

A CRITICAL ANALYSIS OF THE UNIVERSAL CLAIMS OF
HUMAN RIGHTS, WITH SPECIAL EMPHASIS ON REFUGEES'
RIGHTS TO EDUCATION

THEONESTE BIMENYIMANA



A THESIS SUMMARY SUBMITTED AS PART OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY
AT THE SCHOOL OF PHILOSOPHY, SOCIOLOGY, AND POLITICAL SCIENCE
WEST UNIVERSITY OF TIMISOARA

June 13, 2024

Supervisor: Professor Silviu E. Rogobete

0.1 Introduction and Thesis Structure

The overall aim of the study was to gain an understanding of the experiences involved in the social integration processes faced by refugees who have been granted legal refugee status in Romania. Placing a central emphasis on critically assessing their access to education, we indirectly aimed to explore refugees' acceptance within the contemporary Romanian community and their efforts to rebuild a meaningful social life. The empirical side of the study involved twenty-two participants, such as legal refugees, government and non-government personnel, as well as educators working with refugees in Timisoara. Using semi-structured interviews, the participants shared their insights, their understanding of and support for refugees' access to education, ensuring equal opportunities, and upholding their education rights to rebuild and enhance their dignity. The interviews were conducted between late 2022 and early 2023.

Our investigation explored several key aspects, including refugee status, comprehension of human rights, equality in human rights compared to nationals, access to education, the impact of education on integration, and potential integration barriers. Interviews were recorded and transcribed for subsequent analysis. Utilizing a qualitative study framework, we employed participatory observation, with thematic narrative analysis used for data analysis and interpretation. Through this approach, we scrutinized participants' statements to identify unique stories and commonalities related to the central topics researched.

In terms of epistemological and ontological considerations, the author briefly addresses several aspects relevant to the research topic, addressing, as the title of the research states, *A Critical Analysis of Universal Claims of Human Rights, with Special Emphasis on Refugees' Rights to Education*. Situated within multiparadigmatic research, our study examines various perspectives and explores the challenges faced by refugees in accessing education through the use of diverse paradigm lenses, drawing on post-positivist, analytic, and social constructivist perspectives. Epistemologically, the study acknowledges the existence of an *actual* world but recognizes that this reality can only

be partially understood and approached through both quantifiable and unmeasurable events. Aligning with critical theory, the study emphasizes power dynamics, while its analysis of collaboratively constructed meaning places it at the intersection of constructivist learning theory. With the author a legal refugee in Romania himself, the study was rooted in an observational approach, examining how decisions in Timisoara regarding refugee rights were influenced by Universal Human Rights principles and Romanian laws.

In our study, we employ a methodology comprising searching for thematic narratives, participant observation, and semi-structured interviews to delve into the intricacies of the refugees' experiences. It is hoped that such qualitative methods not only provide a comprehensive understanding but also offer a human-centric perspective crucial for evaluating the right to education as a pivotal factor in rebuilding a meaningful social life. We identified a disconnect between global refugee regulations and their implementation, hindering refugees' access to education and employment.

Education, being a beacon of hope for a better life, holds significance for everyone, including refugees. The theoretical part covered issues such as human rights, migration theory, and post-colonial theories. Global political issues, along with cultural, economic, and educational factors, played crucial roles in this context. Governments that neglect economic growth, political participation, and human rights erode trust and prompt people to flee their homes, extending beyond refugees. Host governments should prioritize safety and inclusivity by supporting refugee education as an integral part of the national system. Collaboration with humanitarian organizations is essential, focusing on the legitimacy of education and access to schools.

Our research explored the impact of education on refugees and examined the roles of humanitarian groups, the government, and Romanian laws in facilitating refugee education. Employing narrative thematic data analysis, our study underscored the critical role of education for refugees in Timisoara in rebuilding their lives and fostering their integration into society. Furthermore, our findings are intended to contribute

innovative insights by applying advanced analytical techniques to discern patterns in this field. Additionally, we offered practical recommendations for policymakers on how the Romanian legal framework influences refugees' social integration. The thesis, although being thematically linked as a whole around the main research objectives, is structured around two already published articles and two more under revision. In June 2021, a paper was published, "The State of Human Rights in African Postcolonial Politics" (pp. 83–106), in *Universitatis Babe-Bolyai. Studia Europaea* lays the foundational framework for exploring human rights within post-colonial African politics, directly informing the current thesis.

In June 2023, the work continued with "Education Rights and Refugees in the European Context," published in the *Polis Journal of Political Science*. This publication expanded the research scope, offering insights into the interplay between education rights and refugee experiences in Europe. Ongoing research integral to the thesis is under review for two publications: "EU Refugee Laws in Light of Humanitarian Norms: Pros and Cons," proposed for publication in September 2023 in the *Columbia Human Rights Law Review*, aligns with the overarching theme of refugee rights within the European Union, enhancing the thesis critically. Similarly, "Romanian Asylum Law in Light of International Refugee Law," proposed for publication in November 2023 in the *Journal of Legal Studies*, explores Romanian asylum laws within the international refugee law framework, enriching the thesis with regional legal perspectives. These publications collectively form integral components, weaving a wider narrative around human rights, refugee education, and asylum laws.

0.2 Question and Objectives

Before transitioning to stating objectives, this is the overall question that led the author into this research: "What does it take for refugees to rebuild a meaningful socially integrated life in contemporary Romania?" This can be rephrased in the study context: The search for meaningful integration of refugees in contemporary Romania. Therefore,

the broad objective is to enhance refugees' access to a socially integrated life, ensuring consistent educational opportunities. In order to do so, the central question of the thesis revolves around the issue of the right to education offered to legal refugees in Romania. Hence, some of the main objectives addressed include assessing what knowledge do refugees have regarding their rights in general and their right to education in particular. How accessible are such knowledge and such rights for them? Who are the key actors involved in the process, and what is their attitude towards granting refugees both access and support related to their right to education? This research contributes to the broader framework of international refugee studies, shedding light on the specific dynamics in Romania.

This study is of significance as it equips reflective practitioners with a possible tool to harness knowledge about both universal and relative human rights. This, in turn, raises awareness of Romania's responsibility to provide services, activities, and programs that are relevant and accessible to refugees in alignment with their right to education. Concurrently, our research seeks to empower refugees by raising awareness of their educational rights and facilitating access to education support. We hypothesize that comprehending the right to education and ensuring its consistent accessibility are pivotal factors in aiding refugees in achieving social integration. Furthermore, our intent is to analyze the intricate interplay between the Romanian government, humanitarian organizations, and educators, all collaborating to support refugees. It is hoped that this analysis will provide insights into how these entities can collectively enhance the situation for refugees in Romania.

0.3 Theoretical Framework and Design

This section presents the theoretical framework and how it shaped the philosophical perspectives on the world of refugee knowledge. It has been argued that refugees face socioeconomic exclusion in the Timisoara community. This exclusion highlights the lack of enforceable positive principles rooted in John Rawls' (2001) argument on

equality within the community, specifically regarding justice and the fair integration of refugees into community systems (Latif, 2023). Vasile (2018) further argued that Romanian legislation, such as Law 122/2006 on asylum in Romania and Government Ordinance 44/2004 on integration in Romania, is influenced by funding dynamics. Their argument raises questions about the shared responsibilities among Romanian institutions for refugee integration, as advocated by Martin et al. (2019). In addition, these legislative influences also tell us whether the institutions view refugee education as an unpredictable future, in light of the refugee right to education (Dryden-Peterson, 2017). Hence, Mareci et al.'s (2023) work appeals to these institutions that should provide more support to refugee education than to that of nationals.

The study is theoretically rooted in Jack Donnelly's seminal work (Donnelly, 2013) and encompasses diverse disciplines, including politics, sociology, international relations, and international law. We employ migration theory and postcolonial theory to scrutinize how African postcolonial politics influence refugee migration in contemporary discourse (Schaub, 2023; Mbembe, 2001). Human rights theory, with a specific focus on asylum rights and educational rights (Milazzo, 2023; Rap, 2023; Mareci, 2023), along with social capital theory (D'Ingiullo, 2023), is used to analyze the multifaceted political, ethical, and legal dimensions of individuals' rights upon seeking asylum in another country. We also explore how Rawls's (2001) theory of justice and fairness offers a constructive solution for the successful integration of refugees (Latif, 2023).

The main hypothesis of the study is that understanding the right to education and being provided consistent access to it are key factors in assisting refugees to pursue social integration. This hypothesis was explored in several key aspects, including—refugee status, comprehension of human rights, equality of human rights compared to nationals, access to education, the impact of education on integration, and potential integration barriers. The study is designed around five distinct sub-research questions explored through three types of knowledge at the theoretical level. First, what are the political, socioeconomic, and educational dynamics of refugees? We answer this question by

navigating through factual knowledge. Second, why do individuals seek refuge in other countries, considering factors such as war zones, economic deprivation, and human rights violations? Third, what do we do with refugees coming to our door? By examining procedural knowledge, we analyze the Timisoara community's hosting procedures through the lens of international refugee law, Romanian law, and the EU Human Rights Charter. Finally (conceptual knowledge), we explore what rights are available for legal refugees by discerning these rights' conceptualization over time in political, ethical, and legal definitions. We also investigate how various relevant actors in Timisoara offer a universal framework for these rights' implementation, focusing on the educational rights of refugees.

This transition leads us to an empirical examination of metacognitive knowledge. It addresses more inquiries that revolve around the primary obstacles encountered by refugees in their pursuit of meaningful life and social integration. Subsequently, we probe the role and significance of the right to education in this process, constituting our fourth sub-research question. Lastly, our fifth sub-research question scrutinizes the essential components requisite for facilitating a meaningful integration process founded upon the right to education, each meticulously designed to examine participants' perspectives. We explicitly apply Rawlsian principles, leveraging conceptual principles from Latif's (2023) interpretation of the theory of justice. We argue that such an approach aligns with the practices of a well-organized society within a constitutional democracy. Thus, policy practices in Timisoara have the potential to translate Rawls' theory into action, calling for the fair integration of refugees into all ministerial programs.

0.4 Methodology

The author now turns to justifying and explaining what data collection and interpretation methods were applied and why. This investigation aimed to learn how others (study subjects) think about refugees' rights to education. For the data collection, we used

participant observations and semi-structured interviews. Looking at people's experiences and how people make meaning in the world (Montgomery, 2014), both methods combined provide the right tools to understand how individuals in the Timisoara community understand what rights they have and how such rights are being made available. As such, it helps researchers understand the purpose behind participant observation through shared testimonies and the core commitments of refugees regarding their right to education.

The author transitioned from using structured codes, which treated statements merely as data points, to employing thematic narrative analysis. This methodological shift allowed for a deeper engagement with the narratives within the data, providing richer insights. In-depth interview questions were chosen over surveys, as the researcher wanted the story to emerge through access to narratives rather than through a survey with short or preset answers. The people involved in the study were legal refugees, government and non-government employees, and educators. Why: as the sample is involved and working with the refugee sector in Timisoara. They shared their insights, their understanding of and support for refugees' access to education, ensuring equal opportunities, and upholding their education rights to rebuild and enhance their dignity.

For the interpretation of the data collected through the interviews, the study initially employed a codified structure based on the work of Auerbach and Silverstein (2003). Their methodology emphasizes the importance of coding as a framework to guide researchers back to their primary research concerns. This coding approach enabled the author to identify and synthesize distinct themes into broader categories. For example, the code concerning support for refugees' rights included both the willingness for educational inclusion and its counterpart, unwillingness. This comprehensive coding strategy captured the full spectrum of factors influencing refugee inclusion in the educational sector.

Following the coding process, thematic narrative analysis was employed to delve deeper into several key topics: refugees and education, integration and the right to education, integration challenges and educational gaps, institutional policy and asylum law, refugees and the Timis County School Inspectorate, and the implications of incompetence and lack of resources. These themes emerged directly from the participants' statements, allowing for a nuanced understanding of their attitudes and reflections. Thematic narrative analysis facilitated a richer insight into the participants' perspectives, ensuring a thorough examination of the issues surrounding refugee inclusion in education.

As we transitioned to the results discussion, we demonstrated the fitness of participant observation in our study. Here is how participant observation fits both study context and purpose: It has "an agenda for social change that embodies the belief of pooling knowledge to define a problem in order for it to be resolved," as cited in Macdonald's work (2012). It fits the study context, as it looks at whether refugees have what it takes to change their social life to copy contemporary Romania's social life. Participant observation fits the study's purpose, as we want to share knowledge of what might be either obstacles or opportunities for that social change to suggest solutions where needed. Why the methods were chosen: It assumes that a refugee's story is important. It can tell us something useful. Refugees' stories are social products, not facts. The evidence suggests that people's stories are important (Hansen and Kahnweiler, 1993; Martin, 1982; Herman, 2012). Participant observation was chosen over participatory action research, as the researcher is not in the position of taking action but instead is pooling knowledge on what may be the result or findings of his study.

0.5 Results

The interviews were conducted between late 2022 and early 2023, involving participants from diverse backgrounds. The main hypothesis of the study, namely that understanding the right to education and granting access to it are key factors in assisting legal refugees

to have an easier social integration seem to be proven right in regard to the small community investigated in the present research. Having explored several key aspects such as refugee status, comprehension of human rights, equality of human rights compared to nationals, access to education, the impact of education on integration, and potential integration barriers, we can present some of the findings.

First, no funds are available to run programs that enable the successful integration of refugees. Second, immigration should aim to professionalize its officers to comply with the national-Romanian legal framework that governs their rights. Third, in theory, they are the same under the law, but in practice, they are not. These statements reveal a barrier to the successful integration of refugees. Refugees often face conflicting responses from the communities they encounter, as illuminated by Mihai (2016). This complexity underscores the unresolved question of whom Romanians perceive as potential hosts if their government rejects refugee acceptance. Despite the presented evidence, this query remains unanswered, warranting further investigation.

0.6 Conclusions

Before detailing the conclusions, which take us back to the literature, conceptual framework, and issues raised earlier, demonstrate how results and identified patterns make innovative contributions to the field. Some of the findings were shared at the Times's County Prefecture and the Faber Community Center. Where the experiments conducted in the thesis are reshaping how Timisoara views refugees, they signify for the profession, as in how to alter our theories and how it will impact our practices. In other words, the author subsequently viewed how Timisoara society shifted from refugee shelters to integrating them into higher education. A scholarship for refugees at the West University of Timisoara, partnered with UNHCR, aims to make their education relevant to the community.

Therefore we turn our focus to answering raised questions: First, we provided a glimpse into migration, postcolonialism, refugees and their homes, and human rights dynamics. We asked: What are the political, socioeconomic, and educational dynamics of refugees? This question can be rephrased as: Why do individuals seek refuge in other countries, considering factors such as war zones, economic deprivation, and human rights violations? Our findings indicate that the need for real politics often prevails over the need for ethics, and the need for security tends to override liberal ideas of freedom and human rights. This dynamic underscores that people, including refugees, flee from war and poverty due to these compelling factors.

Secondly, we inquired: What do we do with refugees coming to our door? This can be rephrased as examining the hosting process through procedural knowledge. We found disparities in international refugee law, Romanian law, and the EU Human Rights Charter. This prompts a rethinking of Law 122/2006 on asylum in Romania and Government Ordinance 44/2004 on integration. The right to justice can serve as a bridge towards addressing the underlying inequalities and marginalization faced by refugees. This approach aims to advance principles of justice and fairness within the context of refugee rights and social justice.

Thirdly, we explored: What rights are available for legal refugees, and how have these rights been conceptualized over time in political, ethical, and legal definitions? We found an appeal to the validity of refugee rights that pertains to civil, judicial, and socioeconomic rights. However, there is limited understanding of the potential factors contributing to refugees' lack of participation in socioeconomic activities once they attain refugee status. Empirical investigations reveal that refugees face significant difficulties in integration. For example, in Timisoara, authorities often neglect and disregard adherence to asylum laws. Educational rights play a crucial role in enabling refugees to rebuild their social lives. Moreover, the study introduces *refugee education* as a means to the enforceability of their rights, as in to comprehend their rights and claim them.