Chapter 20

Rethinking Education Policies Within the Axis of Being a Refugee: Refugees and Multiculturalism – Proposals for Turkey

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ABSTRACT

In this chapter, concept of refugees, legal status of refugees, educational rights of refugees, concept of multicultural education are discussed. This section on refugees and immigrants in Turkey, multiculturalism, multicultural education concept aims to investigate basic human right of the refugees, immigrants and asylum seekers, right of education. Principles and recommendations should be produced on structuring and management of multicultural educational environments that would support right and struggle of existence of refugees, who would affect the future social, cultural, economic and political structure of Turkey, in this structure. As a result, in Turkish context, a “Commission for Educational Programs and Strategies for Refugee and Immigrants” that would include multidisciplinary experts and implementers and would be activated within National Education Ministry and organized also in periphery could produce and implement action plans and projects to provide educational rights of immigrants, refugees and asylum seekers in rational, academic, legal, political and humane manner.

INTRODUCTION

Refugees and Refugees Status: Definitions and Rights

Different from individuals changing locations based on their own wants, desires and expectations (immigration), refugees are individuals who had to leave their countries due to political, ethnic, economic factors or war. Immigrants could change their countries with the ability to prepare economic, social and

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individual conditions. They have the hope of returning to their countries when suitable conditions are provided. This hope is almost inexistent for the refugees (Hein, 2008). According to UNHCR Global Report (UNHCR, 2014) while there were 11-15 million refugees in the 1990’s, the same number increased to 51.2 million in 2013 and 59.5 million people were forced out of their countries in 2014. This means that one every 122 people in the world are refugees. Another striking fact is more than half of this population includes children. Also based on UNHRC data, there are 2,733,655 Syrian refugees in Turkey as of September, 2016 (UNHCR, 2014).

As a political, economic and military reflection of the neoliberal and neo-imperial world order prevalent after the world War II, international agreements and protocols were adopted to protect and supervise basic rights and life struggle of the refugees who were forced to migrate based on their race, ethnicity, religious beliefs, membership of a social group or political views (UN Convention Related to the Status of Refugees, 1951; Turkish Office of The United Nations High Commissioner for Refugees).

Refugee status was defined as a basic human right in the Universal Declaration of Human Rights declared in 1948. Right of asylum was defined in the first paragraph of the Universal Declaration of Human Rights Article 14 as: “Everyone has the right to seek and to enjoy in other countries asylum from persecution”. The big population mobilization during and after the 2nd World War in Europe at large prioritized the issues of asylum and refugees in the agenda of the international society and necessitated an international regulation in the topic once more. Representatives of 26 countries met in Geneva, Switzerland and accepted the Convention and Protocol Relating to the Status of Refugees on July 28, 1951 and defined the concept of the refugees for the first time in history and provided a modern list of refugee rights and standards. All conventions penned after the 1951 convention were based on the definition and standards depicted in the former and developed these based on the specific needs of the region in question. According to the 1951 convention, a refugee has the following rights without being subject to discrimination and exempt from the exceptional measures applied to the country of the refugee’s citizenship (Article 8): Freedom of practicing religion (Article 4), access to civil rights (Article 12), right of acquisition of movable and immovable property (Article 13), intellectual and industrial property rights (Article 14), right of association (Article 15), right to have access to courts (Article 16), right to wage-earning employment (Article 17), right to perform a liberal profession (Article 19), right to rationing (Article 20), right of housing (Article 21), right to public education (Article 22), right to public relief (Article 23), right to labor legislation and social security (Article 24) HRAA.

The context of definitions and discussions on refugees and refugee status has changed along with the changes in historical and geographical conditions. The definition was extended to cover oppression and persecution due to beliefs, political crimes and crimes based on political views, and due to race, color and ethnic origins, existence of foreign assault, invasion, alien domination or events that seriously disrupt the public order in the country of origin and compulsory replacement due to national disasters or mordacious events. Council of Europe Territorial Asylum Declaration dated 1977, quoting the previous conventions on refugees and European Convention of Human Rights (ECHR), stated that contracting states should grant the right of asylum to those who seek asylum in their countries. In the declaration, in addition to the definition of 1951 convention, it was stipulated that individuals who seek asylum for “humane reasons” should as well be granted asylum and this addition went beyond the scope of the 1951 convention and was very significant. In Cartagena Declaration on Refugees dated November 19-22, 1984 Article 3, it was stated that the definition of refugees “in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign
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