“They didn’t expect that education is a basic right for everyone, even refugees:”

Reflections on the Human Right to Education, the Refugee’s Right to Know their Human Rights, and the Article 26 Backpack

The Za’atari refugee camp lies just few kilometers from Syria’s southern border. The UN and Jordan established it in 2012 for the few Syrians who had begun to cross to escape the repression of their country’s Arab Spring-era uprising. The revolution and the brutal response sparked a civil war and has sent millions more into exile across the globe in the years that followed.

Now, barbed wire and security checks greet visitors and residents alike as they come and go — the carceral and securitized elements refugee camps have possessed since the first refugee camps of were created during World War I. The measures at once protect refugees and demarcate them as those whose presence is conditional and temporary. Indeed, Za’atari demonstrates all the physical and legal elements of permanent impermanence that refugee camps are supposed have: temporary infrastructure, ad hoc buildings, nothing set into the ground, and for the refugees themselves no access to the civil rights of movement, employment, property
ownership, and education that citizens of Jordan enjoy; and indeed, and under normal circumstance, they would have had limited access to these rights had they been across a border that can be seen in the middle distance.

Nonetheless, tents have given way to prefabricated shelters, often emblazoned with the corporate logos of donors like IKEA or the crests of Gulf Arab Sheikhdoms. Roads through the camp are paved, sanitation and water stations have been built, schools, training centers, maternity clinics have been established and are staffed by refugees, Jordanians, and internationals, as Western professional aid workers are called. Electricity from an enormous solar power array lights structures and powers cell phone towers, providing a critical connection to the world beyond the barbed wire, including with those back home across the border.

The UNHCR counted 77,497 camp residents in August of 2020. 20% of those residents is under five years old, meaning that they were most likely born in the camp. Since 2021, over 650,000 Syrians have registered as refugees in Jordan, with most living in the country’s big cities like Amman or Irbid. While return rates to Syria had accelerated prior to the COVID-19 outbreak in Spring 2020, this amounted to a small fraction of the whole and with past civil wars and moments of mass displacement in the Middle East mind, like those of the Armenians (1915) and Palestinians (1948 and 1967,) many Syrians will not go home; nor indeed, will the current régime in
Damascus, which seems intent on using the war to engage in demographic reengineering, welcome them.

Za’atari, has become emblematic of the situation facing Syria’s 5.6 million refugees. On the one hand, a sophisticated, innovative multi-national approach to humanitarian assistance has helped many Syrians survive, even thrive in exile, as has the application of international resettlement programs of the UNHCR. On the other hand, permanent impermanence leaves them in a condition of persistent vulnerability to human rights abuse and is laying the foundation of a nascent rights-less, reviled underclass in the countries of the region, Hannah Arendt’s “scum of the Earth.”

It was at Za’atari in March 2013, and among the larger Syrian and Syro-Palestinian refugee community in the Middle East and Europe, that I initiated a multi-year, multi-disciplinary research program to understand and then address the impact of war on university students and their human right to education. That interest had grown from a project mounted a decade earlier to better understand the impact of decades of authoritarian rule and the US and British in invasion and occupation of Iraq on higher education, museums, libraries and archives.

Za’atari was among the very first field sites we chose. In preparation for my team’s visit to the camp, we met with a UN-affiliated international with years of experience in the region. Upon explaining our plan to work with displaced university students residing there, the official replied that it was unlikely that we would be able
to accomplish our goal as most of the refugees were from near the city of Daraa, a largely agriculture-based community, and were only farmers and poor people. Burned into my memory was the official’s next words: “there are no students in Za’atari.” Which we knew of course was not the case.

This somewhat unconventional article, is a rejoinder to the broader sentiment underlying that official’s remark. It is also an act of distillation, as it were, in which I consider the multiple intersections of a Human Rights Studies approach to the practical implementation and application of the human right to education, as defined by the UDHR and later international agreements, through a creation of a digital ecosystem, the Article 26 Backpack. Supported by major international philanthropies, including the Ford Foundation, it is in collaboration with and implemented in part, by refugee young people and US-based undergraduate and graduate students engaged in the formal study of human rights and allied fields.

In the following, I consider how critical it should be for those thinking about human rights, especially when it intersects with humanitarian practice and the lives of vulnerable and oppressed groups, to form a body of experience in the field, as defined in the broadest sense. Not only does that experience bring a practice element to their human rights thought, it fosters the skills and expertise needed to close the theory/practice gap that is a core mandate of Human Rights Studies, itself. There is a rich tradition of scholars in Human Rights Studies journeying from the practice side, for
example, Kathryn Sikkink, and indeed, in the case of Samantha Power, current director of USAID, back. In my own case the experience of practice-oriented research and implementation has led me back to formulate two key theoretical arguments in the space of refugee rights. The first is that the global experience of refugees seeking to exercise their human right to education, especially in its post-secondary forms is the incompatible with the concept of “merit.” As explored below, the human right to higher education is the only human right with an abstract and arbitrary subjective barrier to its exercise: Article 26 of the UDHR’s final sentence reads: “Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.” “Merit” has shadowed the relationship between the human rights idea the right to education throughout the three generations of rights evolution, making it thereby, less a right, than a privilege.

The second is that human rights education must become a key practice of

Two ideas: rethinking of the role of merit how in practice

The fundamental role of human rights education in the support of refugees

Rights education should be at the core of empowering dimension – from states that routinely violate, resident in states that routinely violate human rights – as people of interest to the UN
Come to this as a historian -

The sentiment behind the comment told us much more about how the UN’s humanitarian complex viewed Syrians at the time – it was testament as well as to the low priority placed on higher education for refugees in the planning and implementation programs of the UN and its member states at the outset of the civil war, or in retrospect, how inconceivable it was that amongst the refugees were young people displaced by war. It was also definitive of the kind of “carceral humanitarianism” that prevails in the way Syrians (and other refugee populations) are viewed in refugee host-countries. Syrians were undifferentiated inmates of institutions of sequestration that held the individual in abeyance until they could return or be resettled. Little effort was taken to understand the complex and dynamic nature of the individual refugees and their trajectory and any possible opportunities of exile.

In all fairness, few experts (I included myself in that number) imagined that the war would last as it has. The UN’s broader position was shaped by the expectation that the conflict would resolve and they were trying to keep so many just fed and sheltered. With the end of the conflict, it was assumed, refugees would return, and resume their higher education and the disruption would be minimal. As the UNHCR’s budget has shrunk relative to the numbers of refugees, this problem has grown more
acute. Likewise, the unexamined assumptions about the ease of mobility of high-skilled migrants, has meant that other areas of need could remain the priority for dwindling resources.

On a warm spring morning, my research team and I met with dozens of refugee university students in Zaatari. It was a deeply inspiring moment for all of us. These young women (Figure 1.) for example were in computing, law and education fields – many on the cusp of graduation – most had fled because their fathers or brothers had been targeted by the regime. All wanted to resume their studies and many had made the trip to the Jordan University campus in Amman to see if they could enroll.

Figure 1. UC Davis Human Rights Studies Research Personnel and Syria Refugee University Students, March 2013

It seems obvious now, but to understand conditions facing refugee university students, spending time in a seminar like setting, talking, listening and comparing notes was effective. It was much more than a “focus group” a popular assessment technique employed by refugee studies researchers. Through that method, we achieved a clearer and more comprehensive understanding of the problems and barriers faced and the value they placed on education, especially those forced from a solid middle-
class life to the very margins of society. At the same time, it was an act of collegiality, or perhaps more so, solidarity: we were not there as the UN internationals or aid workers but rather as colleagues and university professionals. I brought graduate and undergraduate students with me for the meetings; a practice I have continued and expand ever since and have incorporated in the development and administration of the Article 26 Backpack. Our intention was that the young people meeting with us were not research subjects, but rather colleagues engaged in a collaborative effort to solve a complex human rights problem.

The women students, in particular, indicated that they were under increasing family pressure to marry; that they all had problems with documentation of their transcripts and faced strange barriers including trying to have official transcripts made available – a Kafkaesque nightmare when one is a refugee; higher education costs were so high as to be unattainable – indeed, as the numbers of Syrians swelled, Jordan abandoned the reciprocal practice of charging Syrians “in-state” tuition as it had in the past. It was also the first moment, I had realized the enormous anxiety refugees in general and university students and credentialed professionals in particular have about the safety and security of their documentation. This is bundled with a long-standing fear of seeking documents or other official materials like transcripts as that act would bring them into humiliating and dangerous contact with corrupt and abusive government officials, even during peacetime.
I left the camp that evening and returned to Amman with the realization that this was more than just a problem that could be solved with a handful of grants or scholarships. Rather what was at stake was the loss of an entire generation of young, smart, talented and driven people who were supposed be the region’s doctors, engineers, teachers, accountants and architects. Over the following years, that project took my research teams and me, with the support of diverse partners, including the Institute of International Education, the Carnegie Corp. of New York, the Open Society Foundations, and my home institution to Lebanon (2013;) Turkey (2014;) and Greece (2016.) Those visits led to a series of broadly influential white papers: "Uncounted and unacknowledged: Syria’s refugee university students and academics in Jordan (2013;)“ "The war follows them: Syrian university students and scholars in Lebanon (2014;) “ “We will stop here and go no further: Syrian university students and scholars in Turkey (2014.)” IIE booklet TK

As a measure of their impact, collectively they have been cited dozens of times in diverse literatures on education, refugees and Middle East Studies; but more important, my work and that of others in a similar vein has helped lay the foundation for a new and critical field of theory and practice at the intersection of refugees, higher education and human rights. It has fostered the broader engagement of UN institutions, most especially UNESCO and the UNHCR, in higher education by and for
refugees, most notably through the “15 by 30” project. That project seeks to raise the percentage of refugees with access to higher education, which hovers around 3% of the total number of those eligible and the 20% of non-refugee population that does receive a higher education. (expand?) TK

Among the broader conclusion I have drawn from observing and participating in elements of the international response to the massive displacement of university students and the accompanying denial of equitable access to its resumption is that in order for the global higher education community to fulfill this role, it must move beyond (though certainly not abandoned) its traditional repertoire of global higher education practices and activities and accept a much broader mandate. First: to be a fundamental pathway for inclusion that will best help refugees and the states and societies where they have taken refuge and second: to be a force that will affirm through its collective action and advocacy the human right to education, and third, defend a human rights-based approach to addressing the global challenges of massive human displacement, including advancing human rights education and the training of human rights advocates and defenders among refugee and displaced communities.

The role of higher education in promoting human rights, especially the human right to education was anticipated at time of the drafting of the Universal Declaration of Human Rights in 1948 at its Article 26 and was codified in subsequent binding international treaties, including the International Covenant on Economic, Social and
Cultural Rights (1965). It is important to note, that higher education is designated in the UDHR, and uniquely so, as a specific human-rights promoting agent.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The 2011 Universal Declaration of Human Rights Education and Training expands on those earlier ideas, locating in education as an institution the responsibility to promote the right to education and knowledge of rights and their defense across a wide range of human activity. With that reality in mind, the human right to education still defines a shared mission and obligation, that can, in the very least serve as a basis for forms of limited collaborative action. (NY Refugee Declaration?) (Discussion of university graduates as engines of equity and human rights expansion/protection TK)

... Still, though there are notable exceptions, and despite some very high-level efforts, higher education has been missing from the global conversation about a coordinated response to refugee need and resettlement, in part this is due to the role higher education plays in different societies. Perhaps more importantly it is because education in general, and higher education in particular, is often considered by states and societies not a human right at all, but rather a privilege that should be limited to
those who have earned a place in it, despite the inequities and in inequality created to limit access along the way. The inherently slippery language in international treaties and agreements, and the reality of local practices, make the right to higher education among the few that are enjoyed on the basis of merit, an otherwise innocuous word that can cloak a myriad of past and current discriminatory practices, biases and prejudices. The limiting of access to the right helps lay the foundation for making the student an instrument of initiatives and policies where their education is predicated on its value to free-markets, the coercive politics of authoritarian states or instrumentalized as parts of rights-free international development programs like those envisioned in the UN’s Sustainable Development Goals.

This essay expands on my thesis and unfolds in three parts: first a broader discussion of the scholarship – both within and beyond academic circles — exploring the question of refugee higher access and human rights. (Boring Lit Review) in the several years since the initial mass displacement events of 2011. That literature has evolved along institutional and national lines, driven in part by the disciplinary training of the authors, the variation in the local responses to need and the degree to which national educational schema incorporate refugee higher education in their broader refugee support strategies.

In the second, I discuss the right to education and the evolving nature of that right in the face of the mass displacement of populations with significant numbers of
university students in their midst, and indeed the how right to higher education, when modified, of perhaps more accurately delineated, by the idea merit, is at the root of inequitable access and the basis for official and unofficial forms of discrimination.

Finally, building off the years of experience in the field, and most recently with the development of an initiative to increase academic mobility, I will explore ways that higher education can fulfill the broader mandate to stand at the center of the global protection and expansion of the human right to education and human rights education, and build towards the replacement of subjective and discriminatory “merit-based” educational access tradition with a human rights-based foundation for all.

2. BORING LIT REVIEW

3. The Right to Have the Right to Education

Among the most critical formulations in the theory of human rights is Hannah Arendt’s “the right to have rights.” Hannah Arendt, herself a scholar-educator-refugee, writes in the most often quoted passage of her On Totalitarianism,

We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation.
Not only was she writing about the millions displaced and made stateless and hence rights-less by war, she was writing about herself. A maelstrom of anti-Semitism, forced exile and closed borders had made her a refugee from German academia in the era of WWII and the rise of the Nazis. Brought by extra illegal means to the US by Varian Fry (expand), Arendt would take the experience of the loss of civic belonging or citizenship and craft the modern warrant for human rights – rights that would exist in the political and civil rights gaps created by war and displacement that had been filled by refugees like her.

A similar story of a growing awareness of the existence of a the refugee’s right to have rights in the field of higher education could be told, when it became apparent that larger and larger numbers of refugees displaced from higher education or seeking higher education had begun to fill camps and seek asylum. To a great extent, this is a problem caused by the successful implementation of the human right to education, albeit primarily as a manifestation of national development and modernization programs following World War II linked to decolonization and the embrace of left-wing ideologies emphasizing social and economic rights.

This is certainly the case in the Middle East, where the rise of higher educational systems was a post-war phenomenon and often linked to revolutionary transformations in state and society. The Syrian higher education system, like that in Iraq emerged in the 1950s as those states transitioned away from colonial-era political
systems and embraced higher education as a tool of political development (and later tools for authoritarian political control) and the creation of urban middle classes. Throughout the second-half of the 20th century, universities and other institutions of post-secondary education Egypt, Turkey and Iran, underwent similar expansion…

Expand historical discussion?

While there is a general prejudices that states with functioning higher education sectors should not fail, the reality demonstrated by the wars Iraq, the revolution and the civil war in Syria, is that is certainly not always the case. And indeed, with the recent war in Ethiopia and the imminent return of the Taliban to control in Afghanistan, in mind, other states with large higher education sectors exhibit similar vulnerabilities.

More broadly, the reality of the rise of a global population of university students the very possibility of which was inconceivable to the Western and Western-trained elites who first elaborated the modern human rights régime, has outpaced the body of human rights thought and international law that could support it, and when necessary defend that right in the moments its rights-less members are in extremis. Equally, rights thought has not kept up with the fact that the bulk of that population is female, and functionally higher education the chief vehicle for women’s right to economic and political empowerment. Fear of the loss of that vehicle was among the first and most common anxieties expressed to me in meetings with women students. University
education provides young women in places like Syria and Iraq the kinds of socialization and networking opportunities often denied them within the setting of their homes and neighborhoods. I’ve often reflected on how the university as an institution was a significant rights-affirming intervention in the lives of young women and how painful the loss of access to that institutional form must be for them. Expand

*It is the lynchpin nature of higher education, how it is protective and extending of other rights that also indicates reason for a right to it beyond the core right itself.* A failure to uphold the right to higher education makes achieving these other emancipatory and empowering elements more difficult, especially against the backdrop of massive displacement.

Just as broader rights thought and law have not kept pace with the emergence of a global population of university students, higher education has likewise absented itself from defending and promoting the right of higher education. To some extent higher education has been a free-rider of that right benefitting from the expansion of the right to education on the primary and secondary levels through the creation of larger and larger numbers of potential enrollees and at the same time the formation of a expanding employment opportunities for its graduates, primarily as teachers and administrators. Of course, there are significant exceptions, and those systems of higher ed that are not fee-for-service but clearly embrace it as a public good have been at the forefront of the defense of that right, These should be seen more as
models than as definitive of a trend. Instead as higher education has grown more market-based its perceived range of activity on behalf of the rights of displaced peoples has shrunk; higher education as entitlement and scarce resource has a similar effect.

**Internal conclusion/Transition**

4. **Building a Human Rights-Based Ecosystem to Support Refugee University Studies – The Article 26 Backpack**

A curiosity about how a human-rights based or focused answer to elements of refugee displacement spurred the development of the Article 26 Backpack. Field research across the period 2013-2016 as discussed above, and professional conversations with colleagues at the Institute of International Education and most importantly the American Association of Collegiate Registrars and Admissions Officers. The emerging consensus from these conversations was that academic documentation was a critical issue, but more importantly, how to use documentation and other digital tools to make visible the achievements and academic preparation of refugee and displaced students to higher education, scholarship agencies, and employers. The legibility of that experience would confront the sentiment first expressed in 2013 of “no students in Zaatari,” and more to the point, increase the likelihood that they would connect with opportunity. Expanding the opportunities, through using the tool and becoming more familiar with the right to education and the right to digital security and privacy.
(need to figure out a way to introduce this idea; still feels clunky – separate section on digital rights and the right to digital identity?)

Figure 2. Screen Shot Education Pouch – Arabic Language Option

Better understanding ones’ rights helps in the process of moving the individual from victim or sufferer to empowered agent. The other element of that process, in this case, was identifying clear structural impediments that could be overcome.

Introduce here Backpackers” Bill of Rights?

Longer description of history of development and early implementation of Backpack (could become very inside baseball)? Not an essay on best practices.
5. Backpack Guides and the Peer to Peer Introduction of the Human Rights Idea

The first iteration of the Backpack platform was only in English and Arabic was not going to be available for its first deployment in Lebanon in November 2017. As a consequence, the UC Davis team collaborated with colleagues at AUB to develop a cadre of scholarship students — primarily of Syria origin — who needed to perform service hours as a condition of their ongoing support from the MasterCard and the Al-Gurair Foundations. In addition, interns with the Issam Fares Institute for Public Policy’s youth programs were recruited. As AUB students, they were fluent in both Arabic and English and could help with making the experimental platform usable in the field-based setting. Serendipitously, bringing together the interns and the scholarship students meant that our guides occupied the full-spectrum of Lebanon’s highly stratified social structure: several of the scholarship students were refugees themselves, while the interns, like the overwhelming number of students at AUB, from the most elite circles of Lebanese society.

**Explain how guiding worked?**

Introduce essays from Guides:
As part of the research for this essay, I asked several Guides to discuss their experiences and how their guiding experience shape perceptions of refugees, human rights and human rights.

Backpack Enrollment Event – Tripoli Lebanon – September 2018

In her reflection, Eslam Abo Al-Hawa, herself a refugee scholarship student from Syria, having fled the occupation of her small town on the outskirts of Damascus after it was occupied by fighters affiliated with the Islamic State: (Break up and integrate with other accounts?)

During the enrollment events, I have had the chance to connect with refugees whom I describe as potential leaders and agents of change. They inspired me with their remarkable stories about their fights to get their basic rights like education, shelter, and safety. While talking to them, I realized the lack of information they have about the concept of human rights which they started to learn about after the Arab Spring. I remember how surprised they were when I explained to them the Article 26 of The Universal Declaration of Human Rights as they didn’t expect that having access to education is a basic right for everyone including refugees. It seems that education for refugees seems to be a privilege that only few of them can have it.

6. Refugees and Human Rights Education as a Human Right
Discussion of integrating human rights education into civilian protection practices.

Role of global higher education in promotion of human right education beyond the