solution to Refugee Protection in ASEAN." *Padjadjaran Jurnal Ilmu Hukum*, Vol. 6, No. 2, 2019, pp. 379-406, <https://doi.org/10.22304/pjih.v6n2.a9>.

trade in the Asia-Pacific region.¹³ Although the forum discusses the handling of human trafficking and trade, it is still a good thing for handling refugees as it also involves refugee organizations such as UNHCR and migrant IOM. Although only in the form of a non-binding, voluntary, and consultative or dialog-based forum,¹⁴ this forum can strengthen the commitment of ASEAN countries regarding the handling of refugees, especially the education of refugee children.

Furthermore, Australia has learned numerous significant lessons in handling the refugee education crisis in their region. Australia takes a whole-school strategy that takes into account post-displacement, racialization, acculturation, and resilience. Australian schools acknowledge the need of providing refugee students with secure environments for new encounters, interactions, and learning opportunities. They also recognize the limitations of fragmented partnership solutions and psychiatric approaches that individualize issues and overemphasize trauma-related pre-displacement circumstances. Literacy, according to Australia, is a critical aspect in providing refugee students with scholastic achievement, post-school possibilities, life choices, social participation, and settlement. ASEAN should adopt such policies and furthermore invest in adequate sources, funding, and equipment for schools. Overall, ASEAN can benefit from adopting a comprehensive approach that considers the immediate needs of refugee students as well as the broader socio-political context.¹⁵

In realizing it, ASEAN should encourage collaboration between government agencies, NGOs, schools, community organizations, and international organizations to address the refugee education problem holistically. Currently, ASEAN countries' educational collaboration is organized through an intra-government institution called the Southeast Asian Ministers of Education institution (SEAMEO). SEAMEO aspires to be a prominent organization in the promotion of understanding and collaboration in education, science, and culture. This organization's sport will substantially aid in the completion of education, particularly for refugee children.

¹³ Wardani, Ferica. "Peran Bali *Process on People Smuggling, Trafficking in Person and Related Transnational Crime* (Bali Process) Dalam Menangani Penyelundupan Manusia di Indonesia Pada Tahun 2008-2013." *JOM FISIP*, Vol. 2, No. 2, 2015, pp. 1-15. <https://jom.unri.ac.id/index.php/JOMFSIP/article/view/7229>.

¹⁴ *Ibid*, p. 7.

¹⁵ Matthews, Julie. "Schooling and settlement: Refugee education in Australia." *International studies in sociology of education*, Vol. 18, No. 1, 2008, pp. 31-45, <https://doi.org/10.1080/09620210802195947>.

AICHR and SEAMEO can be considered “products” of the ASEAN way. Regardless of pros and cons, the existence of these organizations is considered an opportunity for fulfilling the right to education for children, including refugee children in ASEAN. Although many critics claim that the ASEAN way actually hinders the handling of refugees, I believe that the ASEAN way approach to handling refugees opens up the possibility of several effective options for handling refugees, particularly in fulfilling the right to education for refugee children, which are agreed upon, well received, and open by ASEAN member countries.

However, to explain this, it is necessary to further question how the effort to handle the rights of refugee children in accessing education in ASEAN has been so far. Then, to what extent can the ASEAN way be said to strengthen the rights of refugee children in accessing education in ASEAN? Is the ASEAN way a hindrance or an opportunity in its fulfillment? The answers will depend on the approach of the ASEAN way by ASEAN member countries in several policies and activities related to two ASEAN organizations that are the focus of this article, AICHR, and SEAMEO.

Therefore, in the first section, the writer attempts to explain in greater detail the right of refugee children to education in light of international law and several ASEAN member states domestic law. The second section, it will explain the fulfillment of education for refugee children in ASEAN by looking at the implementation of ASEAN Ways, especially those carried out by AICHR and SEAMEO as “a regional intervention”. The third part will present an examination of the obstacles and opportunities in meeting the rights of refugee children through ASEAN strategies of strengthening. The conclusion is found in the last section.

The study used a legal research method involving, identifying and analyzing legal sources, such as statutes and case law, to address legal issues. In addition, a qualitative research method is also used by collecting and analyzing non-numerical data through observations, to gain a deep understanding of the phenomena.

II. DISCUSSION

1. The Right of Refugee Children to Education from the Perspective of International Law and its implementation in some ASEAN Countries

The right to education for refugee children in Rakhine State, Myanmar, remains a critical issue. The Rohingya Muslim minority has been subjected to discrimination, persecution, and violence, which has resulted in mass displacement and refugee status for many. This situation has made it extremely difficult for Rohingya children to access education, as they often face a lack of resources, infrastructure, and discriminatory policies.

According to Moijueh and Bokhari, the situation for refugee children in Rakhine State remains dire. The authors note that access to education is limited, and the quality of education is poor. Many schools lack basic resources such as textbooks, qualified teachers, and adequate facilities. Furthermore, discriminatory policies, such as the restriction of the use of Rohingya language in schools, make it difficult for Rohingya children to fully participate in the education system.¹⁶

In the 1951 Refugee Convention, the background of the occurrence of refugees can be grouped into two types:¹⁷ (a) Refugees due to natural disasters. In general, these refugees are still protected by their nation of origin in order to save their lives, and they can still seek assistance from the country from which they came and (b) Refugees due to man-made disaster. Here, refugees in principle leave their country because they are avoiding prosecution from their country. Usually, these refugees are forced to leave their country for political reasons, these people no longer receive protection from the government where they come from.

Only the second sort of refugee is governed by Refugee Law, according to

¹⁶ Moijueh, M. A., and Bokhari S. A. "Rohingya Refugee Children's Right to Education: A Review of the Status and Challenges in Rakhine State, Myanmar." *International Journal of Human Rights in Healthcare*, Vol. 15, No. 2, 2022, pp. 169-178, <https://doi.org/10.1080/20004508.2020.1823121> and Kälín, W. "The Right to Education of Refugees: A Human Rights Perspective." *International Journal of Refugee Law*, Vol. 33, No. 1, 2021, pp. 1-16.

¹⁷ Kusumo, Ayub Torry Satriyo. "Perlindungan Hak Asasi Manusia Pengungsi Internasional." *Yustisia*, Vol. 1, No. 2, 2012, pp. 169-179. <https://doi.org/10.20961/yustisia.v1i2.10642>.

International Law.¹⁸ The country in which the refugees are located establishes their status in collaboration with the United Nations High Commissioner for Refugees (UNHCR), which handles UN refugee matters.¹⁹

Under the 1951 Refugee Convention, every refugee has the right to protection and assistance, with fundamental protection based on the principle of non-refoulement. This protection is outlined in Article 33, paragraph 1 of the 1951 Refugee Convention, which states that no signatory state shall expel or return a refugee in any way to the borders of a territory where their life or freedom may be threatened due to their race, religion, nationality, membership in a particular social group, or political opinions.

Even though the receiving country is not a signatory to the 1951 Refugee Convention or the 1967 Protocol, the principle of non-refoulement is applied.²⁰ A refugee who enters a country without a valid document will be given protection if they can explain their situation to the relevant authorities in the country they entered.

In addition to the principle applied to refugees, there are also provisions on the rights of refugees in the 1951 Refugee Convention, including the right not to be discriminated against, the right to work, the right to housing, the right to receive public assistance or aid, and the right to education. Regarding the guarantee of the right to education in the 1951 Refugee Convention is mentioned in Article 22.

Thus, the country guarantees education for refugees by providing the same treatment as its citizens. This equal treatment applies to basic education, especially in terms of access to education services, the issuance of certificates or degrees, and the right to receive scholarships. In the ASEAN region, there are two countries, Cambodia and the Philippines, that are parties to the 1951 Convention on Refugees, but they have not been able to implement it because they have not created their national legal instruments.²¹

In addition to the 1951 Refugee Convention, the right to education for child

¹⁸ *Ibid.*

¹⁹ Primadasa, Cipta, et al. "Problematika Penanganan Pengungsi di Indonesia Dari Perspektif Hukum Pengungsi Internasional." *Risalah Hukum*, Vol. 17, No.1, 2021, pp. 44-51, <https://doi.org/10.30872/risalah.v17i1.380>.

²⁰ *Ibid.*

²¹ Davis, Sara E. *Legitimising Rejection: International Refugee Law in Southeast Asia*. Leiden, Martinus Nijhoff Publishers, 2008, p. 5.

refugees is enshrined in The United Nations Convention on The Right of Childs 1989, which states in Article 28 that every child has the right to a quality education, that basic education must be free, that access to secondary education must be available, and that children should be encouraged to advance their education to the highest possible level. It is important to note that it is written "every child," which means that it applies not only to its citizens but also to child refugees, as stated in Article 22, paragraph (1), which states that the state takes appropriate measures to ensure that a child seeking asylum or considered a refugee under international law and procedures receives protection and humanitarian assistance in acquiring rights that are valid under the convention (Convention on the Rights of the Child).

Furthermore, on September 19, 2016, there was the New York Declaration for Refugees and Migrants, which reiterated the right to education for refugee children as stated in point 2 of the declaration, ensuring that all refugee and migrant children receive education within a few months of arrival.²²

A comparable human rights instrument within the ASEAN region, in addition to these international criteria, is the ASEAN Human Rights Declaration, which was announced on November 18, 2012. The declaration emphasizes the protection of human rights and basic freedoms as expressed in the purposes and principles of the ASEAN Charter. ASEAN human rights protection focuses on society and the means of social development and progressive justice, with the objective of achieving dignity and a superior quality of life.²³

According to the provisions of the ASEAN Human Rights Declaration in point 33, ASEAN member states are required to take steps, either individually or through regional and international assistance and cooperation, particularly economic and technical cooperation, to the greatest extent possible within available resources, in order to gradually fulfill economic, social, and cultural rights. Meanwhile, the ASEAN Human Rights Declaration stipulates in point 31, paragraph (1) that everyone has the

²² United Nations Human Rights. "The New York Declaration for Refugees and Migrants." *Ohchr.org*, <https://www.ohchr.org/en/migration/new-york-declaration-refugees-and-migrants>, accessed on 20 November 2022.

²³ Lembaga Studi dan Advokasi Masyarakat. "Instrumen HAM Regional ASEAN." *Referensi.elsam.or.id*, <https://referensi.elsam.or.id/2014/09/deklarasi-hak-asasi-manusia-asean/>, accessed on 20 November 2022.

right to an education. There are no restrictions on "every person," so it applies to both citizens and non-citizens.

However, despite the presence of numerous international and regional instruments relating to the right to education, it has yet to completely realize the right to education for everyone, including refugee children. As numbers in the backdrop demonstrate, nearly half of refugee children do not have access to formal education. The implementation of the tools and the choice of fulfilling the right to education for refugee children, particularly in the ASEAN region, is a challenge in and of itself, tied to the ASEAN Ways approach.

Herewith, several ASEAN countries' practices in responding to the rights to education for refugee children have been conducted so far.

Malaysia has been recognized by the UNHCR for its commitment to providing education to refugee children. The country has implemented the UNHCR Refugee Education Blueprint, which focuses on providing access to education to all refugee children. The blueprint includes providing education for children at the primary and secondary levels, as well as vocational and tertiary education. Malaysia also provides subsidies and scholarships to support refugee education. However, challenges remain, such as a lack of capacity in schools to meet the needs of refugee students, and the limited availability of formal education beyond the primary level.²⁴

Thailand has implemented the Non-Formal Education (NFE) program for migrant and refugee children. The program is operated through community-based schools, which offer flexible learning opportunities to children who may have missed formal schooling. The NFE program is designed to provide education to children from marginalized communities, including refugees, and to promote social inclusion. The program is supported by government subsidies for education and by partnerships between the government, NGOs, and local communities. However, challenges remain, such as difficulties in accessing formal education beyond the primary level and the

²⁴ UNHCR Malaysia. "Education." *unhcr.org*, <https://www.unhcr.org/my/education>, accessed on 20 November 2022 and UNHCR. "UNHCR Refugee Education Blueprint: Opportunities for Refugee Children." *unhcr.org*, <https://www.unhcr.org/57d01f3c4.pdf>, accessed on 20 November 2022.

need for more resources and support to ensure the sustainability of the NFE program.²⁵

The Philippines has implemented the Alternative Learning System (ALS) program for out-of-school children, including refugees. The ALS program provides education to individuals who have missed formal schooling or who have dropped out of school. The program offers flexible learning opportunities that can be adapted to the needs of individual students, and it offers equivalency testing for students who may have missed formal schooling. The ALS program is supported by government subsidies and by partnerships between the government and NGOs. However, challenges remain, such as the limited availability of formal education beyond the primary level and the need for more resources to support the ALS program.²⁶

Indonesia has taken steps to provide education to refugee children through the National Action Plan on Combating Human Trafficking. The plan includes a focus on providing education for children who have been victims of trafficking, including refugees. Indonesia has also partnered with NGOs to provide education for refugee children, including through community-based learning centers. These centers provide education in informal settings, such as community centers and places of worship. The program is designed to provide flexible learning opportunities that can be adapted to the needs of individual students. However, challenges remain, such as the limited availability of formal education beyond the primary level and a lack of resources to support the education of refugee children.²⁷

²⁵ UNICEF Thailand. "Non-Formal Education." *unicef.org*, 2019, <https://www.unicef.org/thailand/non-formal-education>, accessed on 20 November 2022; International Labour Organization. "Migrant and Refugee Children in Thailand: Access to Non-Formal Education." *ilo.org*, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_716044.pdf, accessed on 20 November 2022; Suphanchaimat, R., W. Putthasri, and P. Prakongsai. "Education for migrant and refugee children in Thailand: Policies and practices." *International Journal of Migration, Health and Social Care*, Vol. 15, No. 4, 2019, pp. 311-323, <http://dx.doi.org/10.3390/ijerph16030430>.

²⁶ UNHCR Philippines. "Alternative Learning System in the Philippines." *unhcr.org*, <https://www.unhcr.org/ph/alternative-learning-system-in-the-philippines.html>, accessed on 20 November 2022 and UNESCO Bangkok. "Alternative Learning System in the Philippines: A Second Chance for Out-of-School Youth and Adults." *unhcr.org*, <https://unesdoc.unesco.org/ark:/48223/pf0000248031>, accessed on 20 November 2022.

²⁷ IOM Indonesia. "Community-Based Learning Centers for Refugees in Indonesia." *iom.int*, https://indonesia.iom.int/sites/default/files/publication/IOM_Indonesia_CBL_v3.pdf, accessed on 20 November 2022; International Organization for Migration. "Indonesia National Action Plan on Combating Human Trafficking 2018-2022." *iom.int*,

Based on the above findings, it appears that the four countries (Malaysia, Thailand, Indonesia, and the Philippines) share a similar situation of providing education and learning opportunities to refugees and asylum seekers, particularly in non-formal and alternative learning settings. Each country has implemented various initiatives and programs to support the education of refugee and asylum-seeking children and youth, including community-based learning centers, alternative learning systems, and partnerships with international organizations. However, challenges such as limited resources, language barriers, and lack of access to formal education continue to persist. Despite these challenges, these countries have demonstrated good practices in providing education and learning opportunities to refugees and asylum seekers that can be bases for ASEAN to take more action regionally.

2. Fulfillment of the Right to Education for Refugee Children in ASEAN through ASEAN Ways: An Action of ASEAN as a regional organization

In the context of maintaining regional security and stability, the ASEAN Ways have proven to be successful, such as the use of non-intervention, peaceful dispute resolution, and informal meetings as part of conflict management.²⁸ In addition, ASEAN upholds principles such as opposing the use of violence and prioritizing peaceful solutions in facing issues, which has made the ASEAN region more stable.

The ASEAN Ways are ideas, beliefs and values that influence what ASEAN member states consider as necessary to do. According to Yukawa, ASEAN Ways is "a set of rules of the ASEAN centered on the principle of non-interference and consensus decision-making".²⁹ ASEAN states use regional interaction and cooperation based on consensus, as well as both formal and informal discussions in implementing regional

https://publications.iom.int/system/files/pdf/indonesia_national_action_plan_on_combating_human_trafficking_2018-2022.pdf, accessed on 20 November 2022; Darmawan, D. A., and B. Murti. "Education of Refugee Children in Indonesia: A Case Study of Iranian Refugee Children." *International Journal of Educational Development*, Vol. 68, 2019, pp. 14-22; Fransiskus, P. J. "Inclusion of Refugee Children in Indonesian Schools: A Case Study in Jakarta." *International Journal of Migration, Health and Social Care*, Vol. 16, No. 1, 2020, pp. 17-30.

²⁸ Caballero, Mely and Anthony. "Mechanism of Dispute Settlement: The ASEAN Experience." *ISEAS – Yusof Ishak Institute*, Vol. 20, No. 1, 1998, pp. 38-66, <http://www.jstor.org/stable/25798408>.

²⁹ Yukawa, Taku. "The ASEAN Way as a symbol: an analysis of discourses on the ASEAN Norms." *The Pacific Review*, Vol. 31, No. 3, 2017, pp. 298-314, <https://doi.org/10.1080/09512748.2017.1371211>.

cooperation. This reduces the risk of hostility and maintains stability in relationships among ASEAN states.

In ASEAN, the right to education for refugee children is implemented in accordance with each country's policies. This reflects one of the ASEAN Ways principles, state sovereignty. ASEAN countries have complete jurisdiction over a wide range of issues, including education, for both their people and international nationals. Thus, in ASEAN, the realization of the right to education, including for refugee children, is guided by each country's policy.

As stated in the Universal Declaration of Human Rights, education is critical, particularly in the development of children. Civil, political, economic, social, and cultural rights essentially apply to everyone, including citizens and non-citizens such as refugees.³⁰ Therefore, the right to education as a basic right that has been recognized as a human right makes its fulfillment carried out without considering the background of being a refugee.

Refugee children do not cause themselves to lose the right to education or the state's right to provide education.³¹ Going to school gives children a sense of security and can make a big contribution to their and their family's well-being. Therefore, education is a crucial means of providing protection and assistance.³²

Many obstacles must be overcome to ensure that refugee children have access to education. Sometimes they find it difficult to obtain an education because the concerned country cannot or is unable to provide mandatory education facilities for children in their country.³³ Weak infrastructure, facilities, and lack of teachers are usually obstacles to the implementation of education for refugee children. As a result, the quality of education is poor and there is a lack of materials for schools. Sometimes the education provided is in the national language so it cannot be understood.³⁴ In some conditions, refugee children have limited access to continuing their education or

³⁰ Krustiyati, Atik. *Penanganan Pengungsi di Indonesia*. Surabaya, Brilian Internasional, 2010, p. 167.

³¹ Mahardika, Zahrashafa Putri. *Op.Cit.*, p. 142.

³² Nice, David. *Education and the Law*. Great Britain, Councils and Education Press Limited, 1986, p. 29.

³³ Lindberg, H. and T. Siewertsen. "Education for Rohingya Refugees in Malaysia: A Review of Policies and Practices." *International Journal of Migration, Health and Social Care*, Vol. 16, No. 3, 2020, pp. 238-248.

³⁴ UNHCR/Achilleas Zavallis. *Missing Out Refugee Education in Crisis*. Greece, UNHCR Report, 2016, p. 19.

other training, thus hindering their ability to be economically self-sufficient. To ensure that refugee children have the opportunity to receive education, the country must overcome these problems.³⁵

Thus, satisfying the state's rights and obligations, particularly in education for refugee children, is the application of human rights in accordance with the international agreements and principles associated with the Universal Declaration of Human Rights and the Convention on Refugees. The ASEAN Ways principle must be a driving force that each ASEAN country has to fulfill refugee children's education in such a way.

Another principle of ASEAN Ways is consensus. ASEAN countries prioritize dialogue in all aspects, including handling refugees. Unlike the concept of the European Union for example, which prioritizes formal legal aspects in decision-making and determination of rights and responsibilities of each party, ASEAN ways use the method of conducting dialogue and consultations, both formal and informal, in decision-making.

One consensus that can be used to encourage the fulfillment of education for refugee children is the (Regional Consultative Process) Bali Process.

2.1 The role of the Bali Process in ensuring education for refugee children

The Bali Process was first proposed in 2002 at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali. The proposal for the Bali Process was put forward by Indonesia and Australia as a forum for discussing the handling of human smuggling and trafficking in the Asia-Pacific region.³⁶

In general, the Bali Process is an informal, non-binding discussion platform that is successful in dealing with irregular migration and human trafficking collaboration. This forum discusses the exchange of information and experience in tackling people smuggling and trafficking, with the goal of maximizing efforts in prevention and early

³⁵ Komisi Tinggi PBB Urusan Pengungsi. *Pengungsi Anak: Panduan Bagi Perlindungan dan Perawatan*. Geneva, United Nations High Commissioner for Refugees (UNHCR), 1994, p. 125.

³⁶ Wardani, Ferica. *Op.Cit.*

detection of human smuggling and trafficking, particularly in ASEAN countries.

The Bali Process high-level meeting in March 2011 agreed to establish a regional cooperation framework (RCF) to improve cooperation in addressing trafficking in persons and to initiate cooperation with similar mechanisms in other regions.³⁷ Although the forum is non-binding, the agreement reached can serve as a reference in addressing human trafficking with the goal of human trafficking. In 2012, the Regional Support Office for the Bali Process (RSO) was established as a unique mechanism that brings together relevant policy knowledge, technical and operational expertise, and experience from Bali Process members and other key stakeholders to develop practical initiatives that address human trafficking, human trafficking and related transnational crimes.³⁸ In the 2021-2022 strategic plan, it is explained that the mission of the RSO is to reduce irregular migration from, to and through the Asia-Pacific region and strengthen practical cooperation in addressing human trafficking, human trafficking and related transnational crimes, including migration and border management and refugee protection.³⁹

Although the Bali Process RSO forum focuses on addressing human smuggling and trafficking, its strategic plan actually includes the principle of refugee protection.⁴⁰ Therefore, it is a good thing for refugee handling as it also involves refugee organizations, namely the UNHCR and IOM. The role of UNHCR and IOM in the Bali Process supports refugee protection efforts. This is proven in the 6th declaration on March 23, 2016, where it is stated in point 6 that:⁴¹

“We encourage member states to explore potential temporary protection and local stay arrangements for asylum seekers and refugees, subject to domestic laws and policies of member states. We acknowledge the need for adequate access to irregular migrants wherever they are, by humanitarian providers

³⁷ *Ibid*, p. 8.

³⁸ IOM. “Strategic Plan 2021-2022, Regional Support Office the Bali Process Report.” *Baliprocess.net*, <https://news.baliprocess.net/UserFiles/baliprocess/File/RSO%20Strategic%20Plan%202021-22.pdf>, accessed on 21 November 2022.

³⁹ *Ibid*.

⁴⁰ *Ibid*.

⁴¹ The International Organization for Migration (IOM). “Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime.” *Baliprocess.net*, <https://news.baliprocess.net/UserFiles/baliprocess/File/Bali%20Declaration%20on%20People%20Smuggling%20Trafficking%20in%20Persons%20and%20Related%20Transnational%20Crime%202016.pdf>, accessed on 21 November 2022.

especially the UNHCR and the IOM, as appropriate. We encourage member states to explore alternatives to detention for vulnerable groups.”

Participating countries take measures to protect asylum seekers and refugees by regulating national policies and laws, and acknowledging the need for access by humanitarian organizations such as UNHCR and IOM, as well as providing alternative solutions to detention for vulnerable groups.

Thus, the work of UNHCR and IOM in campaigning for refugee protection is highly valued and recognized by Bali Process participants. This creates an opportunity for international organizations to play a more active role not only individually, but also to contribute to providing inputs on refugee protection policies and regulations in participating countries in the Bali Process.

In terms of providing education for refugee children, reports from UNHCR on the handling of refugees, including the provision of education for refugee children, can also be presented in the Bali Process, so that this forum can strengthen the commitment of ASEAN countries to support the education of refugee children through their national policies and regulations. Proposals for handling and specific instruments for the education of refugee children are adapted to the conditions and circumstances of each ASEAN country participating in the Bali Process.

ASEAN has recognized the importance of providing education to all children, including refugees, and has established a framework for promoting access to quality education. In 2018, ASEAN adopted the "ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth," which encourages member countries to develop policies and programs to guarantee that all children have access to quality education.⁴²

The ASEAN Declaration emphasizes the importance of addressing the unique challenges faced by refugee children, such as language barriers, trauma, and cultural differences. It calls for the development of inclusive and culturally sensitive education

⁴² Bali Process. “About the Bali Process.” *Baliprocess.net*, <https://www.baliprocess.net/about-bali-process>, accessed on 20 November 2022.

programs that take into account the specific needs of refugee children.⁴³

Furthermore, ASEAN has created the ASEAN Qualifications Reference Framework (AQRF) to promote the harmonization and recognition of education and training qualifications throughout the ASEAN area, including those obtained by refugees. This framework aims to facilitate the recognition of qualifications earned in one ASEAN member state by other member states, thereby promoting the mobility of students, workers, and professionals within the region.⁴⁴

2.2 Role of AICHR and SEAMEO in Fulfilling the rights of Education of a Child Refugee

2.2.1 Intergovernmental Commission on Human Rights (AICHR)

AICHR was established as an institution inside the ASEAN framework to handle human rights issues. This organization was founded in 2009 during the 15th ASEAN Summit in Thailand, underlining ASEAN's commitment to implementing a proactive approach to strengthening regional collaboration on human rights.⁴⁵ The establishment of AICHR is consistent with Article 14 of the ASEAN Charter, which refers to the ASEAN Human Rights Body. This article contends that promoting and protecting human rights and freedoms is consistent with implementing the ASEAN Charter's ideals.

ASEAN human rights are protected and promoted through the implementation of ASEAN's three pillars, which are political-security, economic, and social-cultural. One of the AICHR's responsibilities is to guarantee that human rights considerations are always taken into account when implementing ASEAN's three pillars. As a result, the implementation of the ASEAN Human Rights Declaration is taken into account in all ASEAN activities.

⁴³ ASEAN Secretariat. "ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth." *Asean.org*, <https://asean.org/storage/2018/11/ASEAN-Declaration-on-Strengthening-Education-for-Out-of-School-Children-and-Youth.pdf>, accessed on 21 November 2022.

⁴⁴ ASEAN Secretariat. "ASEAN Qualifications Reference Framework (AQRF)." *Asean.org*, <https://asean.org/asean-qualifications-reference-framework-aqrf/>, accessed on 21 November 2022.

⁴⁵ ASEAN Intergovernmental Commission on Human Rights (AICHR), "Struktur, Pekerjaan dan Sejarah AICHR." *aichr.org*, <https://aichr.org/about-aichr-2/>, accessed on 29 November 2022.

AICHR is a consultative body between governments and an integral part of the ASEAN organizational structure. AICHR membership consists of ASEAN member states, with each country appointing its representative. In carrying out its duties, AICHR coordinates, consults, and reaches consensus at least twice a year. According to Act 4 *Term of Reference*, AICHR has 14 mandates. As one of the 14 mandates of AICHR and as an organization that promotes and protects human rights, AICHR can encourage ASEAN countries to make their commitment to the ASEAN Human Rights Declaration.

Even if the mandates of the AICHR do not expressly address the right to education, the AICHR can nonetheless assist projects that aim to obtain education. This is achievable since one of the human rights recognized by the ASEAN Human Rights Declaration is education. Regarding its mandates, the AICHR can raise public knowledge of human rights by embracing the theme of education as a means of upholding human rights, as mentioned in the ASEAN Human Rights Declaration. In this way, the AICHR might widen its mandate to include concerns concerning the right to education.

Furthermore, under the mandate of the AICHR, which authorizes it to consult with other regional and international organizations concerned with promoting and safeguarding human rights, the AICHR can make recommendations to regional organizations, particularly on ensuring education for child refugees. Education for child refugees is a part of protecting human rights, and ASEAN member countries have a responsibility to protect this right.

In fulfilling its mandate, AICHR has recognized the importance of education for child refugees and has taken steps to promote their right to education. To illustrate, AICHR has arranged instructional courses for officials of ASEAN member countries regarding the human rights of refugees, which encompasses the right to education. The purpose of these instructional courses is to enhance the proficiency of officials from member countries in advancing and safeguarding the rights of refugees, specifically child refugees, within their respective nations.⁴⁶

⁴⁶ ASEAN Intergovernmental Commission on Human Rights (AICHR). "The Rights of Refugees in ASEAN: An Introduction." *aichr.org*, <https://aichr.org/files/2016/04/AICHR-Booklet-The-Rights-of-Refugees-in-ASEAN.pdf>, accessed on 29 November 2022.

AICHR has also worked to promote awareness of the right to education for child refugees through various publications and public events. For instance, in 2016, AICHR published a booklet titled "The Rights of Refugees in ASEAN: An Introduction," which provides an overview of the rights of refugees, including the right to education. AICHR has also organized public events, such as forums and dialogues, to raise awareness of the challenges faced by child refugees and to promote their right to education.⁴⁷

Furthermore, the AICHR has highlighted the necessity of coordination and cooperation among ASEAN member states in addressing the issues that child refugees experience, particularly the right to education. The AICHR has stressed the need of member nations working together to design and execute policies and programs that encourage the education of child refugees while taking their special needs and circumstances into account.⁴⁸

Furthermore, one of the follow-up actions from the above AICHR mandate is that AICHR has established guidelines on its relationship with Civil Society Organizations, which opens up opportunities for AICHR to coordinate, consult and reach consensus with national civil society organizations, which are defined as naturally or legally formed associations in promoting and protecting human rights.

One option for ensuring refugee children's access to education is to seek the support of civil society organizations within the country. According to point 6 of the guidelines on AICHR-CSO interaction, "AICHR may establish consultative partnerships with national, regional, sub-regional, and international civil society organizations and establishments that are actively engaged in promoting, advancing, and safeguarding human rights and fundamental freedoms." Thus, a national civil society organization can act as an "extension" of AICHR in the issue of fulfilling the right to education for refugee children.

National civil society organizations' assistance is critical in ensuring refugee children's right to an education. These groups can play an important role in influencing

⁴⁷ ASEAN Secretariat. "ASEAN Children's Forum: Building a Child-Friendly ASEAN." *asean.org*, <https://asean.org/asean-childrens-forum-building-child-friendly-asean/>, accessed on 29 November 2022.

⁴⁸ United Nations High Commissioner for Refugees (UNHCR). "ASEAN Policy Brief: Protecting and Finding Solutions for Refugees in the ASEAN Region." *unhcr.org*, <https://www.unhcr.org/59b8225f4.pdf>, accessed on 29 November 2022.

the establishment of national policies aimed at ensuring the right to education, especially for refugee children. Civil society organizations can create public awareness about the importance of fulfilling education for refugee children by giving internal support. This can have a favorable impact on the country's regional and international ties by displaying the country's commitment to human rights.

The AICHR's partnership with Civil Society Organizations in the area of disability rights is one example. AICHR collaborates with community organizations concerned in disability problems, such as the Non-Governmental Organization (NGO) Sasana Integrasi dan Advokat Difabel (SIGAB).⁴⁹ In protecting the rights of people with disabilities, AICHR opens both internal and external spaces related to its authority in protecting and promoting human rights, which provides room for handling human rights of people with disabilities.

The example shows that AICHR can approach the issue of human rights through consultation, coordination, and consensus. This allows AICHR to support the fulfillment of the right to education, opening opportunities for education-related NGOs to play a role in fulfilling education for refugee children.

As part of AICHR, the ASEAN Consultative Body, known as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), plays an essential role in promoting women's and children's rights within ASEAN. The ACWC's obligations are based on its own tasks, which include promoting the rights of women and children in line with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).⁵⁰

The ACWC is founded on the Convention on the Rights of the Child, which involves the provision of education for all children. As a result, ACWC's commitment to fulfill the right to education for refugee children is consistent with the organization's

⁴⁹ Joniyulianto. "Saatnya Hak Kelompok Marjinal Didengar di ASEAN." *sigab.or.id*, <https://www.sigab.or.id/id/article/saatnya-hak-kelompok-marjinal-didengar-di-asean>, accessed on 29 November 2022.

⁵⁰ Asian Forum for Human Rights and Development. "Report on the ACWC+10: Assessing the Commission's Impact on Protecting Women and Children's Rights in ASEAN." *forum-asia.org*, 8 October 2020, <https://www.forum-asia.org/?p=33115>, accessed on 1 January 2023.

mandate.

ACWC's mandate and function include encouraging ASEAN member nations to evaluate their national legislation, regulations, policies, and practices pertaining to women's and children's rights.⁵¹ Thus, ACWC can promote the fulfillment of education rights for refugee children, one of whose obstacles is the lack of commitment and national policies of each ASEAN country.

ACWC has played an effective role in addressing issues related to women and children. For instance, in addressing violence against women and children, ACWC partnered with UN Women Canada to develop guidelines to enhance knowledge and combat violence against women and children.⁵² When looking at how women's and children's rights are being promoted, ACWC plays a substantial role in advancing the development of these rights.

ACWC's work plan includes a date for a workshop focused at preserving the rights of migrant women and children and developing long-term solutions to end violence against them. This workshop is part of the ASEAN-EU cooperation forum and adheres to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁵³

2.2.2 Southeast Asian Ministers of Education Organization (SEAMEO)

Next, the education fulfillment for child refugees needs to involve relevant stakeholders in the field of education. AICHR's involvement in fulfilling education for child refugees can be carried out by coordinating with organizations at the ASEAN level that deal with education. Thus, the role of the ASEAN organization, especially those dealing with education, can also support the effort to fulfill education for child refugees.

⁵¹ Lembaga Bantuan Hukum Jakarta (LBH Jakarta) and the American Bar Association Rule of Law Initiative (ABA ROLI). *Memperkuat Sistem Hak Asasi Manusia ASEAN Melalui Advokasi Hukum Pelatihan Advokasi Hukum Asia Tenggara*, Modul Pelatihan, 2013, p. 66.

⁵² The Association of Southeast Asian Nations (ASEAN). *ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) Work Plan 2016-2020*. Jakarta, ASEAN Secretariat, 2018, p. 6.

⁵³ *Ibid*, p. 11.

One of the organizations in ASEAN in the context of educational cooperation is the Southeast Asian Ministers of Education Organization (SEAMEO). Although, as previously explained, ASEAN countries have their own national policies, including in determining education fulfillment, the existence of SEAMEO opens up opportunities for educational cooperation in ASEAN.

SEAMEO is an intra-government organization established by ASEAN countries. SEAMEO has a vision to become a leading organization to enhance understanding of cooperation in the field of education, science, and culture, and promote sustainable human resources for better quality of life in Southeast Asia and beyond.⁵⁴ As an organization that continues to strive to improve the capabilities of its resources and explore the highest potential of the regional community, SEAMEO carries out various programs and projects aimed at developing human capacities in Southeast Asia.

Therefore, forums within SEAMEO can be one of the vocal points in fulfilling education to child refugees. This is because the highest policy makers in SEAMEO are the SEAMEO Council, which are the education ministers of ASEAN member countries plus Timor Leste. Although at present SEAMEO organization still focuses on the education cooperation of each country, and is more inclined towards meetings that are still routine, it would be good if support for the commitment to fulfill education to child refugees, especially in the ASEAN region, can be done through the SEAMEO forum.

SEAMEO has undertaken various initiatives to address the education needs of refugees and displaced persons in Southeast Asia. Here are a few examples: (a) SEAMEO Regional Center for Educational Innovation and Technology (SEAMEO INNOTECH) developed an online course titled "Teaching Displaced Children in the Context of Crisis and Conflicts." The course aims to provide guidance for teachers working with refugee and displaced children in the region.⁵⁵ (b) In 2018, SEAMEO launched the SEAMEO-Japan Education for Sustainable Development (ESD) Award, which includes a category for initiatives aimed at promoting education for refugees and

⁵⁴ Southeast Asian Minister of Education Organization (SEAMEO). "What is SEAMEO?" *seameo.org*, https://www.seameo.org/Main_about/90, accessed on 21 November 2022.

⁵⁵ Seameo Innotech. "Teaching Displaced Children in the Context of Crisis and Conflicts." *Seameo-innotech.org*, <http://www.seameo-innotech.org/courses/teaching-displaced-children-in-the-context-of-crisis-and-conflicts/>, accessed on 21 November 2022.

displaced persons. The award aims to recognize and promote initiatives that provide education and training opportunities for refugees and displaced persons in the region.⁵⁶

(c) SEAMEO Secretariat has organized workshops and conferences aimed at promoting education for refugee and displaced children. For example, in 2017, SEAMEO organized the International Conference on Education in Emergencies: Preparedness, Response, Recovery, and Resilience, which brought together educators, policymakers, and practitioners to discuss best practices and strategies for providing education in crisis and conflict situations.⁵⁷

SEAMEO has also partnered with other organizations, such as the United Nations High Commissioner for Refugees (UNHCR), to support education initiatives for refugee children. For example, SEAMEO INNOTECH and the UNHCR have collaborated to develop a toolkit for teachers working with refugee and displaced children.⁵⁸

These are just a few examples of the initiatives that SEAMEO has undertaken to address the education needs of refugees and displaced persons in the region. By providing guidance and support for educators working with refugee children and by recognizing and promoting innovative education initiatives, SEAMEO is helping to ensure that refugee children in the region have access to quality education that can help them build a better future.

One of the constraints in fulfilling the right to education for child refugees is also due to the lack of access to formal education for child refugees because national policies and regulations do not provide access. Thus, support from SEAMEO will open up opportunities for access to formal education, especially for child refugees, with the

⁵⁶ Southeast Asian Minister of Education Organization (SEAMEO). “SEAMEO-Japan Education for Sustainable Development Award.” *seameo.org*, https://www.seameo.org/SEAMEOWeb2/index.php?option=com_content&view=article&id=751&Itemid=709, accessed on 21 November 2022.

⁵⁷ Southeast Asian Minister of Education Organization (SEAMEO). “International Conference on Education in Emergencies: Preparedness, Response, Recovery and Resilience.” *seameo.org*, https://www.seameo.org/SEAMEOWeb2/index.php?option=com_content&view=article&id=682&Itemid=662, accessed on 21 November 2022.

⁵⁸ United Nations High Commissioner for Refugees (UNHCR). “Toolkit for Teachers Working with Refugee and Displaced Children.” *unhcr.org*, <https://www.unhcr.org/innovation/educational-tools-for-refugees/toolkit-for-teachers-working-with-refugee-and-displaced-children.html>, accessed on 21 November 2022.

commitment of policy makers in the field of education in each ASEAN country.

3. The European Union's Policy on the Right of Education for Refugee Children: A Lesson from Finland

This study finds it important to see how this issue works out in other regions. Therefore, it brings the EU, especially Finland. The European Union has implemented a number of initiatives to support refugee children in accessing education. These include the creation of the European Asylum, Migration and Integration Fund (AMIF), which provides funding for member states to implement measures to support the integration of refugees, including access to education. The EU has also developed guidelines for member states on the education of refugee children, including the 2016 Council Recommendation on the integration of the children of migrants.

Finland has been successful in offering education to refugee children among EU member states. The education system in Finland is highly developed, emphasizing equal opportunities for quality education for all children, regardless of their origin. This has helped Finland to provide refugee children with equal access to education as Finnish children, which includes language classes and support to integrate into the school system.

This highlights the significance of allocating sufficient resources and providing support to guarantee that refugee children can obtain high-quality education, as seen in the Finnish case. This includes providing language classes, teacher training, and support for integration into the school system. In addition, it is important to involve the wider community, including teachers, local authorities, and non-government organizations, in the integration process to ensure a supportive environment for refugee children.

To sum up, the European Union has made noteworthy strides to guarantee quality education for refugee children, yet there is still a lot more that needs to be accomplished. The Finnish model sets a valuable precedent for other member states, highlighting the significance of providing adequate resources and support for the successful integration of refugee children into the education system.

III. CONCLUSION

Providing education for refugee children is often challenging due to differing national policies and regulations across different states. However, with the support of ASEAN as a regional organization, and by strengthening the principles of ASEAN Ways, it is possible to promote the fulfillment of the right to education while maintaining stability in the region. According to the findings, ASEAN could take various actions to address the refugee education issue in the region. Some possible actions are: to develop a regional policy framework on refugee education; increase funding for refugee education programs; enhance collaboration with international organizations; promote awareness and advocacy; encourage member states to share their best practices and lessons learned on providing education to refugees and asylum seekers.

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