Protecting the Rightless - Are Refugees’ Rights Still the Paradox of Human Rights?

A Case Study of Refugee Children’s Access to Education in Lebanon

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Abstract

This thesis explores the relationship between citizenship and human rights by focusing on refugee’s rights. The study is based on Hannah Arendt’s theories that when someone loses state-protection human rights appear weak, and one finds oneself in a state of rightlessness (1976). She developed her thoughts during the refugee crisis after the Second World War, and by discussing her theories in relationship to a field study performed in Lebanon this thesis applies her theories on the current refugee crisis, investigating how applicable her theories are on refugees today. This opens up a discussion on if and how the modern human right framework has managed to solve some of the issues that were present for refugees more than 50 years ago.

The empirical study is based on a minor field study in Lebanon concerning refugee children’s right to education. By performing interviews and observations, the obstacles that these children face are presented and analysed according to a framework on vulnerabilities that migrant’s face developed by Sabates-Wheeler and Feldman (2011). The result of this study is a discussion that connects the theoretical framework with the empirical findings by discussing traits in the relevant theories in connection to the case study. The thesis finally concludes that many vulnerabilities that Arendt discussed still affects refugee’s lives today, despite the development of human rights.
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>ICPCR</td>
<td>International Convention on Political and Civil Rights</td>
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<td>ICECSR</td>
<td>International Convention on Economic, Cultural and Social Rights</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>MEHE</td>
<td>Ministry of Education and Higher Education</td>
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<td>NGO</td>
<td>Non-governmental organization</td>
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<td>RACE</td>
<td>Reaching All Children with Education</td>
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<td>UDHR</td>
<td>Universal Declaration on Human Rights</td>
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<td>UNHCR</td>
<td>Office of the United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children’s Emergency Fund</td>
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<td>UNRWA</td>
<td>United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
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1. Introduction

“No paradox of contemporary politics is filled with more poignant irony, than the discrepancy between the efforts of well-meaning idealists who stubbornly insist on regarding as ‘inalienable’ those human rights which are enjoyed only by the citizens of the most prosperous and civilized countries, and the situation of the rightless themselves” (Arendt 1976:279)

Human Rights claim to be universal and fundamental to every human being independent of citizenship or other group belonging. Despite this human rights are being gravely violated every day. There seems to be a gap between having human rights and actually enjoying these rights. This fact appears most clear when looking at internationally displaced and stateless persons rights. Even though they as human beings can be said to have these rights, it is not always clear how they should be protected and whose duty it is to ensure the implementation of these rights. Hannah Arendt recognized this fact after the second world war and labeled it the “paradox of human rights” – that universal human rights fail the people who are in the greatest need of them. She referred to the millions of refugees after the war and during the interwar period as de facto stateless, since they were lacking all forms of state protection (Arendt, 1976:279). Many decades later the human rights system and strives towards international justice has grown significantly, and norms of human rights are being recognized by almost all nations on earth. With these modern institutions in place are human rights, as Arendt criticized them for in 1951, only the dream of well-meaning idealists or can they actually function as a concrete system to protect fundamental rights for all human beings?

At the moment the world is experiencing the worst refugee crisis since the times when Arendt developed her thoughts. The complex situation has once again placed millions of people in a state of de facto statelessness, and severe human rights violations are taking place as a result of the crisis. Difficulties in protecting the human rights of these vulnerable people highlights that the paradox that Arendt described already in 1951 still causes problems today. The ability to protect people that have lost their rights as citizens really puts the strength of the modern international institutions of human rights to the test. This thesis will apply Arendt’s theories on the plight of refugees today. Does being nationless today still automatically imply rightlessness, or can the modern human rights system contribute to actual implementation of rights even for the most vulnerable? The theoretical base of the study will be Arendt’s discussion on the paradox of human rights, political belonging, and a right to have rights. More recent scholars who have analysed and developed Arendt’s theories will also contribute to the theoretical discussion. This study will furthermore discuss
critical theories regarding the implementation of human rights and different
determinations of vulnerabilities that might affect refugees trying to claim
their rights. The final discussion revolves around Arendt’s paradox of human
rights and its presence in today’s world.

A case study on refugee children’s right to education in Lebanon will make
up the empirical base of this thesis. Lebanon is the country in the world that
has the highest number of refugees in relation to population, with up to 2
million refugees and a Lebanese population of only 4 million (UNHCR,
2015). The field research done through this study brings a greater
understanding on what vulnerabilities that refugee children face that threaten
their right to education. The case study has been performed by conducting
semi-structured interviews and observations with informants involved in, or
affected by the issue of refugee children’s access to education. With the
guidance of a framework mapping migrant-specific and migrant-intensified
vulnerabilities relating to social protection, the results from the study will be
presented and contribute to the understanding on how refugee’s human
rights are affected by their stateless status.

Studying this case together with the relevant theories will demonstrate in
what ways the paradox within human rights that Arendt identified affects
refugees today. In a qualitative way the potential effects of Arendt’s
dilemma on the refugee children in Lebanon will be discussed in depth. This
will provide a fruitful discussion on this foundational dilemma of human
rights with examples from a very contemporary refugee situation. By better
understanding in what ways the children analysed in this study risk human
rights violations, this thesis will also contribute to the discussion on the
relationship between human rights and the modern state in today’s
globalized world.

1.1 Aim

This study combines theoretical and practical aims since the topic presents a
highly contemporary social issue, while at the same time touching on some
of the most basic foundational dilemmas of human rights theory. The
theoretical aim of the thesis is to explore if and how Arendt’s paradox is
present today, despite the development of modern human rights institutions.
The idea of universal human rights is that it should apply to every human
being, regardless of citizenship, nationality or any other group belonging.
Arendt claimed that these thoughts were purely idealistic during her time,
and that the actual reality of human rights failed the people who were in the
greatest need of them. Considering the refugee situation in the world at the
moment the application of the discussion of Arendt’s paradox seems highly
relevant, and one aim of this thesis is therefore to study and discuss the
actual implementation of human rights. Does the statement that *everyone has human rights* only imply that some basic rights are being recognized, or can one only be said to have human rights when these rights actually can be realized and are protected? This thesis will try to bring light to the gap between having human rights and actually enjoying them, and how this affects *de facto* stateless persons today. In claiming that human rights are universal and independent of citizenship, an important question to explore is how dependent the implementation of human rights is of functioning state protection.

The field study on refugee children’s right to education in Lebanon today highlights this question. Lebanon has the highest number of refugees relating to population in the world, and their social and political system is being severely tested by the situation. The Convention on the Rights of the Child is the world’s most widely ratified human rights treaty and refugee children’s right to education is recognized by Lebanon as well as by the international community, but still many refugee children remain out of school. One important aim of the field research is to gain a better understanding on where the problems arise in the implementation of the right to education for these children. Developing a deeper understanding of the problems and challenges is necessary in order to eventually understand how measures to protect human rights for stateless people can be formed in the most effective way. In studying how the Lebanese government and humanitarian organizations are working to protect refugee children’s right to education, a better knowledge on how human rights can be implemented without the protection of citizenship can be achieved. However, the aim of the field-research is not to examine these actors work in detail, but to study how vulnerabilities related to being stateless affects one’s access to education.

### 1.2 Research Questions and Hypotheses

The research questions of this thesis are:

- **In what ways do the paradox identified by Hannah Arendt affect refugees today?** How does lack of state-protection affect people’s human rights? What are some vulnerabilities that these people face?
- **What issues threaten refugee children’s access to education in Lebanon?**
- **Why do these challenges arise and how do they threaten refugee children’s right to education?**
This thesis will have two broad hypotheses connected to the research question and theories. The first hypothesis is that since these children lack state-protection, the obstacles the refugee children face will be similar to the vulnerabilities discussed in Sabates-Wheeler and Feldman’s framework, and that they are determined by similar factors.

The second hypothesis is connected to Arendt’s theories. If Arendt’s theories are to be relevant on this case, the issues that she addresses in her paradox should in somehow affect the children’s right to education. The second hypothesis is therefore that traits in her theories will be recognizable in this empirical case, and that the paradox she recognized still affects refugees today.

1.3 Central Concepts

1.3.1 Human Rights

The way we view human rights today is the result of centuries of philosophers thinking on universal ethics. The modern human rights framework was developed after the Second World War, around the same time that Arendt expressed her major criticism on the “idealistic project of the rights of man” in *The Origins of Totalitarianism (1951)*. The Universal Declaration of Human Rights was established in 1948, following a long process of agreeing on what rights that should be seen as inalienable and universal. Human rights can be said to be moral and legal international norms on how humans should behave towards each other. They are regulated through international treaties and declarations that are signed and ratified by states. After the UDHR the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were developed, together forming the foundations for modern human rights. Since the development of these foundations numerous human rights treaties have been developed and ratified by countries all over the world (Donnelly, 2013:24).

Donnelly describes human rights as rights “one have because one is human” (Donnelly, 2013:7). He defends human rights as they are formed today as being universal, since they find consensus on their foundations in diverse cultures around the world. He claims that human rights are the results of an overlapping consensus on human behaviour and therefore can be said to be universal (Ibid: 96,108). The true universality of these rights is however widely debated. The most common objective to the universality is the argument of cultural relativism. The argument is based on the notion that
human rights developed from western values and that human rights at its worst can be a new form of imperialism. Cultural relativists mean that human rights focus too much on western values when putting so much weight on the individual human being. A common example is that of Asian authoritarian states that have reached high economic well being without adopting the western values of human rights. Critics of cultural relativism wave this argument off as an attempt to legitimize authoritarian leadership and human rights abuse (Lower, 2013). Donnelly tries to solve this argument by adopting a view that combines universality and cultural relativism, meaning that human rights can be slightly adjusted to different cultures without losing its universal foundations (Donnelly, 2013,).

State parties obligations to implement and respect rights of non-nationals are not always clear in international law. According to ICCP article 2.1:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UN General Assembly, 1966a).

This article implies that, differing from civil rights; human rights should be respected towards all human beings on a states territory, including non-nationals. However, article 3.3 of the International Covenant on Economic, Social and Cultural Rights states that developing countries may determine to what extent they would guarantee the rights of the covenant to non-nationals (UN General Assembly, 1966b). The right to education is regulated by this covenant and state parties obligation to provide education for everyone is therefore a debatable topic. This thesis will propagate that the purpose of human rights are to be universal and indivisible to all, according to the claim in the UDHR, and scrutinize the reality of this in regard to de facto statelessness.

1.3.2 Right to Education

The right to education is found in article 13 of the ICESCR (UN General Assembly, 1966b), as well as in article 28 of the Convention on the rights of the Child where it is expressed and developed further from a child rights perspective. The Convention on the Rights of the Child came into force September 2nd 1990, and is today with its 194 state parties the most widely ratified human rights treaty in the world. The CRC together with the
International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention); the International Convention on the Elimination of All Forms of Racial Discrimination (Race Discrimination Convention); and the Convention on the Elimination of All Forms of Discrimination against Women (Women’s Convention) form the six core human rights treaties. All nations on earth have ratified at least one of these, and most nations all of them. All countries in the United Nations except for Somalia, The United States and South Sudan have ratified the CRC. Lebanon ratified the CRC the 14th of May 1991. The CRC’s functions is to promote the rights of children, protecting their right to survive, develop, be heard and reach their full potential. The human rights outlined in other human rights treaties, such as the UDHR, apply to children as well as adults, but the CRC’s function is to bring together the rights concerning children and more clearly articulate how children should be viewed from a human rights perspective. The CRC clearly expresses that all children are equal and have the same rights, always putting the interest of the child first (UNICEF, 2014a).

Article 28 of the CRC recognizes the right of the child to education. It states that the parties should provide primary education to all children. Primary education should be free, accessible and compulsory. Article 28 also states that the parties should encourage different kinds of secondary and higher education and strive after making this accessible to all children. Article 28.3 further states that international cooperation should be encouraged relating to education, and that the needs of developing countries should be given special attention when promoting international cooperation.

Article 22 of the CRC outlines the parties’ responsibilities towards children considered as refugees residing in their country. Article 22.1 states that:

“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.” (UN General Assembly, 1989).
This article provides refugee children with the same set of rights as enjoyed by other children under the CRC. Since the CRC and the ICESCR includes the right to education, article 22.1 of the CRC ensures that children being considered as refugees also hold these rights. Article 22.2 further states that state parties should cooperate with the United Nations and other competent NGOs in order to ensure that the rights set out in the CRC are protected also for refugee children (UN General Assembly, 1989).

1.3.3 Refugee/stateless/migrant

In this study the term migrant is understood in a broader sense, referring to all people who reside outside of their home state. This is demonstrated in the framework developed by Sabates-Wheeler and Feldman. The term refugee is used for people who have unwillingly left their home state due to prosecution, war, or other external factors. In this thesis refugees only refer to internationally displaced people, since their rights are the unit of analysis. Refugees are the focus of this study, and even though many theories and results might be applicable to migrants in a wider sense, the main focus here is on refugees.

The word stateless is also used, in this thesis referring to Arendt’s wider definition of the term – referring not only to people who do not have a legal nationality, but also to those who have de facto lost all kind of state protection. This means that the terms de facto stateless and refugee is in a way used interchangeable throughout this thesis. The term stateless is mostly used to connect the discussion to the theories used.

1.4 Significance

This study carries both theoretical and empirical significance. Theoretically, it is important to understand the relation between human rights and the state and how modern international human rights institutions have affected this relationship. Empirically, it is crucial to understand what vulnerabilities that non-citizens face in todays world in order to understand how human rights practices and norms should be developed to address these people’s needs.

Arendt’s theories have been discussed and developed by many scholars, and her name has recently been mentioned a lot in theoretical and political discussions on the current refugee crisis. For example, a recent New York-times opinionator on the crisis expressed the need to review Arendt’s thoughts in order to finally find a way to politically include all human beings (Boehm, 2015). On a more academic note, Ayten Gündoğdu presents a
lengthy discussion on Arendt in relation to modern day migrants in her recent *Rightless in an Age of Rights* (2015). However, her reading and analyse of Arendt stays on a philosophical level. This study will discuss, and to a certain extent try to test, how relevant the issues discussed by Arendt are today by using a contemporary empirical case study. Doing field research on the topic will provide a more concrete presentation on how nationality status effects ones human rights. Since the world is becoming more interlinked, while countries at the same time are enforcing more restrictive migration laws, it appears essential to better understand the link between human rights and nationality. Testing the human rights paradox that Arendt describes in relation to a specific right, will also contribute to the discussion on to what extent modern human right institutions provide a solution to the paradox.

The case study of Lebanon is highly significant since it is the country in the world that has the most refugees in relation to its population. Around 25% of the residents in the country are not Lebanese citizens. If human rights are not applicable to a fourth of a country’s human beings, can they then really be said to be human rights? The number of refugees around the world is the highest since after the second world war, and with no clear end to the situation in sight, it appears essential to better understand what vulnerabilities that affects and threatens refugees human rights.

1.5 Delimitations and Limitations

The question of refugees rights and the study of stateless people in the world today is a complex and broad topic, therefore this study has some deliberate delimitations. The focus of this thesis is to combine foundational human rights theories with contemporary empirical study. It discusses the protection of refugees’ human rights today in relation to Arendt and other theoreticians. The empiric research on refugee children’s right to education's purpose is to explore and examine this question. The aim is not to give an exhaustive report about the life situation for refugees in Lebanon today, nor on the situation for refugee children in regard to education. The thesis does not strive to come up with a detailed answer on how measures to work with refugee children’s access to education should be formed, but rather intends to explore the obstacles that these children face that prevents them from enjoying their right to education. The unit of analysis in the case study is therefore the obstacles that hinder refugee children from accessing education.

The thesis theoretically focuses on the rights of all refugees in Lebanon and does not in detail describe the difference between newly settled Syrian refugees and the Palestinian refugees that have resided in the country for a
longer period of time. Due to the low socioeconomic status of Palestinian camps in Lebanon, many Syrian refugees have settled inside these camps. However, most of the organizations that have been interviewed have started their work after the crisis started in Syria 2011, since the number of refugees in Lebanon increased significantly after this. Because of this the empirical study focuses only on Syrian refugees. It is also in relation to this crisis that the government of Lebanon launched its Reaching All Children with Education (RACE)-strategy (2014), with the intention to enable as many children as possible access to formal education. The situation for Palestinians is a bit different due to the accepted presence of UNRWA schools around the country that specifically cater to these children.

The study also has some limitations, these have tried to been handled with awareness and in the best possible way. One limitation is that the security situation in Lebanon has made some areas of the country out of reach for me to visit. Even though the research has not been performed in these areas informants that are working in these regions have participated in the study, solving this limitation. Overall the study has tried to include actors who work in both urban and rural areas.

Another limitation might be related to the choice of using interviews as the main information gathering method. Performing interviews in the best way possible requires practice and experience. My role as an interviewer can be very important and I have carefully tried to consider how I approach my informants. Despite this, me being a westerner from a different, in many ways more privileged society, might affect the information I am given. This could especially be a problem when dealing with NGOs that are dependent on outside funding and therefore might have an interest in coming off in a positive light. To avoid this I have tried to be clear with the fact that I am a student and in what way the material that the informants provide me with will be used. I have also complemented my interviews with participant observations, enabling me to see the NGOs and schools’ work first-hand.

This being a qualitative case study allows it to understand and demonstrate a contemporary issue through an empirical case, the purpose is not for it to be generalizable in a wide sense, but instead to discover the topic and specific case more in-depth. Even though some of the theories used focus on all categories of migrants, and that some of the results of the study might be applicable on for example migrant-workers as well, the focus of the field study is on the Syrian refugees currently residing in Lebanon.
1.6 Disposition

This thesis will be divided in 7 chapters with several subheads. A chapter presenting the Lebanese context and the background of the topic of the thesis will be following this introducing chapter. A discussion and presentation of previous research and the theoretical framework will be provided in chapter 3. Chapter 4 consist of a presentation of the research design and a discussion on the method used for the field study. The results from the case study will be presented in chapter 5, and chapter 6 will connect these results with the theory and provide the analytical discussion of this thesis. Finally, Chapter 7 presents conclusions and suggestions for further research.

2. Background

2.1 Lebanese Context

The political division of society in Lebanon has become even deeper due to the Syrian crisis. Many of Lebanon’s Sunnis support the rebels uprising against Assad, while many Shias sympathizing with Hezbollah support the Syrian president. During the Lebanese civil war Syria played a big role, and they kept their forces in the country until the murder of politician Rafik Hariri in 2005. Since the murder the politics in Lebanon has been divided between the pro-Syrian coalition 8th of March alliance, and the anti-Syrian 14th of march alliance. This division has in several cases led to escalations of Lebanon’s own sectarian conflicts. The unstable situation in the region has also led to the decision of the parliament to postpone elections in the country. The latest election was in 2009 and the new elections have been postponed 3 times, now being scheduled for 2017. The political division has moreover led to failure of the parliament to elect a new president after Michel Suleiman’s tenure ended in 2014 (European Forum for Democracy and Solidarity, 2016).

The high number of refugees arriving in Lebanon since 2011 has affected almost all aspects of Lebanese society. The huge increase in population has strained the health, education and social sector through higher demand as well as higher costs for the Lebanese government. The labour force has grown with up to 50% since 2011 and the unemployment rate, which was already high, is peaking. This has led to that besides from the refugees, more and more Lebanese are finding themselves in vulnerable situations. According to an assessment by the World Bank, the crisis had by 2013 pushed an estimation of 170,000 Lebanese citizens into poverty, with the ones already in poverty falling even deeper into it.
Besides this water, sanitary and electronic systems are being stretched. Lebanese public finances were weak already before the Syrian crisis and the international financial aid that the Lebanese government is receiving to address the refugee crisis is not nearly enough (World bank, 2013). Lebanon has shown great generosity in regard to the crisis in its neighbouring country, but with international funding not living up to its promises, these economic strains are leading to increased frustration towards the refugees residing in the country (Bou Saab, 2015).

2.2 The Refugee Situation in Lebanon

Lebanon has received the highest number of Syrian refugees in the world. Since the civil war in Syria started in 2011, Lebanon by the beginning of 2015 hosted over 1.3 million registered Syrian refugees. With more refugees arriving everyday, the unregistered number is on the rise and the Syrian refugees are estimated to make up more than 25% of the Lebanese population. Estimates of the real number of Syrian refugees in the country vary between 1 and 2 million, but since the crisis is continuing most estimations put the number as being closer or even above 2 million. These high numbers are putting an enormous pressure on Lebanese politics and economics, as well as on the host communities’ hospitality (UNHCR, 2015). Since the crisis has worsened and the situation is becoming more protracted, Lebanon has lately started using harder measures against the influx of Syrian refugees. In May 2015 the government instructed the UNHCR to stop registering new refugees and new legislation is making it more difficult for Syrians to reside legally inside Lebanon (Alabastar, 2016).

While governments of Syria’s other neighbouring countries have chosen to host the refugees in large formal camps set up in cooperation with the UNHCR, Lebanon has due to political reasons not established such camps. One reason behind this is that Lebanon already before the conflict in Syria hosted over 500,000 Palestinian refugees that have resided in formal camps for over 60 years. This has made many decision makers in Lebanon hesitant to establishing formal camps for the Syrian refugees, worrying that this will encourage them to stay in Lebanon permanently. Other policy makers claim that not creating camps offers a more dignified and self-reliant lifestyle for the refugees, giving them a better opportunity to control their own situation. In reality, not having any formal camps has placed the around 1.5 million Syrian refugees in informal settlements, with the poorest people living in makeshift camps, garages and abandoned buildings. The lack of official camps also complicates aid deliveries, leaving some people residing in remote conditions without support (Rainey, 2015). Because of this
development many humanitarian actors, including representatives from the UN and International Crisis Group, have been pressuring the Lebanese government to consider allowing the establishment of official camps.

There are also complicated political reasons behind the Lebanese governments opposition against refugee camps. The highly influential militant Shia movement Hezbollah are one of Syrian president Assad’s most important allies, and they have been the most important voice against formal camps, believing that it might lead to many anti-Assad Sunni Muslim refugees settling in Lebanon permanently. Since the political system in Lebanon is highly focused on sectarian belonging, reserving a set number of seats for the major sects, a huge shift in the Sunni-Shia demography would affect Lebanese politics considerably. Many analysts therefore believe that the reason behind the politicians’ hardstand on the no-camp policy is rather a political question than a humanitarian one. Instead of bowing for the international community’s wishes, the Lebanese government are instead suggesting large camps on the Syrian side of the border, something that would demand great security measures international actors (Dettmer, 2013).

Lebanon is not party to the 1951 Refugee Convention, and therefore refugees seeking asylum do not automatically have a legal status in the country. This means that people seeking refugee in the country are regulated under local laws on entry and stay. These laws are regulated by Lebanese general security. Even though refugees are foreigners in the host country, under Article 2 of ICCPR they still own the same fundamental rights and freedoms as citizens. This article appears to prohibit discrimination against refugees based on their status. Despite this Lebanon in the beginning of the conflict in Syria basically kept its borders open and welcomed the fleeing citizens of its neighboring country (Amnesty International, 2015:8). However, due to the crisis showing no signs of coming to a halt and the resources of Lebanon being stretched to its limits, the government has lately taken measures that complicate legal entry and residence in the country for Syrians. The 31:th of December 2014 the Lebanese authorities started requiring visas for Syrian citizens wanting to enter the country. This is the first time in decades that the border between Syria and Lebanon has been closed (Al-Jazeera, 2015).

During 2015 the government also imposed new requirements for attaining or renewing a residence permit. The rule states that Syrians wanting to enter Lebanon must fulfill certain requirements and necessary documents to fit under one of the following categories: Tourism, studying, transit, displaced people, medical treatment, embassy appointment or those who can enter with proof of having a Lebanese sponsor. The requirements for all these categories are strict and the permits only allow entry into Lebanon for a
specific time limit varying between 24 hours up to one month. The category covering displaced people is reserved only for exceptional cases, such as a child to parents who are already registered in Lebanon or persons with disabilities who’s relatives are residing in Lebanon. A report on the new harsher regulations published by Amnesty International expresses concern over that the policy not allowing people fleeing torture and prosecution entry, could contravene with Lebanon’s responsibility under the principle of non-refoulement (Amnesty International, 2015:10).

When introducing the new entry regulations authorities also made the rules for renewing residence permits for Syrian refugees already residing in Lebanon stricter. To renew the permit, Syrian nationals above the age of 15 now have to pay a fee of 200$ annually. Aside from this fee, the regulations required to legalize one’s residence differ between the refugees that have been registered by the UNHCR and the ones who has not. Disregarding of registration status, refugees need to present a valid ID or passport, and a housing pledge confirming where the person lives. The housing pledge needs to be accompanied by two photographs and stamps from the local Lebanese leader. Refugees who are registered by the UNHCR needs to sign a “pledge not to work”, making it illegal for them to work inside Lebanon. Refugees who are not registered by the UNHCR instead has to obtain a “pledge of sponsorship” from a Lebanese national or company who commits to provide a job for the Syrian refugee. Children under 15 are excepted from these rules, but are tied to the status of their household leader. This means that if a child’s parents are not able to legalize their status, the child will be residing illegally in the country as well (Ibid: 14). Research made by Human Right Watch a year after the new regulations had been introduced has showed that it is very difficult for Syrian nationals to legalize their stay in Lebanon, and that the process is very arbitrary with the authorities not being very clear about the documents that are required. Only 2 out of 40 UNHCR-registered refugees that HRW interviewed had been able to renew their permits since the new regulations came into force (HRW, 2016:1). The sponsorship requirement is placing refugees in very vulnerable relationships with their sponsors, and many cases of abuse have been reported. Sponsors can threaten to cancel their sponsorship if the refugees refuse to work for long hours or do tedious tasks for a very small payment. One refugee interviewed by HRW called the sponsorship regulation for a form of slavery, making the refugees totally dependent on the signature of their sponsor. There are also reports of Lebanese nationals “selling” sponsorships to refugees, using the regulation as a way of making money (Ibid:19).

These new regulations have led to that hundreds of thousands of Syrian refugees in Lebanon are now residing there illegally. Raids on refugee settlements are common, and the refugees without permits can be subjected
to arrest and detention. Checkpoints limiting the movement of these refugees are common and many report being hesitant to leave their homes in fear of being arrested (Ibid:16). The Ministry of Education and Higher Education has declared schools to allow all children enrollment in schools, despite of legal status. HRWs report however revealed that in practice some children were denied due to lack of legal status. Another problem relating to legal status and education is the long distances to schools for many refugees. Children who lack legal status cannot travel to the closest school due to fear of checkpoints, and therefore many chose to remain out of school (Ibid:31).

2.3 Lebanon’s School System and the Response to the Crisis

Education in Lebanon is administered by the Ministry of Education and Higher Education. Education is mandatory for children between 6-14. There are three types of schools in Lebanon: Public, subsidized and private. There are about as many public schools as there are private ones, but despite this only about 29% of Lebanese students attend public schools. Subsidized schools are usually financed by non-profit religious organizations and only cater to a very small number of children. Beside this there are also UNRWA schools that provide education for Palestinian refugees residing in Lebanon. The majority of the public schools are located in areas with low socioeconomic indicators, and the public education budget in Lebanon is noticeably lower than the global average. Public schools have a reputation of providing low quality education and facilities in these schools tend to be bad. Many public schools lack efficient access to water and sanitation facilities are poor. Even if the education in public schools is provided for free, books and school stationary has to be financed by the students themselves. The poor quality and reputation of the public schools result in that most Lebanese parents that have the sufficient funds send their children to private school, deepening the socioeconomic segregation (MEHE, 2014).

As a result of the refugee crisis, about every 10th person in Lebanon is a school-aged refugee from Syria. The number of refugee children in need of education now amounts to more than the actual number of Lebanese students in public school. In April 2015 only 1 out of 5 of these children were attending school, and over 400,000 Syrian children were not receiving any form of education. This number of Syrian children’s in school accounted for only 37% of Syrian children aged 3-6 (Jalbout, 2015:2). Many NGOs have responded to the crisis by providing non-formal education to the refugee children, but the Lebanese government has been firm that these schools should only function as a gateway to enrolment in Lebanese public schools. The MEHE has despite the poor state of the public education system been committed to providing education to all children in Lebanon, but there are
many challenges. The biggest initiative by the government has been the introduction of the 3-year RACE-strategy, where they together with the UN and NGOs strive to reach all children with education. The strategy opened up over 1000 public schools for Syrian children, where they have the opportunity to attend regular education alongside Lebanese students. The strategy also included opening up public schools for a 2nd shift in the late afternoon, only catering to Syrian refugee children. The 2nd shift education provides the refugee children with formal education according to the Lebanese curriculum, with small adjustments in order to cater to the Syrian children’s needs (MEHE, 2014).

Even if the RACE-strategy has ensured many refugee children’s enrollment in school, many challenges still has to be addressed. The attendance rates of refugee children differ considerably depending on area. The statistics shows that the number of children in rural and remote areas that attend school is much lower than in urban areas. For an example, in April 2015 only 15% of school-aged refugee children had enrolled in school in Bekaa valley, compared to 63% in Beirut. There is also a big difference between primary and secondary education. In the school year 2013/2014 only 4% of refugee children between 14-18 were enrolled in education, and for 2014/2015 this dropped even lower to 2% (Jalbout, 2015:2). Dropout rates for the Syrian children that have enrolled in Lebanese school came up to 70% in the school year of 2011/2012 and remain high. The dropout rates for Lebanese students in schools that have accepted many Syrian refugees has also increased, making parents even more hesitant to enroll their children in public education (MEHE, 2014:21).

3. Theoretical Framework

3.1 The Paradox of Human Rights - Arendt’s Criticism to the Rights of Man

Hannah Arendt’s book *The Origin of Totalitarianism* dedicates a lengthy chapter to the topic of refugees and human rights. This chapter, named “The Decline of the Nation-State and the End of the Rights of Man”, is also were she introduces what she labels the “paradox of human rights”. Arendt claimed that if someone found themselves without a home state one was in fact rightless, despite the universal claim that every human being holds the same inherent rights (Arendt 1976:279). Arendt criticizes the human rights project for being idealistic since she interprets it as being inferior to national sovereignty. Since there is no authority above sovereign states that can implement these human rights, Arendt claimed that there in practice was
little difference between human rights and civil rights. Civil rights are given to someone as a member of a specific community, as opposed to human rights that claim to be universal for all human beings. Arendt meant that the mistreatment of refugees during the inter-war period and after the second world war illustrated that state governments have little interest in respecting human rights when they conflict with national interests. Arendt uses the situation with the refugees as a test for human rights, claiming that since the refugees are de facto stateless they have lost their civil rights and therefore the only rights they have left are their human rights (Arendt, 1976:292). She argued that the fact that most refugees where mistreated and placed in internment camps showed that the belief in these human rights was a false one. Arendt therefore claims that the fact that these people who had lost all their other rights could not fall back on the rights they are entitled for purely being human, worked as evidence against the existence of universal human rights. This is what she labelled the paradox of human rights; that they fail the people that are the most vulnerable due being reduced to the purest form of humanity. She states that the sovereign states did not stand up for human rights for people who had lost all other form of memberships:

“A human being in general – without a profession, without a citizenship, without an opinion, without a deed by which to identify himself – and different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within and action upon a common world, loses all significance.” (Arendt, 1976:302)

She illustrates this naked humanness with an example of a black man in a white community. If this black man is only seen as a black man and nothing else, he has lost all other qualities, and whatever he does will be explained by him being black. He is no longer a member of any community and is no longer judged by his actions or opinions. Arendt compares this with how we view animal behaviour, and warns that treating people only as members of the human race might lead to horrible consequences. She concludes that viewing people this way, leaving out millions of people from a universally interrelated civilization, is a reason behind the creation of totalitarian governments and warns against the danger of forcing people into the conditions of savages (Ibid: 302).

Arendt supported civil political rights, and she was positive to the idea of human rights, but argued instead for a national form of civil rights that was compatible with the liberal state. She meant that the failure of protecting refugee rights showed that the only rights that could actually be implemented were the ones that where given to someone belonging to a political community. This was most commonly done through citizenship,
and therefore Arendt used the refugee situation after the Second World War as a case to test human rights by isolating civil rights. She discusses how the human right of asylum broke down with high number of refugees emerging for the first time in the interwar period. These people did not fit into the picture of asylum seekers as exceptional cases searching protection due to personal political oppression, but instead people being oppressed due to belonging to a certain group. Instead of talking about the refugees’ human rights, the movement of refugees were restricted in the name of national sovereignty. The end of the First World War created national minorities and for the first time states were based upon national belonging, creating incentives for excluding people who did not belong to the majority group (Ibid: 294). The connection between rights and citizenship that Arendt observed led her to the conclusion that when someone had lost their political belonging they also found themselves in a state of rightlessness (Ibid: 284). As an illustration of this loss of human rights, Arendt describes how a stateless person stands outside the law to such a high degree, that by committing a crime that refugee would actually gain rights. When being seen as a criminal, at least that person would have the same rights as other criminals, and therefore the refugee would improve her legal position. In Arendt’s view, this is the only way a stateless person could escape the arbitrary police rules, and actually stand before the law as a person with rights. Arendt uses this criterion as a way to decide whether someone does find himself outside the pale of the law (Ibid: 286).

Gündoğdu discusses that there are limits to the modern human rights norm when it comes to recognizing migrants’ as persons before the law. Arendt’s account of being rightlessness does however not only refer to a state of juridical expulsion, but a form of expulsion from humanity all together. She speaks of a loss of persona, meaning that the stateless lost their entire social and political context and as a consequence lost their voice. The argument she puts forward to prove this loss of persona is that the stateless were rarely seen as subject who had an opportunity to participate and contribute to the human world. Without this social persona the stateless find it very hard to participate in the political community, since their actions, speech and, opinions were no longer considered relevant or meaningful (Gündoğdu, 2015:127).

3.2 Human Rights and Belonging – the Right to have Rights

Arendt kept on criticising human rights as not being compatible with the liberal state and the notion of national sovereignty, since one of the main practices of sovereignty is control over state borders. Instead of respecting human rights, state protection focused on the civil rights of the citizens of
their own states. Since Arendt still supported some form of political rights, her solution to this paradox was to reformulate universal human rights into “a right to have rights”. A right to have rights have been described as the right “to live in a framework where one is judged by one’s actions and opinions” and “to belong to some kind of organized community” (Gündoğdu p. 165). Arendt described this right as standing above any list of human entitlements, claiming that no other right can materialize without it. Arendt means that without belonging to a polis, a political community, no one can be said to hold any implementable rights. She means that this right before the interwar period had been overlooked due to that the importance of belonging to a political community did not become clear until millions lost this belonging. Her theory claims that the need for this right became apparent at that moment since: “...we have really started to live in One world. Only with a completely organized humanity could the loss of home and political status become identical with expulsion form humanity altogether”. (Arendt, 1976:297). This right to have rights was according to Arendt the only way to solve the problem with loss of political status and loss of persona that sent stateless people into this state of rightlessness (Arendt 1976:296). Many later theorists that have interpreted Arendt have found her discussion on a right to have rights puzzling. The problem is to find a foundation for human rights when no authority above national level exists. Arendt offers no foundation for the right, since it is a paradox in itself that as soon as there is an agreement, someone can be excluded. Because of this it appears unclear how this “right to have rights” should be defined and guaranteed. Arendt herself seems aware of this puzzle, stating in On Totalitarianism that a right to have rights needs to be guaranteed by humanity itself and then goes on to question if this will ever be possible (Gündoğdu, 2015:168).

Many scholars have tried to solve this groundlessness, for example Michelman and Gundogdu argue that there are different notions for the two rights that Arendt mentions. They want to interpret the first right as an abstract, metaphysical right, and the second right as referring to empirical rights (Ibid: 169). It is however difficult to see how this interpretation would offer a solution to the foundational problem of a right to have rights, and therefore Gündoğdu instead suggests interpreting Arendt’s thoughts in a manner that does not deny its groundlessness. She means that this would recognize that including everyone in universal human rights demands reforms of existing legal and normative framework (Ibid: 170). Gündoğdu argues that this does not mean that Arendt should be interpreted to claim that human rights are pre-political, pre-legal or pre-historical, but does instead mean that we should see “the rights to have rights” as a declaration. This declaration means recognition of the fact that political founding defines freedom and equality. Gündoğdu sees this declaration as a call for reform to
change the world system in a way that would allow political belonging for all (Ibid: 171). Thinking of a right to have rights as a declaration enables us to think of human rights as something that needs to have its base in political practice in order to be valid. This implies a need to rethink the relationship between citizenship and human rights.

Seyla Benhabib argues that during Arendt’s time the only guarantor for political belonging was in the form of citizenship. Today developments in international law should allow us to think of the rights to have rights in terms of asylum rights. This development and the recognition of everyone as being equal before the law, has led some scholars to claim that human rights are devaluing citizenship and blurring the distinction between citizens and non-citizens. However, international reports keep on reporting problems that different categories of migrants face, including violence, arbitrary detention, and discrimination. These problems keep on making it hard for migrants to enjoy the protection that the development of the human rights framework should bring (Gündoğdu, 2015:10). Benhabib means that the world is moving towards decriminalization of migratory movements, and that one of the big challenges to protect human rights is to develop an international regime that can separate the rights to have rights from ones nationality status (Benhabib, 2004:68). She continues on to acknowledge that the conflict between human rights and sovereignty that Arendt discussed is still present despite the development of international law. The right to seek asylum might be protected by human rights, but the obligation to grant asylum is instead seen as a question of sovereignty (Ibid: 69). Benhabib’s conclusions in her discussion of the rights of irregular migrants is that in this age of globalization, when economic, military, and communicational borders are being swept out, the idea of territorial autochthony must be questioned as well (Ibid: 217).

3.3 The Human Rights Gap – Implementation of Human Rights

Refugees’ human rights put the issue of human rights implementation to a head. There have been many theorists discussing the difference between having human rights and the actual implementation of these rights. Hafner-Burton and Tsutsui in a quantitative study on governments’ compliance to their human rights obligations in 2005 came to the conclusion that human rights institutions had some major problems in regards to the implementation of human rights. The biggest problem they discovered where that many states ratify human rights conventions in order to look good, their statistics did not show any correlation between ratification of human right treaties and good human right practices, in fact many states actually presented a worse
human rights record after ratifying major convention (Hafner-Burton and Tsutsui, 2005:1395).

The gap between policies and actual implementation of rights is closely linked to Arendt’s idea of the rights to have rights since the implementation of human rights today is closely linked to the notion of belonging to a sovereign state. States review other states on their human right records, making it obvious that nation states are seen as the main guardian, but also oppressor, of human rights. Are there any human rights if someone is not implementing them? When implementation lacks – who holds the responsibility to fulfil the human rights of people in the name of humanity? Usually the answer is the state in which the person belongs to. But since human rights are supposed to be based on the notion of humanity and not of citizenship – how can human rights be protected beyond the nation-state?

This thesis aims to explore if the removal of civil rights and political belonging in this age still places one in a state of rightlessness. One modern theorist criticising human rights for being insufficient is Martha Nussbaum. Her capability-approach is firstly a development of Rawls social contract theory, but she states that it is also a form of human rights approach that she considers superior to the traditional human rights framework (Nussbaum, 2009:287). Her criticism of human rights includes the notion that one should not be said to have human rights if one cannot enjoy these rights. She instead suggests that we should view every human as having certain capabilities that she should be able to fulfil. With her capability approach she tries to go further than human rights by clearly stating that these capabilities need to be able to be fulfilled in order to truly be rights. Nussbaum means that there is no point in pointing out entitlements if we do not at the same time discuss requirements to fulfill and implement these entitlements. She means that providing capabilities clarifies what securing a right really implies (Ibid: 287). She also discusses the question of governments’ duties to provide the conditions needed for their citizens to fulfill the capabilities she lists in her approach. She argues that on a domestic scale it is clear that the national institutions holds the greatest responsibility to respect and promote human rights for its citizens. However, she also expresses that saying that states are the only provider of human rights goes against the idea of human rights altogether. Nussbaum by this means that the idea of human rights are that they are inherent to everyone, independent on if the place were someone lives choose to respect them or not (Ibid: 294). This notion in one way describes the need for her capability approach, addressing a need to differentiate between having human rights and enjoying actual implementable human rights.

Through putting human rights in the words of capability Nussbaum tries to address injustices, since governments needs to provide conditions making it
possible for all their citizens to reach the threshold level of their capabilities in order to be seen as just states (Ibid: 311). Even though Nussbaum’s approach is fruitful regarding the discussion on if human rights actually exist if they cannot be enjoyed, her approach largely fails to consider the rights of non-citizens. This once again touches upon Arendt’s criticism of human rights not being able to address injustices outside of the protection of civil rights. Nussbaum is aware of the state-centrism of her approach but still argues that her approach provides for international justice in a better way than a traditional human rights approach does. The capability approach does discuss that well-off states have a responsibility towards citizens in less fortunate state, but people who are outside of their own state or are stateless appear to be overlooked in her capability approach. This could be seen to be a discussion covering another level of human rights than the one Arendt is discussing. This however once again opens up the question if modern human right frameworks really provide any other protection than the one already provided by national civil rights. Even though Nussbaum stresses the need of the world community to focus on the weakest groups, the paradox that Hannah Arendt recognized in the human rights framework seems to be inherent of the capability approach as well.

For different categories of migrants the gap between formal guarantees of rights and the actual condition is highly problematic. Scholars that have studied the question of migrants’ rights have found that the implementation gap is widened by various sets of factors, including low economical status and discrimination targeting migrants. Benhabib argues that the failure to implement formal human rights for migrants brings the limits of the human right framework to light. The view of migrants and stateless people as uncommon exceptions contributed to the paradox that Arendt described during her time - and with the assumption that everyone has a political membership still prevailing today, the paradox still appears to be highly present. Gündoğdu’s reading of Arendt suggests that instead of viewing the mistreatment of non-citizens as unfortunate exceptions, we should view it as a symptom of the weakness that is still inherent in the human rights norms today (Gündoğdu, 2015:11).

3.4 Refugees Vulnerabilities - Sabates-Wheeler and Feldman’s Framework

So what are some of the consequences on ones human rights if one loses state-protection according to previous research? Sabates-Wheeler and Feldman have done research on migrants’ inclusion in social protection and have developed a framework plotting the vulnerabilities that comes with
being a migrant (see figure of framework). They discuss that social protection and welfare protects people from risks that could threaten their human rights but that this social protection often fails to protect migrants. They claim that migrants are subjected to the same risks as citizens are, as well as to migrant-specific risks. They also mention that some risks that ordinary citizens face are intensified for migrants due to often belonging to low status groups in society. They refer to these two different types of vulnerabilities as migrant-intensified and migrant-specific disadvantages (Sabates- Wheeler and Feldman, 2011:10).

Their framework discusses these disadvantages and elaborate on three different categories of vulnerabilities: Spatial/environmental, socio-political and socio-cultural. Sabates-Wheeler and Feldman also include a temporal dimension in their framework, were they discuss vulnerabilities in these categories at different points of time in the migration process (Ibid: 12). Here the focus will be on the vulnerabilities that migrants face at their destination and the vulnerabilities connected to transit and family at source will not be discussed. Spatial/environmental disadvantages include problems with finding adequate housing, unfamiliarity with surroundings, health risks and lack of working-possibilities due to “ghettoization” and informal settlement. For illegal migrants the need to stay hidden and restrict ones movements due to legality problems also fall under this disadvantage. Socio-political vulnerabilities are related to the lack of political belonging. At the destination the host government has a limited political commitment to the migrants, leading to institutional constraints. This expresses itself through disadvantages due to lack of representation, lack of rights to state institutions such as education and social services, and unequal distribution of resources. The discussion on socio-political belonging does connect a lot to Arendt’s thoughts on political belonging. The vulnerabilities listed under this category could be viewed as the consequences of losing ones political belonging. This category also includes lack of recognition that leaves migrants very vulnerable in case of abuse. For example the police might not protect the migrants in case of being the victim of a crime. Sabates-Wheeler and Feldman also discusses the problem with that governments sometimes discourages legalization of certain groups of migrants in order for the economy to benefit from access to cheap labour. The third determinant of vulnerabilities that they list is socio-cultural vulnerability, which is more connected to the difference in values, norms, and practices between the migrants’ home locality and their new host community. This leads to disadvantages due to discrimination, language barriers and exclusion from participation in social and civic life. These cultural differences can lead to migrants being excluded from social goods such as health care and education, as well as being discriminated against on the labour market. This can also lead to isolation and cultural devaluation, which can have negative
consequences on the migrant’s ability to adapt to its new country (Ibid: 13-14).

They claim that these vulnerabilities are important to consider when developing measures designed to protect migrants’ human rights and social protection. Research has shown that facing these vulnerabilities, without any social protection to count on, leads to downward spirals into poverty. The different forms of vulnerabilities are also very likely to reinforce each other, for example “ghettoization” of immigrant communities might increase social marginalization and discrimination. Sabates-Wheeler and Feldman’s discussion of migrants’ vulnerabilities and social protection also touches upon the rights to have rights. They identify a “need to examine who delivers and funds such protection, and how migrants can claim eligibility outside of the nation-state as provider or regulator of services to its citizens.” Their discussion also touches upon the severe exclusion that lack of social protection leads to, in a way creating a circle where exclusion from social and political rights leads to vulnerabilities that leads to further exclusion (Ibid: 14). They conclude their discussion with stating that access to formal or informal social protection in forms of education, health care etc. is essential in order to reduce migrant’s vulnerabilities and respect their human rights (Ibid: 21).

Figure of Sabates-Wheeler and Feldman’s framework

<table>
<thead>
<tr>
<th>Determinants of vulnerability</th>
<th>Possible consequences</th>
</tr>
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Socio-cultural


3.5 Positioning the Theories

The paradox of human rights that Arendt identified implies that human rights are too weak to protect the people who need them the most. This leads her to call for a *right to have rights*, a theory that has been widely discussed by more modern human right scholars. This means a right to belong in some form of community in which one’s rights can be fulfilled and implemented. Discussions on what it means to actually have human rights are very important since they test the reality of the human right norms, differentiating between claims that a group of people have human rights, and actually implementing these rights. This thesis holds the position that if one’s human rights are not implementable, one cannot be said to enjoy human rights and can therefore be seen as being in a state of what Arendt refers to as rightlessness.

The determinants in Sabates-Wheeler and Feldman’s framework all connect to the theories discussed above. The socio-political determinants correspond to the consequences that the legal rightlessness that Arendt and the other theorists discuss. In the same way the consequences listed under the socio-cultural determinant show a lot of resemblance to the discussion on lack of persona and losing social belonging. In a way Arendt and Sabates-Wheeler and Feldman’s theories also complement each other since Arendt focuses a lot on more philosophical political and civil rights, while the framework introduces a more concrete focus on economic, social and cultural rights. The spatial determinants provide a basis for discussion on how being displaced affects your human rights, often in ways that reinforce socio-political and socio-cultural vulnerabilities.

Arendt’s discussion on rightlessness and that human rights fail to protect stateless people was developed over 50 years ago. Still work by recent theorists like Benhabib, Gündoğdu and Sabates-Wheeler show a lot of resemblance with her thoughts. If their theories are still relevant today, refugees should experience vulnerabilities as a result of the lack of political,
4. Method

4.1 Methodological Approach

Since this study combines major theoretical questions with empirical material the method has combined field research with studying previous research. Studying theories and research on stateless and refugees human rights has developed the theoretical framework. The material for the case study has been collected during 8 weeks in the field in Lebanon between February and April 2016. The main method for the information gathering has been semi-structured interviews with actors involved in providing access to education for refugee children in different ways. Public and informal schools with refugee children as students have also been visited in order to perform observations. The observations have been used to gain a deeper understanding on how the Lebanese government and different organizations work to secure refugees right to education, as well as in order to triangulate the information given in the interviews (Höglund & Öberg, 2011:7). The main information gathering technique has however been the semi-structured interviews since they provide invaluable information about peoples experiences and feelings, and the method used for these is described more in depth below (Kvale och Brinkman, 2009:15).

The approach of the material gathered will present one descriptive part, mapping the vulnerabilities that the children face and the barriers they experience in regards to accessing education. In the analyse the theories discussed will be linked to the empirical findings in able to contribute to a more explanatory discussion on human rights and state-protection, and a discussion on how present Arendt’s paradox is in todays context.

4.2 Case selection

Lebanon has been chosen as the location of the field study for several reasons. The country has the highest number of refugees per capita in the world, and many refugees have been staying here for a long time. Differing
from other countries receiving a high number of refugees at the moment, Lebanon has no formal camps and they are not a party to the UNs 1951 refugee convention (Amnesty International, 2015:8). This leaves many refugees in a vulnerable situation with an unclear legal status, making it a suitable case to study how the protection of human rights can be formed for people who do not enjoy any formal rights at all. By not being part to the refugee convention the Lebanese government does not have any clear-cut formal duty instructing how the protection of refugees rights should be formed. Since Lebanon does not make up a gateway to Europe, such as for example Turkey, many refugees here are not in transit which makes it a good case to study since the focus that has been chosen through Sabates-wheeler and Feldman’s framework is to understand what vulnerabilities that refugees face in host-communities. The question of education becomes more relevant in a more permanent setting, while human rights concerns for refugees in transit focuses more on relief measures.

Children’s right to education has been chosen since CRC is the most ratified convention in the world and therefore the rights covered by it should have widespread international support. Choosing a right that is protected by the most agreed upon human rights treaty, the field study will contribute to the understanding on if modern human rights norms solve Arendt’s paradox. The reason behind choosing refugee children’s access to education as a case study is also that being a refugee as well as a child puts you in a very vulnerable situation. By choosing to study these children’s human rights this thesis hopes to contribute to the discussion on if, and how human rights protect the most vulnerable human beings. The right to education is usually a right that is protected by active government protection, making the question on how this right can be protected for children lacking state-protection highly relevant. The question of education for refugees is furthermore a universal question that is applicable in all refugee situations around the world. The need for education for children is crucial despite if they will keep on residing in their new host country or eventually return home.

The different informants have been selected to provide a broad picture of the education situation for refugees in Lebanon. In order to understand how the coordination of the response to the crisis is being organised, representatives from the Lebanese government and UNHCR have been interviewed. These informants have provided information on more structural obstacles affecting access to education as well as insights on funding and international involvement. To get more detailed descriptions and understand the obstacles at the ground level, representatives from NGOs and teachers have been interviewed. Both formal and informal schools have been visited and I have tried to include both local and international organizations. When choosing
informants I have also tried to cover actors working in different areas of Lebanon in order to understand how obstacles might differ depending on region.

With these criteria in mind, the snowball effect has been used in order to find informants. This includes using personal contacts and establishing trust with present informants to find further ones. This method might create a problem with the selection of informants since they might be interlinked. However, since the informants have also been chosen according to the criteria discussed above I have tried to limit the negative effect of this.

4.3 Semi-Structured Interviews

The first hand information in this study has been collected by performing semi-structured interviews with different actors involved in the issue of refugee children’s access to education. Interviews as a method has been chosen since, as is pointed out in Höglund and Öberg's Understanding Peace Research – Methods and Challenges (2011:121), asking actors involved in the issue about their experiences brings a greater understanding than what could have been achieved by solely observing. Only performing observations would not have revealed the underlying challenges that the children in the school faces, nor would it explore the challenges of the children not able to attend education. An interview guide (see Appendix II) has been used, but by choosing semi-structured interviews other topics that the informants have considered important has been explored as well. Semi-structured interviews allow the interviewer to ask follow-up questions and ask spontaneous questions related to the informants experiences, in this way creating a unique conversation in order to discover topics of relevance for both the informer and the interviewer (Kvale & Brinkman, 2009:77). The method of semi-structured interviews have been chosen for this study since this method allows a greater freedom to explore topics that might not have been known to the interviewer beforehand. Since this study aims at gaining further knowledge about the complexity of the issue at hand, semi-structured interviews appeared to be the best fit (Höglund and Öberg, 2011:136).

The interview guide has been developed with the guidance of Karen Broneus’s chapter on in-depth interviewing in Höglund and Öberg (2011). The interviews have consisted of 4 different parts. In the first part the project and objectives of the interview has been presented to the informants, allowing them to ask any questions relating to the study. In this part information about how the informants’ answers will be used has been given and their informed consent to participate in the interview has been asked. The second part contains introductory questions about the informant and
their role, these questions are used partly to understand the informant’s position and partly in order to build trust and make the person feel comfortable. The substantial questions have been asked during the interviews third part. These questions have been formed in relation to the theoretical framework of the thesis, and with the understanding of the issue that has been retrieved by the background research on the topic. In this part the interviews have also explored themes that are not mentioned in the guide but that are relating to the material given by the informants. The fourth and concluding part of the interview has given the interviewee the freedom to elaborate on or clarify any answers given during the meeting. Thanking the participants for their time and offering to send them the final thesis have closed the interviews.

4.4 Participant Observations

Complementary to the interviews participant observations have also been done. These have been done to gain a greater understanding of the situation and triangulate the information received in the interviews (Höglund & Öberg, 2011:7). Researcher Barbara B. Kawulich describes participant observations as a useful complement to interviews since they: “…provide researchers with ways to check for nonverbal expression of feelings, determine who interacts with whom, grasp how participants communicate with each other, and check for how much time is spent on various activities.” (Kawulich, 2005:4). For this study observations in schools provided valuable information about the quality of schools and education that might have been hard to get from only performing interviews. A problem with participant observation is that teachers and students might change their behavior due to my presence. This issue is hard to avoid, but the results will be viewed with awareness of this problem. Observations are also valuable since they allow the researcher to actually observe and experience phenomena that has been mentioned in interviews. This contributes to a deeper understanding of the research object and better understanding of descriptions that have been given in interviews (Ibid, 2005:16).

4.5 Operationalization

This study combines descriptive field research with more explanatory claims relating to theory. The operationalization of the more descriptive parts of the research questions is quite straightforward. By performing interviews and observations the information gathered contributes to shed light on how actors work with ensuring refugee children’s access to education in Lebanon, and what issues that these children face. The answers given by the different informants have then been compared and studied relating to different
characteristics of the actors and the children that they work with. Patterns have been found and studied. For example, by comparing information given from an informant working in an urban area with information with one in a rural area, a better understanding on what different issues that arise can be achieved. This brings an understanding on what different factors that might affect the children’s access to education in Lebanon. In order to better analyse the material gathered in the field the interviews have been transcribed, and when performing observations field notes have been taken.

Answering why-questions tend to be a bit more complex. It is not obvious how one measures vulnerabilities, and this could create a reliability-problem. To avoid this, this thesis tries to be as transparent as possible when connecting the material gathered from the field study with the theoretical framework. The information on the different issues that refugee children face has been sorted into different categories based on Sabates-Wheeler and Feldman’s framework. Using this framework offers a more systematic way of organising the information gathered from the field research. By viewing the results on refugee children’s vulnerabilities through their framework, it also tests their theory to see if the obstacles that refugee children face can be traced to the three determinants of vulnerabilities that they identified. Handling the information in this way also makes the results regarding vulnerability more generalizable. Presenting the results through this framework also provides a more structured base to discuss the gathered information in relation to Arendt’s paradox. By studying what vulnerabilities that affect the children due to them not being Lebanese citizens, this case can be analysed in the light of Arendt’s theories and connect to how refugees’ human rights are being neglected in today’s modern world. There is no definite answer to how the paradox that Arendt describes affects refugees today, but by discussing the results from the field study together with her theories an attempt to answer how applicable they are on this case can be done.

4.6 Ethical Considerations

The field research performed in this study touches upon sensitive topics in several ways. Firstly, the study concerns people who find themselves in a very vulnerable situation. Asking a refugee family why they have not been able to send their children to school could be sensitive and interpreted in a blaming way. The main part of the interviews has therefore been with representatives from organizations instead of with refugees themselves. Interviewing actors working with these questions also helps to find more systematic challenges and issues that refugees face in regard to accessing education. An ethical problem concerning this might be that the
organizations can be viewed as “talking for” the refugees. This might cause an unwanted patronising aspect to the study that has been taking into consideration when analysing the results.

Another sensitive part of this study concerns the Lebanese government and NGOs response to the crisis. Doing research on the reasons behind why many children are not receiving education could be interpreted as implying that the actors involved in this question are not doing enough. The aim of this thesis is not to point fingers at anyone and the questions have therefore been carefully developed to be as neutral as possible.

Being a westerner, I also have to consider my own worldview. There might be values and assumption that seem natural for me to make that affects the way I view the question at hand. This might influence what questions I ask and what conclusions I draw. This is hard to avoid, but I have through the field study tried to carefully listen to the informants’ view of the issue, and as much as possible be aware of my own perspective.

**Ch. 5 Results**

**5.1 Different Actors Response to the Crisis**

This study has shown that there are many actors involved in providing education to refugee children in Lebanon. It has also become apparent that these actors do not always agree on the best approach, and that the cooperation between them does not always run smoothly. The informants for this study work with very different parts of the response to the crisis. The Government of Lebanon has together with the United Nations taken the lead in the response plan for the Syrian crisis, and one chapter in that plan is dedicated towards education. The main overarching aim is to provide all children residing in Lebanon with safe learning opportunities, whether formal or informal. It is very clear in the plan however that the main priority of the MEHE and the UN is formal education, especially the public schools. The information provided from these two informants is very valuable since they provide a picture of the official policies and response to the situation. The UN is also responsible for dividing funding among the implementing NGOs. One of the most important actions taken by the government is opening up public schools for a second shift for Syrian children. Schools who decide to stay open for the afternoon shift are provided with extra funding from the UN, which has led to that 238 schools across Lebanon currently have second shifts. The principals of public schools in Lebanon have a lot of freedom to decide how their school’s education is formed. They
can choose what language they want to teach in and if they are willing to have a second shift or not. However, since 2014 the MEHE has been working against discrimination towards Syrian children when deciding whom to enrol in public schools.

Besides the public schools, education measures are also implemented by different NGOs. The UNHCR monitors many of these NGOs, but they express that it is very difficult to control the quality of informal education. Interviewees for this study include representatives from large organizations with huge response plans such as the Red Cross and the British council, as well as small local NGOs with only a few informal schools, such as Hadatha Association and SV Overseas. Despite the size of the NGOs, almost all informants have reported that their goal is to teach children until they can be enrolled in formal education, not to replace it. The reason for this focus is that informal schools are not allowed to issue any form of certifications, meaning that children can not go on to higher education after only attending informal schooling.

The large number of NGOs working in the informal education sector has led the ministry to implement stricter regulations. The NGOs who do currently teach are allowed to continue, but MEHE has said stop to any expansions. The reason for this is that they want to have control of the schools, in order to avoid children being taught extremist or foreign curriculums. The MEHE therefore recommends NGOs to focus on transportation, kindergarten and vocational training for older children. Most informants for this study were positive about the focus on formal schools, since they mean that education that leads to certifications is of highest importance. Despite this, some NGOs did express a fear that the MEHE’s harder stance would lead to that more children would miss out on education altogether since there simply is not enough space in public schools.

Differences between official policies and the descriptions from informants from different NGOs are one of the most substantial results from this study. This shows that there is a difference from the official aims and the reality at the implementation level. This difference between policy and reality becomes clearest when discussing issues regarding discrimination toward refugees. The difference between policy and implementation will be discussed further relating to the theories, but this factor is good to keep in mind when reading the results.
5.2 Results According to Sabates-Wheeler and Feldman’s Framework

The information gathered has been analysed and divided according to Sabates-wheeler and Feldman’s framework. Sorting the results in this way allows us to test if their framework fits with an empiric case study, while at the same time making the results of the study more generalizable. To develop their theory and fit in all found obstacles a new “other determinants” field has also been added to the framework. The figure below provides an overview of the obstacles found in the case study.

Figure of determinants and consequences found in case study

<table>
<thead>
<tr>
<th>Determinants of vulnerability</th>
<th>Consequences found in case study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spatial/environmental</td>
<td>Long distances to school. Loss of income leading to child labour. Lack of transportation to schools. “Ghettoization” of immigrant communities leading to few schools and bad quality education. Fear of checkpoints.</td>
</tr>
<tr>
<td>Socio-political</td>
<td>Schools demanding papers to enrol children. Lack of earlier grades and records. Failure to implement rules stating refugees’ access to education. No possibility to take exams. Fear of being arrested due to illegal status. Limited protection from government institutions in case of abuse or discrimination.</td>
</tr>
<tr>
<td>Other determinants</td>
<td>Distrust for informal schools from the government. NGOs lack of funding. Lack of teachers. Poor overview of involved actors. Inadequate coordination of response.</td>
</tr>
</tbody>
</table>

### 5.2.1 Obstacles Relating to Spatial Vulnerability

Almost all informants in this study agreed that the most important factor keeping refugee children out of school is economic barriers. The vulnerable situation that many refugee families find themselves in forces them to push their children into labour. Some families do this because they need the extra income in order to provide for their families, while other does it because they view the refugee situation as temporary and plan to put their children back into school once they have returned home. The pressure on children to provide an income for the family is an especially important factor for older children, where only about 2% of children above 14 attend school. There are also small gender differences, seeing a lower enrolment of females in rural areas since they work on fields, whereas in urban centres such as Beirut there are a higher number of female students since male teenagers usually work. NGOs also mention seeing different enrolment rates in different seasons, where many children in rural areas drop out during summer to work in farming. Overall there is higher enrolment in urban areas than rural. The informants believe there is several factors behind these statistics, among them easier access to school in urban areas as well as different cultural backgrounds among families residing in rural versus urban areas.

Several of the NGOs reported that one of the most common problems regarding access to school is long distances between refugee settlements and schools. This problem also mostly affects the many refugee children residing in rural areas of Lebanon. Many parents cannot afford transportation for their children and in many areas no communal transport is offered. Walking home from school is not an option for many children since the late timing of the second shift results in that it is often dark when school is finished for the Syrian children. The MEHE also mentioned long distances and lack of transportation as one of the main obstacles, meaning that NGOs should focus on solving this issue instead of opening informal schools in remote areas. A fear of getting caught in checkpoints on the way to school is another spatial
vulnerability that hinders children whose families do not have valid resident permits.

Another issue relating to spatial vulnerability that worried UNHCR was the low quality of schools in areas with a high refugee population. This results in teachers being unwilling to teach in these areas, as well as high dropout rates among both refugee and Lebanese children. UNHCR expressed a need to educate more volunteers in these areas, as well as a great need for more monitoring.

5.2.2 Obstacles Relating to Socio-political Vulnerability

One issue that is highly relevant are the refugees’ legal status. Most public schools have required the children to show that they are residing legally in Lebanon in order to be enrolled in schools. To prove that they have attended school earlier many children have also been required to show their earlier grades and certificates, something that few refugee children have brought with them on their flight. To avoid this problem, new ministry regulations issued in 2014 state that no papers should be needed for enrolment. MEHE and the UNHCR state that since these new directives was passed on to schools no systematic discrimination against children without papers is taking place, but other informants have stated that many school does not respect these regulations and keep on dismissing children who do not have papers. Other schools do not except certificates from the UNHCR, but asks for residence permits which many families due to the new stricter policies lack. One parent reported that her son was not allowed to enrol in public school without his Syrian grades; the principal at the school even suggested them to return back to Aleppo to collect the papers. This unwillingness from public schools to enrol children with unclear legal status results in that many of these children either do not attend school at all, or participate in informal education that does not provide them with any valid certificate or proof of their studies.

Even if the children has been allowed to enrol to public school, they may not be allowed to take exams without certificates from where they have studied before. This causes a huge problem especially for the older children who might eventually want to continue on to university. The ministry is now trying to solve this by removing the requirement of old grades and certificates in order to sit for exams. In circulars that have been going around to schools it is informed that the only thing needed now is a valid ID-card, and even an UNHCR-registration paper is accepted. However, there is the same implementation issue as in the case of enrolment, and NGOs experience that few schools abide by these new regulations. Since many
Refugees residing in Lebanon are not registered there are also many children who lack any form of identification, making it impossible for them to sit for exams.

Another obstacle relating to legal status that might hinder refugee children to access education is the fear of being arrested. Refugees who do not have legal permits to reside in Lebanon can be arrested at anytime and therefore they often restrict their movement outside of the settlements. NGO’s report that this especially causes a problem for children residing in rural areas since the long distances to schools might mean that children have to pass by checkpoints to get there.

The study also found that many refugees feel frustrated since they do not have anywhere to turn if they feel like their rights have been violated. One NGO stated that they tried to help a parent whose child had been abused in school, but that the police had ignored their cause, jokingly suggesting that they should go back to their own country if they wanted to talk about rights. NGOs also reported that the parents did not now where to turn when their kids got denied entry into public schools, and that this humiliation often resulted in parents keeping their children out of school or in informal schools.

The introduction of the second shift has however allowed many thousands of refugee children access to education. Despite this there are still thousands of children who want to attend school who cannot manage to get a place. Informal education has been an option for these children but political reasons are now leading the ministry to limit the amount of NGOs who are allowed to run informal schools. Their stance is that it is better to focus on getting children in to public schools that are allowed to issue certificates for the older children. The reason behind this is that the government of Lebanon wants to control the curriculum that is being taught due to fear of religious and political extremists. Many informal schools have wanted to continue to teach the children the Syrian curriculum, holding the view that the children eventually will return to Syria, but the MEHE has been strictly against this. The political power that the ministry hold to deny any other schools than public and private Lebanese schools to issue certifications causes a problem for refugee children who find it hard to access formal education. Some of the NGOs felt a deep frustration concerning this, meaning that it is a part of Lebanon’s propaganda to create such a miserable environment for the Syrians that they will leave at their own will.
5.2.3 Obstacles Relating to Socio-cultural Vulnerability

One of the most prominent socio-cultural vulnerabilities that this study found affected the children was a language barrier in Lebanese public schools. The Lebanese curriculum teaches at least maths and sciences in either English or French, while the Syrian children have always studied all subjects in Arabic. Jusoor foundation reported that they experienced that this was a huge problem for the older children who had already attended school for some years in Syria, while the younger children soon caught up with their Lebanese classmates. The problem with language among the Syrian children was one of the biggest incentives to open up schools for a second shift only catering to Syrian children. In the beginning this second shift was taught completely in Arabic in order to simplify learning for the refugee children. However, since each school has a lot of freedom to choose how they teach, language barriers are becoming an obstacle in the second shift as well:

“They change it all the time so it is very confusing – which makes it hard for us to prepare our students as well. Nothing is stable in the second shift. This year they are teaching things in English, last year in Arabic. For all we know they might teach science in Japanese. It’s confusing for the students. Few are adapting, some are struggling and some are failing.” – Project leader, Jusoor foundation

Even though the creation of the second shift provided a huge possibility to offer education to thousands of children, the large amount of Syrian children entering Lebanese schools have posed some problems. All teachers and NGOs interviewed have reported that racism and discrimination against refugee students is a big problem. Besides many principals being unwilling to enrol them in public schools, informants have reported that the children already enrolled are often treated badly. This includes both a low quality of education as well as straight out abuse of the children. One teacher who works as a private tutor for refugee children described how one of her students came home from school with two teeth punched out. She expressed worry that many teachers could not leave the politics and racism out of the classrooms:

“The Syrians are not so welcome. All the teachers in school are Lebanese - and they beat up the Syrian kids a lot. And they barely teach them, it is very abusive. They barely give them homework. It’s abusive to the extent that a lot of mothers want to get them out of school, they’d rather them not going to school than going there.” – Private tutor for refugee children
One result of the widespread abuse in the public schools is that many parents choose to send their children to informal schools instead. These informal schools are not permitted to issue certificates, complicating enrolment in higher studies for the children. Besides the abuse part NGOs also describe parents being humiliated when trying to place their children in public schools. One teacher at an informal school described how a public school had referred to the Syrian children as sheep, and blamed a mom for overburdening them when she tried to place her child in kindergarten. These factors have caused distrust among Syrian parents against the Lebanese public school system. The abuse and humiliation has led to that many parents simply choose to keep their children out of school and that many children already enrolled drop out due to fear of attending school.

Another reason why many refugee children in Lebanon are not attending school is that a lot of families come from rural areas in Syria where education has not always been seen as the best option. The working culture in some areas means that you learn a skill, most likely the same as one of your parents, and then you work with that. These children might not have attended school back home and with all the new obstacles in place it is even less likely that they would consider schooling in their new situation.

5.2.4 Other Determinants

As well as the obstacles discussed above the study also discovered other hindrances that complicate refugee children’s access to education. Most of these problems seem to be connected to the coordination and funding of the response to the crisis. The conflict between the ministry and some of the NGOs that run informal schools illustrates that it is not always clear who’s responsibility it is to provide education for these children and in what way this should be done. According to the Convention of the Rights of the Child the government of Lebanon is responsible for treating the refugee children the same way as citizens, but if they can not provide education for all it is unclear how and who that should contribute. The huge and fast increasing need combined with inadequate coordination was one of the main problems that the UNHCR discussed. They discussed this issue more in terms of quality of education, claiming that there was a huge lack of monitoring of the different actors providing education in Lebanon at the moment. This might have grave consequences on the education since no one has an overview over what the children are actually being taught. On this note they also mentioned that there simply are not enough teachers willing to teach the refugee children. Government rules not allowing Syrian nationals to take work at teachers complicated the possibility to use the refugees themselves
as a solution to this problem. The UNHCR experienced that the coordination and the cooperation between them and the MEHE had gotten better since the launch of the RACE-strategy in 2014.

Another hindrance is the economic question. All informants in this study said that lack of funding is one of their main problems. Especially the larger NGOs, including the UN, experience that promises of money from outside countries and organizations has shown to only be lip service. This suggests that there is a problem with the international coordination of the response to the Syrian refugee crisis as well.

6. Analysis and Discussion

This thesis has focused on connecting Arendt’s theories and other theories on refugees and human rights with a contemporary case study on refugees’ rights today. The results have shown that questions revolving around human rights and citizenship are highly relevant to discuss relating to todays refugee crisis. Sabates-Wheeler and Feldman’s framework on vulnerabilities that migrants face due to lack of state protection appears to fit very well with this case study. The developed framework allows us to discuss the determinants correlation with the relevant theories. The determinants in the framework and the results from the study suggests that being a refugee subjects you to a significant higher risk of having your human rights violated due to the absence of state protection. The first hypothesis of this study therefore seems to be valid to a certain extent. The results highly suggest that the children’s access to schooling is affected by factors determined by spatial, socio-political and socio-cultural factors. These obstacles fit nicely into Sabates-Wheeler and Feldman’s framework. However, the study has also presented obstacles that do not fit into their framework. These obstacles are listed under “other determinants” in the developed framework. This result implies that the reality for these refugees is more complex than any framework, and that more research needs to be done in order to fully understand the factors that determines what vulnerabilities that refugees are/can be subjected to.

Most of the results and obstacles that were identified in the case study are also relatable to different aspects of the other theories discussed, and this section will present a discussion based on the connection between theory and empirical findings.
The obstacles under the *other determinants* category that where found mostly seem to connect to the issue of responsibility. Who is responsible to plan and form the measures to protect human rights for these refugees? Who should fund these measures? Who should implement them? The results in this study show that a lack of answers for these questions does not only result in human rights abuse, but also that uncertainty over responsibility complicates for the actors who are trying to respond to the crisis. Nussbaum’s discussion on states responsibility relates to this, if no state is present and a world community is not wanted, who should then take the lead? It appears that refugees find themselves in a limbo regarding protection of human rights. That refugees face vulnerabilities due to lack of state-protection appears extra clear in relation to the obstacles that arise due to spatial and socio-political determinants. When no state takes responsibility and accountability for the children attending school, obstacles such as long distances to schools, lack of transportation, and refusal of enrolment appears to be the consequence. UNHCR has taken a lot of responsibility, but they are still dependent on the state policies of the destination country. The gap between official policy and the reality for refugees trying to claim their rights illustrates an empirical example of the finding in Burton and Tsutsui’s study, that ratifying human rights treaties does not necessarily improve human rights records. The Lebanese government claim that the refugee children have the right to attend schools, but still they are in reality being refused. The fact that the refugees’ have no mechanism to claim human rights abuses from the Lebanese government supports Arendt’s theory that human rights mean little for those who have lost all other rights.

That human rights often have to cave in for national interests becomes quite clear in Lebanon when the question about official refugee camps for Syrians is highlighted. The UN and other major NGO’s have been calling for the opening of official camps for a long time since this would enable them to organise their operations and thereby be able to protect the human rights of more people. The Lebanese government has however insisted on refusing this request due to political interests. The unwillingness to listen to major human rights actors shows that when there is a conflict between a nation-states interest and human rights, human rights have little power. This finding fits very well with Arendt’s critic against human rights as not being compatible with national sovereignty, since national interest appears to triumph over refugees human rights.

The obstacles that show the clearest connection to Arendt’s theory on the need for a right to have rights, are the obstacles grouped under the socio-political determinants. Most of these obstacles arise due to a lack of political and legal recognition. Lack of access and influence to social protection puts
the refugees in a vulnerable situation that reinforces itself. Without access to basic services the refugees becomes isolated and segregated, something that feeds discrimination and racism. The results of the case study suggest that refugees are very vulnerable due to unclear legal status and lack of right to participate in their community. This illustrates that the idea of a “right to have rights”, which is the right to belong to a political membership, is still highly relevant. Some of the biggest issues that the informants reported that the refugees struggles with where problems accessing education due to legal reasons, either in the form of fear of movement or schools refusing to accept refugees without papers. Even if the ministry is trying to develop policies solving these issues, there is a huge problem that refugees have nowhere to turn in case of abuse. No one appears to have any accountability towards them. This problem is especially clear in the case where the Lebanese police asked a refugee mom who wanted to report a teacher for abuse, to return to her own country. These obstacles suggest that the refugees in Lebanon experience a loss of both legal and social persona, making it very difficult for them to claim their rights and make their voice heard. These experiences of rightlessness due to not being seen as a person before the law, fits very well with Arendt’s thoughts on needing some sort of membership before other rights can be realised. Since no one appears to feel any accountability towards many refugees and they have nowhere to turn if their official rights to attend schools are not respected, this right appears as quite pointless. Therefore a need of a rights to have right still today seems essential in order to make any other rights secure and implementable for refugees.

A lot of the consequences listed under the socio-cultural determinant also relate to the notion of loss of persona. Losing ones cultural context appears to lead to a loss of a lot of social power as well. Language barriers, difficulties to access schools due to one’s status as a refugee, and bad treatment in schools all support the idea of loss of persona. The fact that even children appear to suffer from discrimination due to political conflict highly supports the idea that when one is stripped down to the purest form of humanity, one is no longer living in a framework where one is judged by one’s actions and opinions. Instead these children’s rights are not being respected simply because they do not belong to the majority in the social and political community in which they reside. While Arendt describes this as being reduced to only a pure human being, the results of the field study rather suggests that the refugee children are not seen as individuals at all, but only as a neglectable part of the group they belong to. Arendt’s thoughts can however be interpreted as matching the empirical finding, since she mentions that when one finds oneself outside any form of community one is no longer judged by ones actions. The same way as she describes the black man in a white community as only being seen as black, these children are only being seen as refugees.
Can, as Benhabib suggests, the right of asylum hold the answer to solve problems with lack of political and social belonging? Asylum and other forms of legalised forms of migration could work as a way to lessen the gap between us and them, without completely giving up the notion of citizenship. However, as she also point out, even asylum rights are inferior to domestic laws. This has become very clear during the current crisis when countries simply change their immigration laws and close their borders to avoid asylum seekers to enter their country. The fact that the laws of asylum has proven so easy to abandon seems to add even more credibility to Arendt’s notion that human rights are idealistic and weak when compared to national interests. Arendt discussed the right of asylum already in 1951, and then mentioned that it had worked well until people started to be persecuted not for what they had thought or done, but for what they were – born into the wrong race, class, or religion. She did welcome a development of asylum rights, however asylum laws had never been written down at that point, and Arendt at the time held little hope that they ever would considering the growing number of refugees (Arendt, 1976:294). The thoughts that the right of asylum does not stand up to the test sadly appears valid considering that we today have strong conventions guaranteeing these rights, and still asylum laws have shown to be highly interchangeable in times of crisis.

In Lebanon one fourth of the population at the moment are Syrian refugees. Most of these refugees live in informal settlements with no formal rights to settlement or work, and therefore find themselves in a very vulnerable situation. The children do have formal rights to attend school, but as the result shows this promise is often a false one. With human rights being arbitrary for the most vulnerable part of the population it appears as if Arendt’s paradox of human rights is highly relevant in the context of this case study. Even if measures are taken to help these children, and the Lebanese government has the goal to provide all children with education, informants reported that no one felt actual accountability to realise refugee’s rights. The Syrian children’s right to education appears to constantly be compromised; instead of making sure that the quality of informal education is monitored the government forbids NGOs from opening new schools. This is another example where the Lebanese government appear to put their national interest above the Syrian children’s right to education, since they claim that they want to limit informal schools in fear of extremist curriculums. They neglect human rights for refugees in order to protect the human right of their citizens. This finding support Arendt’s view that human rights have little worth without the protection of civil rights, and implies that human rights still suffer from the paradox she described in 1951.
The second hypothesis of this thesis was that the obstacles that hinder refugee children from accessing education would resemble traits in Arendt’s theories. Even though it is difficult to provide a straight answer, the discussion above suggests that this hypothesis has some valid points as well. There are many parts of the result that supports her theories. Human rights appear to not be enough to ensure the refugees human rights in Lebanon, agreeing with her notion that human rights are weak when someone is not enjoying any civil rights. The results have presented several factors implying that national interest in this case has triumphed over human rights, something Arendt also discusses in her theories. Arendt’s discussion on a right to have rights appears to be highly relevant in relation to the case study. Most of the reasons why a large number of refugee children in Lebanon are not attending schools appear to be due to lack of belonging to a community. The results show that the children are affected by not belonging to a political community that grants them legal rights, as well as to a social community that provides them with representation. Without any proper belonging, it is difficult for the refugees to claim any other rights, such as the right to education. The discrimination and dehumanisation of the refugee children resemble Arendt’s discussion on loss of persona. With these results supporting different aspects of Arendt’s theories, it appears valid to state that her paradox of human rights still does affect refugees today. However, in order to fully understand how and to what extent, more research needs to be done on the topic. It has never been this studies aim to generalize, but it appears clear that being de facto stateless has a huge impact on at least these refugees human rights.

Even if none of the theorists discussed in this thesis express any desire for a world-state, many claim that more international cooperation is needed on a political level. The results of this study supports that there indeed is a greater need for international cooperation if refugee’s human rights are to be respected. All informants in this study expressed frustration over the poor help from the international community in responding to the huge refugee crisis. This suggests that there is a greater need for international cooperation if we truly want to respect human rights for all human beings. This finding is also interesting in relation to the discussion on protection of human rights without the protection of a home state. Even if the UN and other organizations of the “international community” are very active in implementing protective measures for refugees, these organizations are after all made up of states. The lack of funding that they experience can be seen as a result of states not being willing to lend the money it takes to protect non-citizens human rights. Most NGOs are also dependent on this sort of funding, and the lack of funding could therefore be seen as supporting the view that people without functioning state-protection are in a higher risk of experiencing human right violations.
Informants for this study also mentioned that the experience that the world community are not taking their responsibility also contributes to racism and discrimination against the refugees. The large burden that the Lebanese community experience due to the refugee crisis has led to thoughts like “why should we help them when nobody else is?” contributing to a dehumanized view of the refugees. This view might contribute to the poor treatment of refugee children in schools, and that principals refuse to accept refugee children as students. In the long run, dehumanising this huge group of people could lead to increasing nationalism and even totalitarian governments, such as Arendt warns in her theory. In the traces of the crisis we already see increasing nationalism and support for populist politicians around the world, and many of these politicians use the dehumanisation of refugees as rhetoric to gain voters. With over 60 million (UNHCR, 2016) human beings currently trying to find a new home, Gündoğdu’s thought that human rights institutions need to address their weaknesses instead of keeping on viewing refugees as unfortunate exceptions seems highly relevant and urgent.

7. Conclusions and suggestions for further research

Studying Arendt’s theories on refugees in relation to a crisis taking place over 50 years later provides some very interesting insights. In many ways history appears to be repeating itself, with millions of people once again having difficulties with finding a new community that they are allowed to belong to. The results of this study suggest that the exclusion and dehumanisation of refugees that Arendt described are also happening today, and even though human rights and laws of asylum are now well established, they appear to shiver under the pressure of the current crisis.

The paradox of human rights appears to significantly affect the lives of the refugee children studied in this thesis. Since they have no civil rights and no state protection, they fall upon their human rights, and even if the Lebanese government and different organizations are providing measures to respect their rights, they in many ways appear rightless. The refugees can be said to hold human rights, but they have nowhere to turn in order to actually claim these rights. At the same time they suffer from isolation and exclusion from the community, reinforcing the state of rightlessness on both a legal and social level.

The empirical results of this study, as well as the current development regarding refugees in international politics, suggests that the idea of a rights to have rights is very important. The problem with turning this theory into
practice appears to still be the same groundlessness as Arendt identified herself; As long as there is an agreement, someone can be excluded. In one sense, it is interesting to question if the whole notion of human rights are not based on the same idea that everyone should have the rights to have rights, simply because they are human. If viewed in this way, human rights can be seen as guaranteeing membership in a community, even if this community aims to include all of humanity. As has been shown both theoretically and empirically, even exclusion from these rights is possible. The way the world system is formed today, it appears very difficult to imagine a form of community that could guarantee to never exclude anyone who had the right to belong there. Benhabib mentions that one solution could be to create other forms of membership, independent of citizenship and nation-states. The result and discussions of this study suggests that this might be needed in order to solve Arendt’s paradox, but if a world-state is not wanted, it is difficult to think of a believable alternative.

The huge amount of refugees in the world today makes it necessary to do more research regarding refugee’s human rights. Relating to the case study, it would be very interesting to analyse theories on rightlessness and lack of political belonging on the Palestinian refugees residing in Lebanon. By studying their situation an understanding on how human rights looks for people residing in a country they do not politically belong to for generations could be achieved. This and similar case-studies on stateless communities who have resided in a host country for long periods could also in a different way test state parties commitment to these peoples human rights, since the state are not responding to an urgent crisis in the same way as in the context of the Syrian refugees. Another related topic could be to study how refugees residing in official camps controlled by the UNHCR experience rightlessness. This would be interesting to study since the Lebanese government claims that not confining refugees in camps gives them more rights, while the UN calls for the opening of camps in order to respect human rights.

It would also be interesting to look more into the development of the right to Asylum in relation to the on going refugee crisis. By studying how much power national policies have to change the actual possibility that refugees have to seek asylum, a greater insight into how interchangeable this right is could be gained.

Considering the development in the world at the moment, it appears very relevant to study Arendt’s theories in relation to the uprising of new nationalistic movements. Her “The Origins of Totalitarianism”, does discuss the development and consequences of these kind of movements in great depth - and considering her warning that placing a lot of people in a state of
rightlessness could lead to totalitarian governments, a study of her work connected to this seems highly important. However one decides to interpret the results of this study or Arendt’s theories on rightlessness, it is hard to deny that there is an urgent need to understand how we can achieve protection and belonging for the millions of people currently seeking a new home. A greater understanding of these people’s rights should not only be in the interest of the refugees themselves, but also for anyone who is interested in seeing a future for human rights as a universal mission.
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Appendix I: List of informants

1) 27/2 Project manager, Jusoor foundation, Beirut
2) 27/2 A'esha School, Kaskas, Beirut. Observation
3) 15/3 General director, Hadatha Association, Akkar
4) 19/3 Ethel Camp, Zahle. Observation
5) 29/3 Teacher, Private tutor for refugee children
6) 29/3 Teacher, SV overseas
7) 1/4 Interagency Education Officer, UNHCR
8) 4/4 Syrian refugee residing in Beirut
9) 7/4 Facilitator, International Committee of the Red Cross
10) 9/4 Project manager, British Council
11) 11/4 Project leader, Ministry of Education and Higher Education
12) 16/4 Unnamed camp, Bekaa valley. Observation
Appendix II: Interview guide

1. Introduction and consent

Hello, thank you for meeting me today. My name is Marina Prellwitz and I am a master student in Human Rights at Uppsala University in Sweden. I am doing field research here in Lebanon concerning refugee children’s access to education. For my research I am interviewing people who are involved in this question and that is why I have asked to meet you.

You have the right to discontinue the interview at any time. The information I get from you will be used in my thesis to better understand the issue and how you are working to improve the situation; it will not be used for any other purpose than this. You have the right to remain anonymous if you wish to. Do you consent to doing the interview?

Is it ok if I record your answers? This is only in order to simplify the transcription of the interview and will not be heard by anyone else than me.

2. Orientation questions
   - Name:
   - Age:
   - Tell me about the organization you work for.
   - How long have you worked in this organization and what is your position?

3. Substantial questions
   - In what ways does your organization work with ensuring children’s access to education?
   - What are some challenges you face in your work?
   - Why do you think these challenges arise?
   - How do the children’s status as refugees affect their access to education in Lebanon?
   - How do you believe these children’s access to schools could improve?

4. Conclusion
   - Is there anything else that you find important on this theme that you would like to add or any answer you would like to clarify?

Thank you so much for meeting me and for your interesting information. I will send you a transcript of the interview, and later the final thesis. Is it ok if I contact you by phone/e-mail if I need any clarification or have any further questions?