

***Mapping the Syrian crisis in hosting  
countries: Syrian refugee children out of  
Lebanese school***

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## **Abstract**

The aim of this article is to analyse issues associated with the education or the absence of education of Syrian people, who are in a refugee situation, using both Human Rights Theory and the Capability Approach. The case of Syrian refugee children is presented in Chapter 2 in the context of Lebanon as the hosting country, analysing children's deprivation of their fundamental rights, including the gap in the access to Lebanese education. In Chapter 3, the analysis of the status of children refugees is made through the Human Rights Theory lens, with respect to their physical and legal circumstances and the deprivation they are facing living in hosting countries, despite the legal framework, which should protect them. Chapter 4 begins with an overview of the capability approach of Sen and Nussbaum, and issues related to refugee children and the Education in Emergency (EiE) response. The approach is based on the expanded understanding of the existing concept of development. The Capability Approach highlights the difference between means and ends, and between substantive freedoms (capabilities) and outcomes (achieved functionings). In view of the approach, it is obvious that refugees, especially refugee children, are not in substantive freedom. The article concludes by analysing what capabilities Syrian refugee children have been deprived of, using the Capability Approach, and presenting some of the short and long-term effects of this deprivation on Syrian future generations.

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## Chapter 1: Introduction

“We must not believe the many, who say that free persons only ought to be educated, but we should rather believe the philosophers, who say that the educated only are free”.

Epictetus: *The Discourses*, Book Two, Chapter One.

## Legal Status of Refugees

The term refugee is often referred to one who can receive a country's diplomatic protection legally or actually by renouncing the political loyalty relationship with the country of origin (UNHCR, 1992). However, there is no general definition about whether one is to be protected as a refugee or not, as it virtually depends on discretion or legislative will of host countries. International organizations, including the United Nations High Commissioner for Refugees (UNHCR), provide political and legal protection such as material relief work, return and resettlement to the home country (when appropriate), assistance of family reunion, and international cooperation until they acquire new nationality, only for people granting the legal status as refugee.

Even for those who would agree with the utilitarian principle, ‘the greatest happiness of the greatest number’, it is generally acknowledged that the overall assistance for refugees is still far from being adequate. With the capability approach as the centre, the aim of this article is to analyse the implications of freedom deprivation, poverty, and suppression which refugees, especially children, are facing despite the existing international law and policies for the protection of human rights.

Human rights law, including refugee law, has its origins in the aftermath of World War II. Article 14(1) of the Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations (UN) in 1948, guarantees the right to seek and enjoy asylum in other countries. Subsequent regional human rights instruments have elaborated on this right, guaranteeing the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and the international conventions. The controlling international convention on refugee law is the 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Optional Protocol relating to the Status of Refugees (1967 Optional Protocol). Although the 1951 Convention definition of a refugee<sup>1</sup> remains the dominant definition, regional

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<sup>1</sup> “A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”, UN (1951) Geneva Convention Relating to the Status of Refugees

human rights treaties have since modified the definition of a refugee, in response to particular displacement crises not covered by the 1951 Convention.

The definition of human rights in terms of theory and function has been extensive and varied. According to Beitz, a pioneer of global justice, human rights are a product of public reason (Beitz, 2011). His objective is to develop a theoretical definition of the role of human rights in international affairs as a public political practice, where multiple agents, including governmental and non-governmental organizations, influence one another. Human rights are thus a participatory justification of rights within the era of globalization, taking into account its law-making potential outside the power of the individual state. In Beitz's model, states and the international community share the responsibility for rights protection and human rights become the protection of individual interests against threats. As a consequence, violations of rights are reasons for action. The primary role of government is to protect the human rights of citizens and if states fail to act, the international community and other non-governmental organisations should assume responsibility to protect human rights on behalf of the state itself. Thus, the government main responsibility to protect human rights does not exclude the essential international connotation of human rights. Both state and international participation appears to be the only feasible combination in order to protect global human rights and settle potential conflicts through the creation and practice of *ad hoc* norms (Beitz, 2011).

### **Refugee Children and Human Rights: International Legal Framework**

International law should be a crucial tool to protect refugee children because when a State ratifies a treaty, the Government of the State promises to the international community to reach the standards and to fulfil the obligations in the treaty. The 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees set standards that apply to children in the same way as to adults. Every aspect of a child's life is covered, from health and education to social and political rights. Rights to health (Art. 24), education (Art. 28), and to an adequate standard of living (Art. 27) are called "progressive rights" because they increase along with the State's economic development. The 1989 United Nations Convention of the Right of the Child (UNCRC, 1989) has gained importance to refugee children because of the near-universal ratification of the treaty (155 State parties by March 1994). Since its standards are universal, the UNCRC could be virtually used as a powerful tool for advocacy. According to UNHCR, the UNCRC ratification can be useful when a State is a party to the UNCRC but not to any refugee treaty, because it may be used as the primary basis for protecting refugee children, internationally recognizing their human rights (UNHCR, 1994). To this respect, three rights of the UNCRC are considered as fundamental: the "best interests" rule, non-discrimination, and the right to participate. Because these three

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(CSR), Article 1. 1951 Convention relating to the Status of Refugees. Available at <http://www.unhcr.org/3b66c2aa10.html>

rights are intimately related, they are sometimes referred to as "triangle of rights", as each reinforces the other.

### **Education in Emergency (EiE)**

After the end of the Cold War, new types of crises emerged around the world, requiring different humanitarian responses and interventions. The World Declaration on Education for All (EFA, Jomtien 1990) adopted in 1990 helped to shift the international attention back to education as a human right in the framework of the development agenda and the priority list of governments. It also paved the way for the field of Education in Emergency (EiE) to gain more prominence, thanks to the related agreement on national EFA plans to include provision for education in emergency situations (UNESCO, 2000). Although education has been a crucial sector within UNHCR operations since the 1960s, the last two decades have seen a considerable rise in awareness of its importance, partly due to its recognition as the 'fourth pillar' of the humanitarian response alongside food, shelter and health, as well as an essential tool for both saving lives and sustaining lives.

According to UNHCR, usually more than half of any refugee population is made of children (UNHCR, 1994). Refugee children are children first and foremost, and as children, they are particularly vulnerable and require special attention. Moreover, children are growing in developmental stages, and serious delays interrupting these sequences can severely disrupt their development. Refugee children face far greater dangers to their safety and well-being than the average child. The sudden and violent onset of emergencies, the disruption of family and community structures as well as the severe shortage of resources can deeply affect both the physical and psychological well-being of refugee children. Helping refugee children to cope and meet their physical and social needs often means providing support to their families and communities (UNHCR, 1994).

Sen has listed education as an essential human capability that is integral to the overall well-being of a person (Sen, 1999). This is especially true for children living in refugee camps, where education serves a variety of practical purposes. The unstructured life of a refugee can be hard on children, and the trauma of displacement could be increased by the trauma of loss of educational opportunity. The resumption of education is essential in the post-disaster response, as schools and temporary learning spaces, even when operating with minimal infrastructure and supplies, can offer protection from harm, abuse and sexual violence. School can help to restore a sense of normalcy for children living in refugee camps, stimulating their active participation and promoting their recovery from the stress they have experienced.

The growing pool of research and the higher recognition for EiE have led the way towards a stronger commitment of international agencies and donors to work together in the education response. One major initiative is the

development of the “Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction” by the Inter-Agency Network for Education in Emergencies (INEE, 2004) to promote access to and completion of education of high quality for Emergency Education in situations where children lack access to their national and community education systems, due to occurrence of complex emergencies or natural disasters, which overwhelm the state capacities (Nicolai and Triplehorn, 2003).

### **Refugee Children and the Right to Education**

The 1951 Convention relating to the Status of Refugees reaffirms in Article 22 the responsibility of the government of the hosting countries to provide education for refugees. Despite States obligations and the international agencies commitment to better address the basic primary education needs from the early stages of emergencies, the fact remains that the majority of refugee children still do not receive basic education. Some estimates put the number of refugee children receiving education at no more than 40 per cent (UNHCR, 2001). This lack of basic education thus violates one of their fundamental rights. On this regard, the World Declaration on Education for All refers to refugees as an *underserved group*, requiring special assistance.

Several obstacles and limitations impede refugee children to receive quality and relevant education, such as poor infrastructure, inadequate resources and a lack of trained teachers. As a consequence, the quality of education may be poor, the hours limited and school materials may be lacking. Sometimes the education provided is not in the refugee children's mother tongue. In some situations, refugee children have very limited access to post-primary education or vocational training, without which they might fail to gain knowledge and skills for future endeavours and economic self-sufficiency.

The case of Syrian refugee children is now presented in the context of Lebanon as hosting country. The analysis of the deprivation of children's fundamental rights and central capabilities is conducted through the assessment of the gap in the access to Lebanese education, the main constraints and the short and long-term effects on children of forgoing education vis-à-vis their freedoms and well-being.

## **Chapter 2: Refugee children and the Human Rights Theory**

### **Lebanon and the Syrian Crisis: refugee children out-of-school**

The ongoing humanitarian crisis in Syria has been estimated by the UN as the worst faced in the last century. More than 2.5 million Syrian refugees are flowing into neighbouring Jordan, Iraq, Turkey and Lebanon, which are struggling to cope with the newcomers (UNHCR, 2013). A small country like Lebanon, which is recently emerging from its own civil war and which still suffers from internal instability, is now struggling to deal with the strain on its infrastructure and resources caused by the largest refugee influx of all the host countries. The Lebanese government estimates that one million Syrian refugees, half of them children, currently live in the country. With a population of approximately 4 million, about one in four people currently living in Lebanon is a refugee. Lebanese capacity to accommodate and integrate such a large number of refugees is far from being adequate. While the fourth year of civil conflict in Syria is approaching, the humanitarian response continues to struggle to meet certain basic refugee needs.

At the beginning of the crisis, the Lebanese Government decided to adopt an open border policy in favour of refugees arriving from Syria. However, as Lebanon is not a signatory to international refugee laws<sup>2</sup>, the legal and other protection spaces for refugees and asylum seekers are quite limited. For instance, local authorities refused to follow Jordan's example and allow the provision of refugee camps. Lebanon has hosted Palestinian refugee camps since 1948 and this contributed to the decision to avoid establishing formal Syrian camps. As a result, Syrian refugees were forced to seek refuge within host communities, by renting apartments, occupying unfinished buildings or gathering in informal tented settlements. The most vulnerable areas include the highly impoverished North, the Bekaa, the South and the Palestinian refugee camps across the country, including those in Beirut. The informal tent settlements often lack proper infrastructure and forward planning. The lack of organised shelter complicates the humanitarian response, as refugees are dispersed throughout the country, making it logistically challenging to identify and locate them, and thus to deliver aid and basic services.

Civilians fleeing the violent conflict in Syria to Lebanon are still facing huge challenges, such as access to basic services, shelter, and financial support. The most vulnerable are the women and children, especially those who have lost their husbands and fathers. According to UNHCR survey, over 70,000 Syrian refugee families live without fathers and over 3,700 refugee children are either unaccompanied by or separated from both parents (UNHCR, 2013).

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<sup>2</sup> 1951 Geneva Convention relating to the Status of refugees, which is the key legal document defining refugees' rights.



Syrian children in Lebanon are extremely vulnerable to a number of threats to their basic survival and well-being, including child labour, child marriage, sexual exploitation, and human trafficking. Children's rights violations, such as displacement from home, lack of education, and poor health care can carry significant long-term repercussions on Syrian refugee children, extending past childhood. In addition, the sudden and prolonged interruption of the educational continuity that many refugee children were enjoying in Syria is impeding the collective well-being of refugee communities, with respect to prospects for family earnings and livelihoods, by diminishing refugees' incomes and hopes for the future.

Joint efforts by governments, non-governmental organizations (NGOs) and UN agencies have led to little improvement in the enrolment rate among Syrians, which remains low in the state school system especially at primary level. Far from reaching EFA and Millennium Development Goal 2 (MDG2), both advocating the achievement of quality basic education at universal level, a Syrian generation is at risk of being left behind for several reasons. First of all, remaining illiterate will be a serious disadvantage for Syrian refugee children in defending their human rights. Refugee children and youth, who are unable to attend school or a vocational training course cannot look forward to a more prosperous future and are more likely to become frustrated and involved in illegitimate or military activities, such as recruitment into forced labour, military forces or prostitution, (UNHCR, 2011). The humanitarian response is currently functioning in a coping capacity rather than transitioning to a longer-term, strategic response. Out-of-school refugee adolescents might face greater risks over the upcoming years, if there is little possibility for them to enter the labour force due to lack of skills, political or economic constraints. As a result, Syrian youth might not be able to attain financial independence, leading to a cycle of poverty and vulnerability.

In addition, the lack of education for Syrian females might have a harmful effect both at individual and social levels. There is evidence that educated girls and young women are better able to make decisions that enhance their well-being and improve the lives of any children they may have (UN, 2005). On the contrary, uneducated women tend to marry younger and are less keen on sending their children to school. This could lead to a vicious cycle of poorly educated women in the future Syrian generation.

## **Education of Syrian Refugees in Lebanon**

The education system of Lebanon is highly privatised, making the large-scale expansion of this service for refugees extremely hard. The majority of primary instruction in the country is provided through private schools with expensive fees, whereas the public sector educates only 30% of Lebanese students (World Bank, 2013). In order to accommodate the significant increase in school-aged children seeking to enrol in schools, the Lebanese public school system would have to double its capacity. Although the Lebanese Ministry of Education has taken some steps towards expansion, only a small percentage

of Syrian refugee children had the chance to attend public schools. UNHCR has also enrolled almost 80,000 children in informal education and provided basic school supplies to 400 local schools.

Despite these mutual efforts, only one in five Syrian refugee children is currently enrolled in formal education programs, and there are no guarantees that enrolled students will maintain their eligibility for the next year or even complete the current session (UNICEF, 2013). In other words, only 20% of Syrian refugee children are enrolled in formal school programs in Lebanon. The limited access to basic education for Syrian refugee children in Lebanon has gained much attention amongst the international community. On this regard, a number of barriers to learning have been identified as follows:

a) Capacity of Lebanese public school:

Enrolling of all Syrian refugee children would ideally require the school system to immediately double in size. In addition to that, the quality of education in public schools is increasingly affected as classes become overcrowded and schools are under-resourced. In response to the increasing demand for school space, the Lebanese government has agreed to implement a second shift of schooling in the afternoon. However, the doubling of costs for the schools in both teacher salaries, administrative and running costs cannot be afforded by the local government. Moreover, the Lebanese teaching force is generally less equipped with the pedagogical skills required to enable this increased efficiency and for the quality teaching and learning needed in these circumstances. The influx of refugee students is a serious challenge to the capacity of local teachers and the quality of education offered not only to refugees, but also to Lebanese students. In addition, studies have indicated that most of the Syrian children require special needs counselling and education, including psycho-social support in addressing traumatic experiences (UNICEF, 2013). This would require additional training for teachers and technical advice from school counselors and psychologists.

In this high refugee influx scenario, the number of Syrian students seeking enrolment in public schools is expected to grow dramatically, with a general increase of 57% in total public school students (World Bank, 2013).

b) Lebanese curriculum and language barriers:

Another barrier to the education of Syrian refugees in Lebanese schools is the curriculum and the language of instruction. Syrian children, who have been able to attend Lebanese schools, are struggling to keep up with their peers or have been placed in lower grades. This is because of the difference in the school curriculum between Syria and Lebanon. The Lebanese curriculum is more demanding than Syrian children had previously been exposed to. Furthermore, in Syria, lessons are taught in only Arabic. However, in Lebanon although some instruction in schools is in Arabic, French and English are also official teaching languages and the subject of instruction for subjects such as math and science (El Masri, Harvey, & Garwood, 2013). These linguistic and

curriculum challenges are major obstacles for Syrian refugee children and have caused many to drop out of school in Lebanon.

UN agencies and NGOs have responded by providing 'child-friendly spaces' and extra-curriculum learning opportunities for children who need additional support, such as intensive summer courses on foreign languages. However, since the Syrian population is dispersed in the country, it is hard to reach children living in remote areas.

c) Transportation costs and tuition fees:

In general, state schools in Lebanon are free of charge with the exception of a registration fee<sup>3</sup>, which the international community is struggling to cover for every enrolled Syrian student. UN agencies and numerous INGOs are also providing pupils with education materials, such as school bags and uniforms and are distributing fuel in the schools, in order to meet the heating requirement and enhance the attendance rate. Despite this, most of Syrian families cannot afford to send all of their children to school and the parents are forced to take the painful decision of choosing only one child who should attend. The choice is often made in favour of the younger children, whereas older boys are encouraged to seek work (UNHCR, 1994). Moreover, school buildings are often distant from Syrian refugees' residences, especially for those living in remote areas. Parents' safety concerns and high transportation costs are keeping more Syrian children out-of-school.

d) Gender issues and discrimination in school:

According to the joint Save the Children – United Nations Children's Fund (UNICEF) vulnerability assessment (2012) many Syrian students experience bullying and discrimination by Lebanese pupils and teachers, perhaps due to the economic pressure the Lebanese hosting community has come under. Syrian parents are reluctant to send their children to school, particularly young girls, because they feel it is unsafe and fear harassment from the host community (Oxfam, 2013). The prevalence of co-educational schools in Lebanon represents an additional barrier to learning. In Syria most primary and secondary schools are single sex, and conservative families, especially fathers, prevent their daughters from attending mixed schools.

### **Chapter 3: Refugee children and the Capability Approach**

#### **What are the Syrian refugees children deprived of?**

In the last two decades an increasing interest can be observed in the Capability Approach among researchers and policy-makers (Alkire *et al.*, 2008). This is in order to evaluate several aspects of human well-being, such

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<sup>3</sup> Ranging from USD 47 to USD 80, (UNICEF Snap, 2013).

as inequality and poverty. The Capability Approach to development can also be used as an innovative tool to conduct social cost-benefit analysis, or as a framework for governments and non-governmental organisations to design development policies in developing countries. The capability approach is not a theory which can explain poverty or social well-being; it is rather a new paradigm within which to evaluate these concepts as a means to move towards a more sustainable development (Robeyns, 2005).

Although it is still in its infancy compared to other theories, such as the Human Capital Theory, the importance of the Capability perspective to development has been emphasised by the United Nations. The United Nations Development Programme (UNDP)<sup>4</sup>, for instance, has adopted it as a broader and deeper alternative to mere economic metrics, such as growth in GDP per capita. This change in discourse and practices focusing more on the social side of development is becoming more widely supported and implemented and the initial ideas of Sen have been developed and turned into different approaches for other development sectors.

In figuring out the capability approach, it is essential to expand the concept of Development and Freedom. Sen claims that evaluations and policies should focus on what human beings are able to do, and taking appropriate actions to remove these obstacles, which are impeding their freedom to live the kind of life that they have reason to value. Individual freedom is a crucial criterion for evaluating and assessing the development of a society. At the same time, in order for society to further develop, it is essential to guarantee the substantive freedom of people. In other words, expansion of freedom is viewed as both the primary end and the principal means of development (Sen, 1999).

In this regard, Nussbaum (2000) maintains that substantive freedoms can be secured through institutional resources, including the legal and social recognition beyond the economic resources.

### **The list of capabilities**

In order to achieve expansion of freedom as the primary end, Sen proposes five types of 'instrumental liberty', namely, political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security. In particular, social opportunities refer to the social arrangement to ensure access to education, health care and so on, which influence the individual's substantive freedom to improve the quality of life.

Nussbaum, on the other hand, suggests a general list of ten capabilities, as the foundation for her theory of justice. The list is one of the specific differences between Sen's version and Nussbaum's, and contains the

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<sup>4</sup> Since 1993 UNDP has been publishing the Human Development Report annually, assessing the quality of life in several countries using the concept of people's capabilities, or their abilities to be or to do certain things deemed valuable.

following capabilities (Nussbaum, 2000: 78-80):

- *Life*: being able to live to the end of a human life of normal length and not dying prematurely.
- *Bodily Health*: being able to have access to health care, food and shelter.
- *Bodily Integrity*: being able to move freely from place to place and to be protected, having one's bodily boundaries treated as sovereign.
- *Senses, Imagination, and Thought*: being able to use the senses, to think and reason in a "truly human" way, thanks to an adequate education.
- *Emotions*: being able to love those who love and care for us and to grieve at their absence. Fear, anxiety and traumatic events can seriously affect human emotional development, both at the individual and collective levels.
- *Practical Reason*: being able to engage in critical reflection in life planning.
- *Affiliation*: being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction, to have the capability for both justice and friendship.
- *Other Species*: being able to live with concern for and in relation to animals, plants, and the world of nature.
- *Play*: being able to laugh and enjoy recreational activities, especially during the early childhood developmental stages.
- *Control over One's Environment*: being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. Being able to hold property (e.g. land) on an equal basis with others.

In line with the aim of the article, Sen's five types of "instrumental liberty" and Nussbaum's ten articles of "a list of the central capabilities" will be applied as the critical criteria to enable us to evaluate whether the existing social and political institutions or policies have guaranteed individual freedoms, with respect to refugees status in general, and to Syrian refugee children in particular.

The judgment about the circumstances surrounding the Syrian refugee children could depend on whether liberties for achieving substantive freedom as the primary end have been guaranteed or not. The analysis to assess their freedom deprivation through the Capability Approach is done according to Nussbaum's list. Among ten capabilities in the list, Syrian refugee children have forfeited the following four main capabilities:

'Bodily Health', 'Bodily Integrity', 'Senses, Imagination, and Thought', and 'Play' (Nussbaum, 2000: 78-80).

To examine concretely, the capability of 'Bodily Health', which includes the access to adequate health care, food and shelter has been restricted for Syrian refugee children, who had no choice but to leave their country, due to

destruction of their habitats. In addition, the living conditions including the basic necessity of life, food, clothing, and shelter, were already devastated. Many of them have spent extended periods occupying unfinished buildings or gathering in informal tented settlements, often deprived of adequate food, shelter, and health care. Thus, they could not enjoy the 'Bodily Health' capability sufficiently.

Secondly, the 'Bodily Integrity', including the capabilities to be able to move freely from place to place and to be protected, has been also restricted for them. War and other forms of violence have obliged Syrian refugee children to undertake unplanned and dangerous journeys to seek safety. As a result, their movement was never free and voluntary, because they were forced to leave their country of origin, where they were no longer protected. For this reason, they have already been excluded from the capability of 'Bodily Integrity.'

Next, the 'Senses, Imagination, and Thought' capability which means, as mentioned above, to be able to use the senses, to think and reason in a 'truly human' way (Nussbaum, 2000), thanks to an adequate education. This deprivation can be stated especially for Syrian refugee children and young people, who have been exposed to traumatic circumstances as a result of their forced displacement. Death or separation from parents and other family members were also experienced. On arrival in Lebanon, they were faced with new settlement pressures including, when possible, learning English and enrolling in new schools or, in the worst-case scenario, adjusting to be out-of-school. Although Syrian refugee children have shown strong resilience, the trauma of their prior experiences may affect their developmental stages and their cognitive abilities to learn and integrate within the new community. Fear, anxiety and traumatic events can seriously impact their human emotional development, both at the individual and collective levels. In this sense, schools can play a central role in nurturing the mental health and well-being of refugee students. Lack of educational access and social deprivation might generate further instability, causing children's learning difficulties and disabilities (UNHCR, 2013).

Lastly, the capability of 'Play' is related to the opportunities to laugh and enjoy recreational activities, especially during the early childhood developmental stages. Early Child Development (ECD) is mainly dependent on physical and verbal stimulation and play, often termed 'psychosocial development' (UNICEF, 2012). Practically, this means engaging, talking and playing with peers. In this respect, play is essential to the healthy development of a child. For refugee children, play can be a way of coping with the trauma they have experienced, by enhancing imagination and promoting social skills and participation within the family and the community. Article 31 of the UNCRC asserts the right of the child to 'engage in play and recreational activities' and the responsibility of State Parties to promote the right of the child to 'participate in recreational and leisure activity'. International agencies have recognised the 'healing' power of play, which allows children to integrate their pain, fear and loss and to experience again the relief of acting like a child

(UNICEF, 2012). The majority of Syrian refugee children have been deprived of this capability, because of lack of safe spaces and opportunity for play. Being marginalised, Syrian refugee children may suffer from social isolation, which could affect their cognitive development and, in worst cases, lead to anti-social activities (UNHCR, 2013).

Sen maintains that education is a multiplier capability, which can help to multiply and facilitate intersections between multiple capability sets. To this respect, Robeyns has linked the capability approach to education, arguing that being knowledgeable and having access to an education that allows a person to flourish is generally argued to be a valuable capability (Robeyns, 2005). According to Sen's theory of instrumental freedoms, the means for freedom as the primary end cannot exist independently from each other, but rather have the characteristics of mutual connection. Therefore, direct deprivation of just one capability can lead indirectly to deprivation of other capabilities. As far as Syrian refugees are concerned, it is indeed doubtful whether there are capabilities to be met among the Nussbaum's list.

In this view, the problem of adaptive preferences is one of the tenets of the Capability Approach. Individuals living in situations of deprivation or oppression often adjust their expectations downwards, becoming so normalised to their conditions of social injustice that they may claim to be entirely satisfied. As pointed out by Sen (1985) and Nussbaum (2000), happiness provides an inadequate informational space for well-being. When individuals become familiar to adverse circumstances, which alter their preferences, their subjective views are no longer considered reliable as an information basis for normative assessments. This is particularly true for refugees, who are forced to adaptively prefer situations that constrain them and undermine their realisation of functions that they value. It is indeed possible to find refugee people who have always lived in deprived conditions to be satisfied about their lives.

#### **Chapter 4: Conclusion**

The aim of this article was to apply the Human Rights Theory and the Capability Approach to matters surrounding refugee children, with particular regard to the deprivation of their basic rights and well-being. The case of out of school Syrian refugees children has been presented in the context of Lebanon as the hosting country. In one of the worst faced humanitarian crisis of the last century, both the state and the international community still have not succeeded in their primary role of protecting human rights, as they are functioning in a coping capacity rather than transitioning to a longer-term, strategic response. In view of the Capability Approach, it is obvious that Syrian refugee children are not in substantive freedom and have forfeited most of their main capabilities, including the access to quality education. As a result, out-of-school Syrian refugee adolescents might face greater risks over the upcoming years, if there is little possibility for them to be educated and attain financial independence. This loss of education could lead to a cycle of

poverty and vulnerability affecting the lives of many, not only for the current, but future generations.



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