



Beyond capacity or below obligation? Why Rohingya girls are excluded from education in Bangladesh

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Abstract: Bangladesh hosts the world's largest Rohingya refugee population yet has no refugee law. Viewing the camp education system through an intersectional CRC lens reveals that Rohingya adolescent girls' exclusion from post-primary education is a governance choice that constitutes structural discrimination.

In mid-2025, over [1,000 teachers](#) in Bangladesh's Rohingya refugee camps lost their jobs overnight. Funding dried up, learning centres closed, and the fragile education system that served the [world's largest refugee](#) population simply collapsed. For Rohingya adolescent girls — already facing early marriage, trafficking, and a governance system designed to keep them temporary — this was not a crisis. It was the logical conclusion of a policy that was never really about education as a human right. Today, [only 3 percent](#) of school-aged Rohingya girls receive any education in Bangladesh. This piece argues that this is not a capacity failure or a funding accident but reflects structural governance choices that result in intersectional discrimination,

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raising serious concerns under Bangladesh's obligations under international human rights law, particularly the Convention on the Rights of the Child ([CRC](#)). Since the Myanmar military's 2016–2017 'clearance operations' in Rakhine State, over [one million Rohingyas](#) have fled targeted violence and persecution and sought refuge in Bangladesh. The government classifies them as 'Forcibly Displaced Myanmar Nationals' (FDMN) rather than formal refugees. [More than half](#) of this population are children, and they are facing [heightened vulnerability](#) due to lack of ordinary legal safeguards. In particular, adolescent girls are the [most educationally excluded](#), with dropout and non-attendance closely entangled with gendered risks.

Right to education and non-discrimination

Since Bangladesh is not a party to the 1951 [Refugee Convention](#), all refugee-related matters are regulated by the [Foreigners Act, 1946](#). While [Article 17](#) of the Constitution of Bangladesh provides for free and compulsory education for 'all children', this provision is situated within [Part II](#) as a 'Fundamental Principle of State Policy', which is explicitly rendered 'not judicially enforceable' by [Article 8\(2\)](#). On the other hand, provisions on equality and non-discrimination, although placed within the judicially enforceable 'Fundamental Rights', are exclusively guaranteed only to citizens. Therefore, the obligation to educate Rohingya girls without any discrimination is grounded in Bangladesh's international human rights obligations, primarily through the CRC, and secondarily through the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)) and Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#)). However, Bangladesh's dualist system, where [treaties require parliamentary enactment](#) to become domestic law, complicates their direct application.

The primary legal baseline is Articles 2, 3, 22, and 28–29 of the CRC, requiring Bangladesh to ensure non-discriminatory access to children's education and make secondary education practically available and accessible. CRC [General Comment No. 20](#) emphasises that adolescence is a stage where exclusion from post-primary education is especially harmful and requires states to address structural barriers to secondary access. Read with [General Comment No. 14](#), the 'best interests of the child' functions as a decision-making rule for administrative and resource allocation, requiring reasoned assessment rather than blanket presumptions. This is significant in Bangladesh, where constraints on Rohingya girls are not facially neutral but stem from a deliberate policy of treating camp education as temporary and resisting 'integration', allowing the legal framework itself to operate as an exclusionary gatekeeping device.

From a judicial point, in [RMMRU v Bangladesh](#), the High Court Division affirmed that the 1951 Refugee Convention had 'become a part of customary international law'. This has generated polarised debate. While [local scholars broadly accept](#) the view while

criticising its conflation of non-refoulement with the entire Convention, [international scholars remain cautious](#) as it lacks wider authoritative endorsement. Regardless of its reach, the case confirms that Bangladesh's own courts recognise refugee protection obligations — making the governance choices examined here harder to justify.

Intersectionality: gender, refugee and structural barriers

Rohingya girls face overlapping disadvantages—gender, statelessness, poverty, and restrictive camp policies—that compound their exclusion. A purely formal equality approach [fails to capture](#) how policies that appear neutral can have disproportionate effects in practice. In this context, the camp-education system operates not merely as an implementation gap but as a governance design that can function as an exclusionary mechanism.

The CRC's adolescence framework gives this intersectional lens direct legal traction: [General Comment No. 20](#) explicitly calls for analysing discrimination in adolescence through 'intersectionality', noting that 'adolescents may face multiple intersecting forms of discrimination'. For Rohingya girls, these dynamics intersect with restrictive camp policies, creating a sharp 'post-primary cliff' at the transition to secondary education. [Empirical evidence shows](#) that girls' school attendance decreases significantly in contexts marked by early marriage, insecurity, and gender-based violence, demonstrating that educational exclusion and gendered harm are closely interconnected. International standards require states to address these gender-specific barriers, particularly in situations of displacement.

A system designed to collapse

The trajectory of Rohingya education since 2017 suggests a pattern of structural disengagement of state responsibility, calcifying into [de facto discrimination](#). The [Myanmar Curriculum Pilot](#) (MCP), launched in 2021 to standardise learning, remained a segregated parallel system driven by political containment rather than integration. International agencies established more than [3,400 temporary learning centres](#) (TLCs) in over thirty camps, with UNICEF supporting about 2,800 of them. This reliance on a UN/NGO-operated 'shadow' system allowed the state to circumvent its international obligations. The model's fragility was exposed in mid-2025 when funding cuts precipitated a service collapse.

Moreover, the absence of recognised certification systems limits students' ability to progress to higher levels of education. Without accreditation, learning cannot translate into meaningful educational or economic opportunities. By confining education to temporary, non-formal systems, the current approach creates a condition of 'permanent temporariness', where education is provided but never secured as a human right.

Looking forward

Rohingya girls' post-primary exclusion is not merely an implementation deficit but reflects structural choices that entrench intersectional discrimination. Aligning Bangladesh's approach with its obligations under international human rights law requires a shift from temporary provision to durable, rights-based education pathways.

Realistically, first and foremost, Bangladesh can recognise the Rohingyas as 'refugees', even in a limited, education-specific capacity, which would clarify obligations and facilitate integration into formal schooling frameworks on a non-discriminatory basis. Following on that, secondly, it is important to recognise certification and progression pathways by accrediting the Myanmar Curriculum Pilot (or an agreed equivalent), extending provision through secondary grades. Finally, it should strengthen resilient and gender-safe access by creating a 'no-closure' compact for learning centres to protect girls' education during funding cuts, employ more female teachers, and expand safe transport and gender-based referral systems to keep girls in school.

This is not unique to Bangladesh. Across emergency settings, education systems that rely on temporary solutions risk excluding those most vulnerable. A rights-based approach to preparedness requires designing systems that remain inclusive, even in crisis.