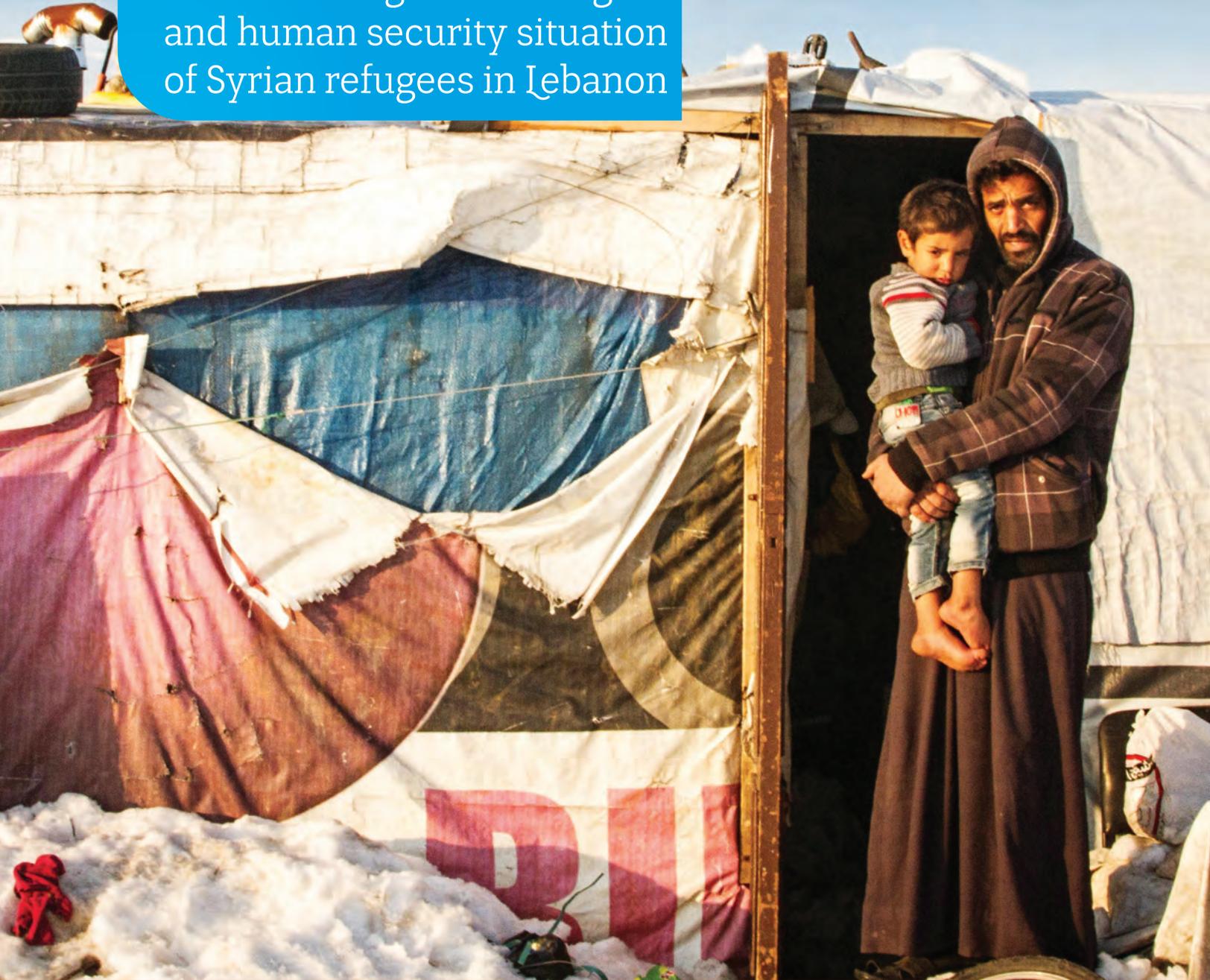


Trapped in Lebanon

The alarming human rights
and human security situation
of Syrian refugees in Lebanon



Colophon

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Photo cover: Ahmed Mohammed and his son in front of their tents in Hoshal al-Oumara camp in the Bekaa. (c) John Owens, 2015

ALEF

ALEF is a Lebanese human rights organization, operational since 1996. ALEF seeks to strengthen the respect and fulfillment of human rights as a cornerstone of social, economic, and political development. By embracing a comprehensive approach to monitor, defend, and educate on human rights, ALEF aims to complement and gear all efforts towards the achievement of an influential human rights constituency, and the realization of a durable peace. www.alefliban.org / P.O. Box 16-5848 Beirut, Lebanon / alef@alefliban.org

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While the research team made all efforts to cross check information and reproduce accurate facts events, this does not overrule the possibility of inaccuracies or oversights for which ALEF and PAX express hereby their regrets.

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Introduction

ALEF and **PAX** conclude that the **underlying motive** of the official policy towards **Syrian** and **Palestinian** refugees in Lebanon is to **deliberately increase** their **hardship** so as to **encourage** their **departure** from the country.

This report analyses the human rights and human security situation of refugees from Syria and their impact on the Lebanese society. Since the beginning of the conflict in Syria, Lebanon has received ever-increasing numbers of Syrian citizens and Palestinian refugees living in Syria who were seeking refuge. With almost one and a half million refugees out of a population of four million, Lebanon has the highest proportion of refugees world-wide, and one of the highest in absolute numbers. The country has received more refugees from Syria than the entire European Union. PAX and ALEF believe that a lack of political will and courage to achieve a drastic improvement in the situation of refugees from Syria in Lebanon could have serious consequences, not only for the security of refugees, but also for the Middle East and Europe. The harsh conditions of refugees living in Lebanon only encourage further migration. While some might take the risk to return to Syria, many more will actually try to reach other countries, in particular Europe. The tensions could lead to further destabilization of Lebanon. Violent extremist groups persistently try to mobilize among the desperate refugee population and find new recruits. Seeking durable solutions is in the direct interest of the refugees themselves, Lebanon, as well as the European countries.

ALEF and PAX are seriously concerned about the security, legal status, and socio-economic situation of Syrian refugees in Lebanon. This report documents cases of denial of access and forced return of Syrian civilians who could be in immediate danger. It describes how regulations of the Lebanese authorities have led to a situation where refugees are not able to obtain a legal status and where new-born children cannot be registered.

ALEF and PAX conclude that the underlying motive of the official policy towards Syrian and Palestinian refugees in Lebanon is to deliberately increase their hardship so as to encourage their departure from the country.

The report also describes the socio-economic situation of the refugees in Lebanon. Almost all refugees suffer from severe financial problems and 70% of the refugees are living below the Lebanese poverty line, in a society suffering from unemployment and economic stress. A large part of the children among refugees are not able to attend schools. Women and children are victims to various forms of exploitation.

ALEF and PAX, while inviting the Lebanese authorities to respect their duties under international refugee and human rights law, recognize that Lebanon is facing an unprecedented challenge and cannot be expected to handle the mass influx of refugees from Syria on its own. Even if international financial support to the Lebanese government to deal with the humanitarian crisis has been substantial in absolute figures, it falls short of the needs of the Lebanese state, the Syrian refugees and their hosting communities. The orderly resettlement of a substantial element of the refugees is an absolute necessity for any sustainable solution.

Jan Gruiters MSc

General Director

PAX

Dr. Elie al-Hindy

President of the Board of Directors

ALEF – act for human rights

Executive Summary

The beginning of the Syrian conflict and the intensification of hostilities throughout the Syrian territory, brought a multifold humanitarian crisis resulting in bloodshed, and increasing humanitarian suffering. The warring parties in Syria, primarily the government forces and their allies in addition to the armed opposition and other groups, have adopted methods of warfare that include sieges, starvation¹, and other tactics that have resulted in the displacement of more than 6 million people internally and over 4 million refugees now in neighbouring countries.²

The mass influx of Syrian refugees into Lebanon, Jordan, Turkey and Iraq resulted in additional strain on communities already suffering from under-development, and social, economic and political crises. Lebanon in particular hosts around 1.5 million Syrians, making it a country with the highest number of refugees per capita. In light of the staggering demographic influx, it is increasingly clear that the status quo is unsustainable.

ALEF in partnership with PAX have repeatedly reminded the Lebanese government and the international community to undertake all efforts to find the appropriate durable solutions to the crisis in accordance with international human rights standards. This position paper highlights key developments in Lebanese policy and practice over the past year, and addresses their implications in relation to international human rights law and the livelihoods of displaced Syrians affected by the crisis. Building on ALEF's previous research and advocacy for rights-based solutions, the paper reviews new policies adopted by the Lebanese government against recommendations issued by ALEF in its December 2014 position paper entitled "Position Paper on Solutions to the Syrian Refugee Crisis in Lebanon"³, whereby ALEF called for the Lebanese

authorities to reiterate the unconditional commitment to the principle of non-refoulement and to improve the conditions of Syrian refugees.

The Lebanese authorities have issued a number of policies in an effort to limit the repercussions of Syrian migration to Lebanon. Changes in the open border policy and the associated policies regulating residency permits, in addition to restrictions on the right to work, affect the livelihoods and self-determination of Syrian refugees, making survival increasingly precarious. Following years of praise for Lebanon's open-border policy, the government has put an end to previous practices through a series of ineffective regulations, which have greatly impacted Syrian refugees' access to international protection and has placed them at higher risks. Lebanese authorities have consistently practiced several forms of violations to the principle of non-refoulement:

- ◆ At border crossings, where Syrian nationals failing to satisfy the visa requirements set by the Lebanese authorities are refused access, disregarding claims of persecution and without any form of screening and review system. Lebanon has also massively deported refugees from Syria back to Damascus from Beirut International airport, without any form of screening;^{4,5}
- ◆ Through court rulings, where Syrians violating the 1962 law on entry, exit and stay of foreigners, are issued deportation warrants by the judiciary. Although such warrants are not being implemented, their implementation remains at the discretion of state authorities;
- ◆ By intimidation methods, whereby Syrian activists were arrested by Lebanese authorities and coerced to leave Lebanon to avoid being handed to the Syrian authorities.

While Lebanon has the valid right to secure its borders and internal security within the continuously volatile context of the Syrian war, the new policies have introduced category-based restrictions governing border access and movement within the country. Lebanon's current policy shifts raise a number of concerns with regards to protection and international standards of human rights. Against this backdrop, ALEF and PAX emphasize the urgent need to re-think the current policy landscape in line with international human rights standards and norms, and the country-specific challenges and sensitivities.

In light of the World Humanitarian Summit (WHS) held in Istanbul 23-24th of May 2016, global leaders and in particular the Lebanese government had to find durable solutions to the mass influx of refugees in Lebanon while meeting human rights obligations. An important and effective strategy has to be employed to maximize burden sharing, as reflected by the EXCOM conclusions, "more effective and predictable responses to mass influx situations are needed that will improve "responsibility-sharing arrangements to share the burdens of first asylum countries."⁶ While the international community has offered material assistance, material assistance should not be considered the sole requirement of burden sharing. Resettlement, security coordination, humanitarian evacuation and other forms of sustainable actions must also be part of efforts to mitigate the risks, fears and demographic challenges.

In parallel to that, the Lebanese government should be strongly investing in the protection and respect of human rights as a sole guarantee for social stability and the protection of refugees. Such respect would essentially require an unconditional commitment to the principle of non-refoulement and other non-derogative principles.

The situation in Syria and the protracted refugee situation in the neighboring countries bring an important momentum to address core humanitarian responsibilities and adjust policies by Lebanon and the International Community providing sustainable protection for refugees in line with international law, along with safeguarded stability and social cohesion.

Recommendations presented through this report invite the Lebanese government to take steps to prevent Syrian refugees from being pushed into illegality and to develop a clear legal framework for refugees based on international standards for protection of refugees, especially regarding the principle of non-refoulement. As for the European Union and EU member states the report recommends to make all support to the government of Lebanon conditional on key criteria with regard to protection of refugees and to support the government of Lebanon through burden sharing, not only in the shape of material assistance but most importantly by developing concrete plans for resettlement.

This report gives an overview of the background of the human rights and human security challenges faced by the Government of Lebanon, it explores the consequences of the so called October policy, a policy adopted three years through the crisis in response to the influx of Syrian refugees, and ends with a set of recommendations to the Government of Lebanon, the EU (member states), the International Community and the UNHCR.

1. Background

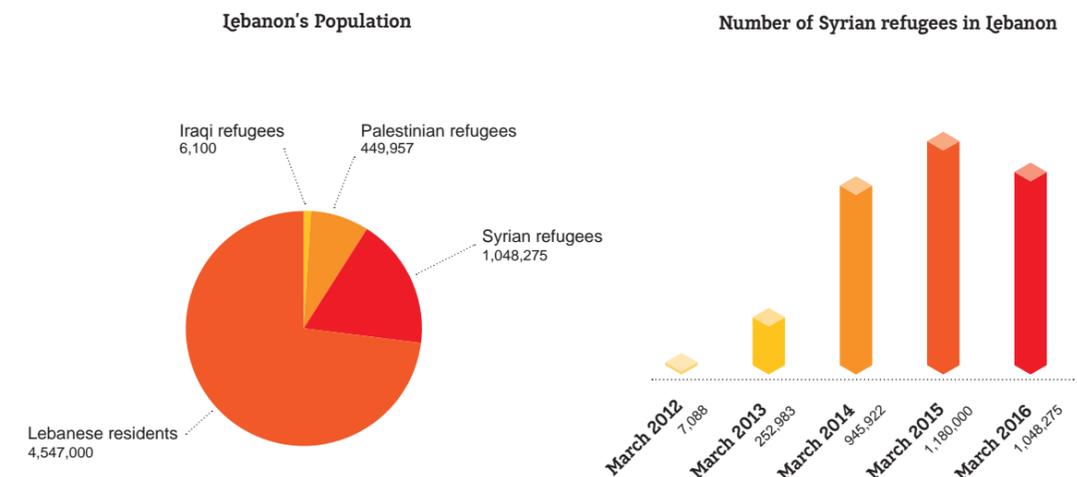
Since the start of the Syrian conflict in 2011, over 4 million men, women and children have fled across Syria's borders in search of refuge. While over eight hundred thousand Syrian refugees have sought political asylum in Europe, millions more have fled to the neighboring countries of Jordan, Turkey and Lebanon.⁷ Numbered by the Government of Lebanon at over one million, Syrian refugees now make up over a quarter of Lebanon's population, making the country the highest in terms of concentration of refugees per capita worldwide.⁸

While Lebanon has been resilient in weathering the influx of refugees thus far, signs of strain, underpinned by shortfalls in Lebanon's development trajectory, pervasive fragility and deep-rooted social and political tensions, have begun to appear.⁹ These shortfalls have become increasingly visible in the face of the growing regional and refugee crises.¹⁰

Lebanon has hosted a large numbers of refugees since 1948 when 100,000 Palestinian asylum seekers sought shelter in the country as a direct result of the "Nakba".¹¹ Since then, Lebanon, along with Jordan and Syria, has hosted the largest population of Palestinians outside of the Palestinian Territories. This pre-existing dynamic has had lingering effects on Lebanon's posture towards current refugee flows.

Primarily because of this history, Lebanon has abstained from becoming a party to the 1951 Convention as well as the 1967 Protocol Relating to the Status of Refugees, which serve as key foundations in defining the definition and rights of refugees, as well as the legal obligations of the international community.¹² And while Lebanon's 1962 law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country dictates foreigners under political

Syrian refugees in Lebanon, March 2016



persecution may request asylum, the provisions and mechanisms under Lebanese domestic law have never been implemented.¹³

As a result, Lebanon's policy towards refugees since the start of the Syrian conflict has been widely ad-hoc. In fact, its refugee law is centered almost entirely on its 2003 Memorandum of Understanding with the UN Refugee Agency, UNHCR, which emphasizes that refugees in Lebanon are not entitled to remain permanently, and must be resettled.¹⁴ This Memorandum, however, does not apply to the case of Syrian refugees, which remained largely unregulated and without an official policy until October 2014, as will be discussed in later sections.

As noted in a 2015 report by OXFAM, the government's official policy of "dissociation" towards developments in Syria adopted at the onset of the conflict has translated into a sequence of decisions and actions with intended as well as unintended consequences.¹⁵ In effect, dissociation, marked by Lebanon's internal political deadlock, has not only affected refugees, but also the Lebanese population, which in the absence of an efficient response policy, has been inundated by the mass refugee influx, leading to increasing tensions between host and refugee communities and an increase of conflict potential in Lebanon.¹⁶

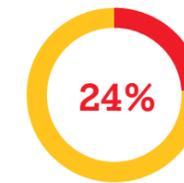
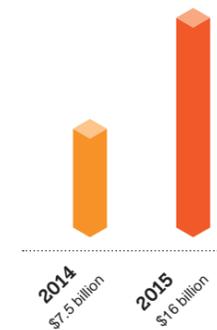
To be fair, few, if any, expected developments in Syria to become protracted, and Lebanon's initial preparations were made to absorb a fraction of its current populace. However, as the war in Syria – and its consequent displacement – continues with no end in sight, it's clear that a new prescription will be needed to cope with vulnerable displaced Syrians amid Lebanon's obligation to international human rights law and its domestic concerns and vulnerabilities.

Over the upcoming sections the report discusses the enormous challenges facing the Government of Lebanon. The report also identifies the dangerous consequences of the October policy, adopted in response to the Human Rights and Human security situation of both Syrian refugees and host communities.

2. Challenges facing the Government of Lebanon

Economic impact of Syrian refugees on Lebanon in 2014

Syrian conflict cost on the Lebanese economy



Poverty amongst Lebanese citizens



Poverty amongst Syrian refugees

Lebanon is facing a grave range of economic, environmental, social, and security-related challenges, further magnified following the mass influx of Syrian refugees. As characterized by Lebanon's Minister of Social Affairs, Rashid Derbas, "The glass cannot fit one more drop".¹⁷

The status quo is unsustainable. The Lebanese economy underpinned by a declining GDP, rising unemployment, and increasing poverty, is distressed. In 2013, a World Bank assessment found that the Syrian conflict further strained Lebanon's already frail public finances and amplified the country's fiscal deficit.¹⁸ The prices of basic products have increased, and the population shock resulting from the massive influx of refugees has further exacerbated Lebanon's infrastructural shortcomings.¹⁹

By the end of 2014, the Syrian conflict cost the Lebanese economy an estimated \$7.5 billion²⁰, while the Lebanese Prime Minister stated in 2015, the cost has increased to \$16 billion.²¹ This cost includes required spending for stabilization,²² with an estimated \$308 million through 2014 for health, education, and social safety nets.²³

The country's local service delivery system is under immense pressure, with pre-crisis water and electricity shortages magnified under the weight of increased demand. Meanwhile, the Lebanese public school system has had to absorb tens of thousands of new children adding to social and administrative strains.²⁴

Unemployment has increased, with poverty reaching 24 percent amongst Lebanese citizens since the start of the crisis, and 30 percent among Syria refugees in 2014.²⁵

Meanwhile, spillover violence from the conflict in Syria, including interference of Lebanese armed groups in the conflict, has directly threatened Lebanon's security. Multiple shellings, car bombings, and clashes between militants based in Syria and the Lebanese army have taken place over the course of the past few years.²⁶

The influx of predominantly Sunni refugees is perceived as a threat to Lebanon's delicately balanced confessional system, and risks a repeat of the conflict caused by the arrival of Palestinian refugees several decades earlier, exacerbating tensions across social and sectarian divisions, particularly in light of the Lebanese Shiite militia Hezbollah's involvement on behalf of the regime of Syrian President Bashar al-Assad. Meanwhile, as witnessed by a suicide bombing which targeted the capital in November 2015, radicalized elements risk permeating Lebanon's borders.

The challenges faced by Lebanon, like those faced by the refugees, are compounded by an uncertain future, underscored by political deadlock, and fiscal and administrative fatigue. In the midst of the regional tensions, Lebanon faces an uncertain situation, which highly affects the stability of the country and the consociational decision making process. With this described context, the government of Lebanon faces big challenges in preventing the escalation of conflict in Lebanon and to provide deterrence for a regional spillover.

The country has been without a President since May 2014. Meanwhile, the executive branch has been unable to make any decisions or achieve necessary consensus among political factions on all major policy issues. This situation has been further exacerbated with additional political crisis stemming out of regional tension between Iran and the Kingdom of Saudi Arabia. As a result, political deadlock at the central government level transferred the burden of crisis management to municipalities where the impact of the influx was immediately visible. However, with limited administrative and governance capacities to address the protracted and massive refugee crisis, local authorities as well as local populations have become increasingly frustrated.

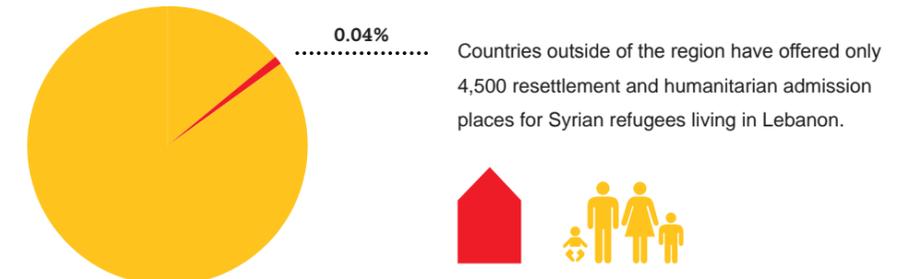
Despite repeated calls by the Lebanese government on the international community to take on a greater share of the burden, the lack of meaningful international assistance, particularly with regards to the number of resettlement places, including the “resettlement of Syrian refugees into camps inside Syria,” as reflected by the Lebanese Minister of Foreign Affairs Gebran Bassil,²⁷ has added to the challenges.²⁸ Countries outside of the region have offered only 4,500 resettlement and humanitarian admission places for Syrian refugees living in Lebanon – less than 0.04 % of the total number of refugees currently in the country.²⁹

A dire lack in funding has compounded the challenges. In light of increased calls for aid to reduce the impact of refugees on Lebanon’s resources, a number of administrative and political hurdles, and mistrust between donors and elements of the Lebanese government has left severe gaps in direct funding. What little financing the municipalities have received from the Independent Municipal Fund – a central, intergovernmental grant-funding system that transfers resources such as taxes and fees from central to local governments – has been insufficient. The municipalities’ resources are often drained by the basic needs of the local population and the provision of essential infrastructure. According to an OXFAM study, an estimated 80 percent of Lebanon’s 1,000 municipalities are administratively and fiscally weak.³⁰

Instead, humanitarian assistance has largely flowed through a number of NGOs and various UN agencies. Yet, while a majority of Syrian refugees are fully dependent on humanitarian assistance, the amount of humanitarian assistance available to refugees in Lebanon is severely limited and has been reduced several times in light of funding shortfalls.³¹ As a result, in an environment where a loaf of bread costs around \$1, refugees receiving food vouchers are given just \$0.63 per day.³²

80 percent of Lebanon’s 1,000 municipalities
are **administratively** and **fiscally weak**.

Resettlement and humanitarian admission



3. The October Policy: From dissociation to hyper-regulation

In an attempt to limit the repercussions of Syrian migration to Lebanon, the Lebanese government drafted a policy paper in late 2014 titled “Policy on Syrian Displacement”, which covered key issues relating to both the entry of Syrian refugees and their residency status in the country.³³ Since then, the status of Lebanon’s Syrian refugees has faced a precarious future. The October policy and the protocols that followed give rise to worries, not least are the classification of the “legitimate displaced”, the limitation of refugee assistance programs, the balance of funds, and the restriction of movement and reduction of livelihoods. As explicitly described by the Ministry of Social Affairs, the October policy serves three objectives³⁴:

- ◆ To reduce the number of arrivals by stopping displaced persons at the border, apart from exceptional humanitarian cases;
- ◆ To bolster security by deploying the Internal Security Forces (ISF) and municipality units to keep displaced persons under control; and
- ◆ To ease the burden by the strict enforcement of laws governing displaced persons to protect the Lebanese in their places of work and employment as a whole.³⁵

At the outcomes level the policy was transcribed in series by policies issued by different state institutions, which clearly describe a tendency to create restrictions on Syrian refugees to achieve the set objectives. Major concerns with regard to the impact of such policies on human and refugee rights are highlighted by restrictions on the right to access territory to claim

international protection and refuge from Lebanon. This is in addition to restrictions on the freedom of movement and the right to work.

Whereas the government’s policy of ‘dissociation’ has thus far been deliberately ambiguous so as to allow flexibility in its response as well as to preserve the country’s delicate political balance, the authorities are now systematically dealing with Syrian refugees, which it categorizes as temporary visitors and tourists.

Since its introduction, the policy introduced category-based restrictions on border access and movement within the country in an effort to ensure that the displaced return to Syria or move on to other countries. While various ministries have diverse interpretations of the policies and what it means for aspects of the response that fall under their portfolio, it appears that the underlying motive is to increase the hardship of refugees to encourage their departure from the country.³⁶ ALEF and PAX highlight that not only do recent regulations place increased restrictions on refugees, their movement, and their livelihoods; they also restrict what interventions can be offered on their behalf.³⁷

On the one hand, while Lebanon’s imperative to secure its borders within the continuously volatile context of the Syrian war is justifiable, ALEF and PAX consider that the new policy marks a regression in the Lebanese government’s compliance with international human rights norms and falls short of providing ‘temporary protection’ and minimum safeguards to an increasingly vulnerable Syrian population.

The October policy advocates that the displaced return to Syria or move on to other countries using all possible means. Whereas this is reasonable in the context of mass influx, where countries of first asylum anticipate displaced persons to receive temporary protection and to be eventually resettled alleviating the impact of displacement on host communities. As reflected in the 2004 Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations, (EXCOM), it must be accompanied by durable solutions, including a commitment by the international community to ensure resettlement options and burden sharing. In line with previously voiced concerns, ALEF and PAX reiterate caution against the new policy paradigm that governs the movements of Syrian and Palestinian refugees from Syria, affected by the ongoing crisis.

It is important to mention that it is difficult to evaluate the ability of the October policy to achieve the expected objectives. At the level of the first objective, aiming that humanitarian criteria will only apply in “extreme humanitarian cases,”³⁸ MoSA has specified that such criteria are limited to unaccompanied or separated children with a parent already registered in Lebanon, persons with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled to third countries.³⁹ In spite of this, General Security officers at border crossings seem to be making arbitrary and discriminatory entry determinations for Syrians. This includes withdrawing the refugee status from Syrians who return to Syria, as this implies that their case no longer qualifies as an “extreme humanitarian case”.

As for the second objective with regard to “keeping the displaced population under control”, the guidelines used to keep the Syrian population under control by adopting rigid residency conditions. The latter conditions deemed impossible to satisfy resulting in approximately 67%

to 70% of Syrians lacking regular residency papers.⁴⁰ Such situation will exacerbate the capacity of law enforcement agencies, further undermining the ability of the government to achieve the self-set objective.

The third objective regarding the protection of the Lebanese labor force has had equally damning consequences. The Ministry of Labor memo⁴¹ regarding the work restrictions affecting Syrian labor resulted in Syrians working irregularly, which further affected work conditions and increased exploitation. Such an environment, coupled with the need for more self-reliance among Syrians, provided the private sector with a non-compliant labor force, cheaper than Lebanese regular labor. This, in effect, has created further competition between Syrian and Lebanese labor and has had the adverse effect; failing to protect the Lebanese work force.

The report, in the sections below, further studies the potential implications of recent policy developments on the livelihoods of Syrian refugees and the Lebanese government's compliance with international human rights standards.

3.1 From Open to Closed Border Policy

While border management and control of territory remains a central element of state sovereignty, as of January 2015, Lebanese borders have been effectively closed for most, if not all, civilians fleeing the war in Syria. Met with increasing restrictions and greater obstacles, some 70 percent of Syrian refugees in Lebanon do not have valid legal stay in the country, leaving them subject to harassment, violence, and the restriction of movement, employment and decent livelihoods.⁴²

Recent developments were precluded by a series of both systematic and indirect measures based on exclusion and rejection that have impeded the prospects of those seeking refuge in Lebanon.

In May 2014, for example, the government imposed new border restrictions on Palestinian refugees coming from Syria. Under the new regulations 40 Palestinian refugees in Lebanon were forcibly returned to Syria, meanwhile Palestinian refugees from Syria wishing to enter Lebanon through an official border crossing were denied entry.⁴³ According to an ordinance leaked from Beirut's Rafiq Hariri International Airport, Lebanon's General Security requested the airlines "not to transport any traveler who is a Palestinian refugee in Syria to Lebanon no matter the reason and regardless of the documents or IDs that they hold, under penalty of fining the transporting company in case of non-compliance as well as return of the traveler to where they came from".⁴⁴

Meanwhile, in May 2014, the Interior Ministry announced that the Lebanese Government should no longer consider Syrian refugees who go back to Syria for short visits as refugees. Meanwhile, in August of that year the Council of Ministers announced that all Syrians without legal residency status, namely those willing to return to their country, would be exempted from overstay fines until the end of 2014, such step will encourage those willing to return to Syria to do so without the challenge of covering the fines.⁴⁵

Lebanese **borders** have been effectively
closed for most, if not all, **civilians fleeing**
the war in Syria.

However, new General Security measures, introduced in line with the first provision in the "Policy on Syrian Displacement", which was adopted by the Lebanese cabinet on October 23, 2014⁴⁶, have highlighted a systematic shift in attitudes towards Syrians wishing to enter Lebanon. While a bilateral agreement in force since 1994 previously served as the guiding principles regarding the treatment of Syrian nationals in Lebanon, on 31 December 2014, Lebanon's General Security, introduced new criteria regulating the entry of Syrians into Lebanon.⁴⁷ The previous arrangement, which governed the status of, and procedures concerning the entry of Syrian nationals in Lebanon, allowed nationals from each country to enter the other visa-free, with only a national identification card. Now, however, restrictions have increased. Syrians are required to either have a Lebanese sponsor, own real estate in Lebanon, or produce proof that their travel to Lebanon is for either tourism, transit to a third country, business, scholarship, or medical treatment.⁴⁸

On 13 January 2015, Lebanon's General Security published an addendum in which additional categories for entry were detailed. The directive identified that holders of Lebanese residency permits and their family members, the spouses of Lebanese nationals, the children of Lebanese women, and wives of Palestinian refugees registered in Lebanon will be allowed to enter the country,⁴⁹ as were holders of residential rental agreements, such as housing commitment by landlord or a certificate from local notaries, "Mukhtar", and entrants with residency permits in other Arab or foreign countries.⁵⁰

Syrian nationals who fulfill these criteria are granted short-term, temporary residence, while previously, even after 2011, Syrians were able to automatically obtain residency for six months, with the possibility of renewal.⁵¹

ALEF has previously expressed concern with the discretionary power of the General Security Office of the Ministry of the Interior within its functions of monitoring borders and carrying out the admission and regularization of the status of foreigners, as well as detention and deportation to issue policies vis-à-vis Syrian refugees.⁵² New border policies introduced by the General Security first in December 2014 then in January 2015 are deeply concerning. Irrespective of the fact that it is not party to the 1951 Convention, Lebanon remains bound by a number of international obligations in particular regarding the principle of non-refoulement and the reception conditions of Syrian refugees. Border closure, and 'return packages' puts refugees at risk of returning to areas where they will face danger and prosecution. The magnitude of the influx does not justify the Lebanese government's derogation from international human rights standards.

In this same vein, the international community's failure to shoulder its share of the burden must be addressed. As mentioned above, the number of Syrians seeking refuge in Europe represents a fraction of those seeking protection in Syria's neighboring countries. According to UNHCR, there have been an estimated 897,675 million asylum applications between April 2011 and December 2015. While Lebanon must continue its commitments to international laws and norms, it is untenable to expect that Lebanon, and its neighbors, must shoulder the responsibility alone.

Nonetheless, efforts to ensure all civilians from Syria seeking safety and international protection have access to UNHCR registration, regardless of their means of entry or employment status, are an immediate priority.

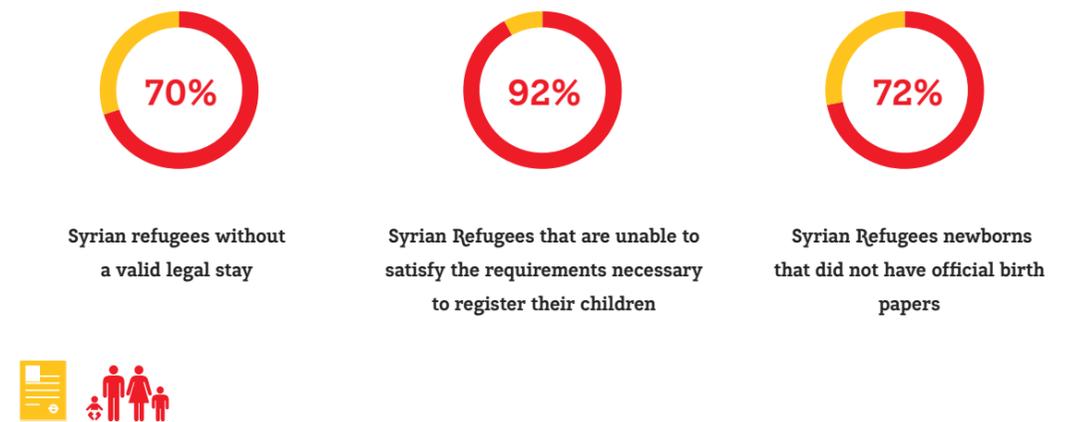
3.2 Legitimacy of the Displaced

While Lebanon is not a party to the 1951 Convention or the 1962 Protocol, it is a party to a number of human rights treaties, and is bound to international customary norms, including non-refoulement, which safeguards individuals from being returned to environments or situations where they are at risk of persecution or serious human rights abuses.⁵³ According to UNHCR, "Whenever refugees – or asylum-seekers who may be refugees – are subjected, either directly or indirectly, to such measures of return, be it in the form of rejection, expulsion or otherwise, to territories where their life or freedom are threatened, the principle of non-refoulement has been violated."⁵⁴

The government's discretionary use of terminology and classification criteria could yield disconcerting consequences. Lebanon's 2003 MoU with UNHCR stipulates that Lebanon is not an asylum country and that the term "asylum seeker" means a "person seeking asylum to a country other than Lebanon."⁵⁵ While penned in the wake of the 2003 Iraqi refugee crisis, Lebanon's soft policy, avoiding words associated with "asylum" has created a legal grey area.⁵⁶ Meanwhile, within the framework of the October Policy, Lebanon's General Security is empowered to restrict or approve the entry of Syrian nationals according to specific categories under its discretion, ultimately blurring the lines between whom the government considers to be displaced, refugees, and migrants.⁵⁷

Moreover, more complex and costly administrative procedures, such as those imposed in the renewal of residency permits, have resulted in a number of refugees becoming technically illegal overnight. For example, in April 2015, the Ministry of Social Affairs notified UNHCR that refugees registered with the organization, who entered Lebanon after January 5th should be deregistered, and at the same time, Lebanon's Foreign Minister, Gebran Bassil, wrote to the UN High Commissioner for Refugees, Antonio Guterres, threatening Lebanon's relationship with the organization unless it stopped registering refugees adults and children.⁵⁸ As a result, the government has systematically rejected the registration of displaced Syrians born in Lebanon since July 2014.⁵⁹ The Norwegian Refugee Council reported that 92 percent of refugees are unable to satisfy the requirements necessary to register their children. For those Syrian children born in Lebanon, who in light of several bureaucratic requirements are left without official birth certificates and other documentation, the situation is equally troubling and in direct violation of Article 7 (1) of the Convention of the Rights of the Child, which was ratified by Lebanon in 1991.

Legal status of Syrian refugees in Lebanon



According to the article, "[children] shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents".⁶⁰ However, a UNCHR survey carried out in 2014 highlighted that some 72 percent of Syria refugee newborns in Lebanon did not have an official birth papers.⁶¹

As previously identified by ALEF, "[The] Catalytic effects of statelessness start at birth and become more evident with the inability to access education and exponentially become threatening when the daily aspect of daily life is regulated through nationality and identity."⁶² The lack of valid legal status leaves a number of asylum seekers unable to obtain civil documents and has raised a number of cross sector concerns, including potential restrictions on assistance, protection, and human rights. Furthermore, statelessness imposed by the unwillingness to register Syrian children and adults affected by the crisis hampers the prospects of finding durable solutions.

While the policy centers on "putting an end to displacement across the borders, except for exceptional humanitarian cases", it remains unclear how the authorities define extraordinary humanitarian criteria.⁶³ Equally, it raises concerns regarding the protection and rights for Syrians not considered as displaced refugees.

Carte blanche deregistration of refugees is against standards of international law, and ultimately poses greater challenges in efforts to manage the mass influx. While the justification of a systematic review to ensure that those registered as refugees are indeed within the well-established criteria is evident, an independent needs-based assessment must be done on a case-by-case basis with due consideration for the specific socio-economic and other sector-specific vulnerabilities of the individual. A review process in this regard should not jeopardize those, migrants or refugees, who may have a legitimate fear of political persecution, and/or physical and psychological harm.

3.3 Limitation of Refugee Assistance Programs

The recent policy framework also outlines provisions for a balance of aid between displaced and host communities. In this light, it is anticipated that the government might seek to limit the implementation of refugee assistance programs, restricting operation to certain national institutions or NGOs, regardless of capacity or expertise constraints.⁶⁴ Meanwhile, irregular legal status and constraints threaten to hinder cash assistance activities, including Cash-for-Work programming, and education activities.

According to an assessment conducted by OXFAM in 2015, titled “Lebanon: Looking Ahead in Times of Crisis”, further restrictions on cash assistance are discussed within certain government ministries, as well as restrictions which would see the government assume full control of future funds and assessments.⁶⁵

Until January 2015, refugees registered by the UNHCR rarely had to deal with local governments. However, in light of the organizations’ shrinking involvement, and the greater role assumed by local municipal authorities, public frustrations are being amplified. This reveals significant implications on both host and refugee community dynamics, where growing seeds of resentment and mistrust risk exacerbating underlying social tensions. Meanwhile, security provisions stipulated in the policy, including those aimed at regulating the movement and employment prospects of the displaced, including increases in checkpoints, evictions, and raids, restrict access by response partners and reduce the quality of services.⁶⁶

Further efforts to secure direct funding for governmental organizations is concerning. Organizing relationships with international organizations according to Lebanese laws may result in various limitations, which may also serve to hinder the ability to implement a needs-based response.⁶⁷ For example, a “balance of aid” interpreted as a 1:1 or 50/50 split between refugee and Lebanese for individual or household-level assistance might have significant implications on beneficiary selection and might leave insufficient funds to objectively assist those most vulnerable. Meanwhile, community-level implementation restricted to public institutions, risk enduring capacity limitations as well as the ire of donors wary of corruption, leakages, and Lebanon’s precarious internal politics.

Additionally, limiting access to respond to “high-need” populations by imposing geographic criteria or demands based on specific activities, partners or other modalities might provide an avenue for confessional or political interests to influence planning and implementation. The new policy might engender a scenario in which the aid community will not be able to support all plans and priorities specified by the Lebanese authorities, however, such a scenario which in effect raises undeliverable expectations, risks long term effects on the relationship with the government, and potentially also for national civil society space.

3.4 Mounting Insecurity and Implications on Protection

Instances of violence against Syrians, including sexual and gender-based violence against the refugee community, are ongoing. On the one hand, some of the recent violence stems from fear of ISIS sleeper cells amongst Syrian refugee communities.⁶⁸ The authorities and the army have increasingly targeted informal settlements where Syrian refugees reside, carrying out raids to arrest people suspected of being Islamist militants. Forced evictions are also justified on the premise of other general security concerns. Meanwhile, a number of towns and municipalities throughout the country have introduced curfews on “foreign” residents, restricting freedom of movement.⁶⁹ As noted by Human Rights Watch and the Norwegian Refugee Council, the implementation of forced curfews by the municipalities violates not only human rights but also Lebanese domestic law.⁷⁰ This was echoed by former Interior Minister, Marwan Charbel, who stated that there was no legal basis for the curfews, and that local municipalities did not have the right to infringe on the authority of the state-wide security forces – whatever the conditions – including imposing local curfews.⁷¹

Nonetheless, the majority of municipal leaders have requested support in introducing local police forces to fight off a perceived increase in criminal incidents.⁷² Yet due to the absence of effective law enforcement, many areas opted for informal security networks, through which – under municipality protection – young Lebanese males conduct daily patrols to identify “suspicious” security threats.⁷³

The surge of Syrians in Lebanon has also triggered a strong social backlash.⁷⁴ According to a perception survey conducted by the Institut Des Sciences Politiques, 49 percent of Lebanese respondents said they feel safe to move anytime of the day or night, while just 27 percent of Syrians reported feeling safe.⁷⁵ In a survey conducted by ALEF in the village of Marj, in central Bekaa, 25 percent of surveyed Lebanese expressed that refugees are a key concern. The major reasons of concern were socio-economic. When specifically asked about effect on their work opportunities, 85 percent of Lebanese clearly confirmed the effect that the Syrian refugee presence has. On the other hand, in addition to economic, health and living conditions-personal security, threat of armed groups and kidnapping represented 20 percent of the answers of refugees when asked about what threatens their lives. Moreover, a worrying 12 percent added that they consider the Lebanese people and the general stability of the area as a threat to their lives. As for the Lebanese community, when asked about their main concern, 11 percent of the Lebanese respondents considered security their third main concern, compared with 12 percent who chose the economy, and 25 percent who chose the refugee crisis as their main concern.⁷⁶

Amid an environment of decreased mobility and mounting insecurity, whether real or perceived, tensions have swelled. Meanwhile, as explained below, increased competition for Lebanon’s resources has impacted the relationship between the host and refugee communities threatening an already tenuous social cohesion.

As noted above, Lebanon has a valid interest in ensuring the stability and security of the country, however the category-based restriction of movement, including arrests and detentions, and the persistent mistreatment and stigmatization of refugees should be addressed within the rights-based context. The rigid policies implemented on Syrian nationals in Lebanon, in addition to curfews, raids, arrests, and violations to the presumption of innocence, have generated a strong perception among Lebanese coining refugees as a security threat. The latter perception

generates further segregation of communities and discrimination leading to weaker social cohesion and further challenges to stabilization interventions.

While media and social dynamics play a significant role in framing attitudes by placing blame or targeting specific communities, the authorities, in conjunction with other relevant organizations, including civil society and humanitarian actors, should examine ways in which social cohesion can be built and maintained. Changing perceptions and attitudes towards refugees so that they are viewed within the context of their unembellished reality, rather than perceived as an inherent socio-economic and security threat, is fundamental to addressing misperceptions, which have fostered jealousy and resentment in Lebanese public opinion.

The **rigid policies** implemented on Syrian nationals in Lebanon, in addition to **curfews, raids, arrests, and violations** to the presumption **of innocence**, have generated a **strong perception** among Lebanese coining refugees as a **security threat**.

3.5 Impact on Livelihoods

Not the least, new policies adopted by the Lebanese authorities have significant impacts on the livelihoods of Syrians already inside Lebanon's borders.

Most Syrian refugee families are living in conditions that are drastically worse from what they used to know in Syria. And for many Syrian refugees the collective effect of years in exile is taking its toll. With depleted savings and a lack of viable employment opportunities, many of Syria's refugees are living in squalid conditions, struggling to pay rent, feed their families, and cover their basic needs.

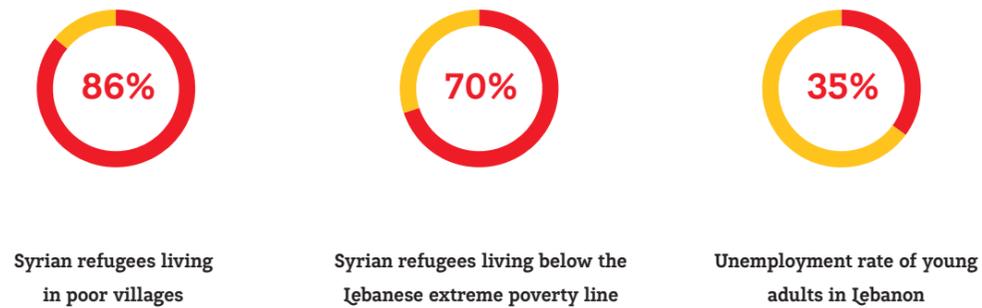
While Lebanon has had a history of employing seasonal Syrian migrant workers before the onset of the crisis, some who faced exploitative conditions⁷⁷, the current environment has both compounded and systematized their plight as well of those of other Syrian diaspora communities in Lebanon. Increased restrictions risks further marginalizing displaced communities, increasing social tensions, and sowing resentment.

Although many work illegally, according to the new regulations, Syrian refugees registered in Lebanon are required to refrain from work under any circumstances.⁷⁸ And while those not registered or considered as refugees are required to find a Lebanese work permit sponsorship, a decision issued by Lebanon's Labor Minister, Sajaan al-Kazzi, redefining professions exclusively open to Lebanese and reducing the categories of work open to foreigners, has excluded Syrians from employment in various sectors including several administrative, professional, and unskilled positions.⁷⁹

These restrictions have expanded the black market and increased the risk of labor exploitation as Syrians work without rights or adequate protection.⁸⁰ According to the International Labor Organization (ILO), the income of these illegal workers is up to 40 percent less than the mandated Lebanese minimum wage of \$448 per month,⁸¹ while the gap between monthly expenditures and income, estimated at \$300, has forced many households to take on extraordinary debt.⁸²

Nationally, unemployment rates among Syrians increased by 7 percent between 2014 and 2015.⁸³ As a result, some 86 percent of Lebanon's Syrians live in poor villages with little opportunity for employment or education, and some 70 percent of Syrian refugees in Lebanon now live below the Lebanese extreme poverty line.⁸⁴ Unemployment in Lebanon in the year of 2015 has witnessed a rise in percentage compared to the year 2014. The most important issue however is the inability of the Lebanese government to regulate jobs, especially in light of the Syrian refugee crisis. Unemployment has also hit recent university graduates; even students who have graduated in the year 2014 are still not able to find a job. A recent study shows that a staggering 30,000 people are currently unemployed in Lebanon. The same study points out that the unemployment rate of young adults in Lebanon is at 35 percent.⁸⁵ Moreover, The Value Added Tax rise proposal of an increase from 10 to 12 percent would result in negative impacts on the welfare of the middle class and households living just above the poverty line, as overall poverty in Lebanon might increase to 35 and even 50%.⁸⁶

Impact on Livelihoods in 2015



Loans, along with food vouchers have become a primary source of livelihood for many refugees.⁸⁷ According to a recent Human Rights Watch survey, nearly 90 percent of Syrian refugees in Lebanon are trapped in debt.⁸⁸ Meanwhile some 98 percent of Palestine Refugees from Syria rely on UNRWA cash assistance as their main source of income.⁸⁹

Faced with increasing and crippling debt, refugees have no way of leaving Lebanon. Instead, they are caught up in a brutal and often inescapable cycle of poverty and debt, leaving them few options but to try to survive from one day to the next. As a result, many displaced Syrians have adopted negative coping strategies.

A number of young refugees have resorted to illegal sources of income including smuggling, human trafficking and drug dealing. In Beirut, petty crime has risen by 60 percent, and 26 percent of Lebanon's prison population now consists of Syrian nationals picked up for robbery, vagrancy, or illegal employment.⁹⁰ Meanwhile, young girls have been forced into survival sex and early marriages as a strategy for survival.⁹¹

Lack of viable employment opportunities, and increased restriction of movement has also had damaging effects on refugee children.

While all Syrian children are technically able to attend Lebanese schools, the authorities have been unable to successfully integrate refugee children into the education system. In 2014, only 101,362 children, representing 25 percent of school aged refugee children, were registered in Lebanese public schools, while some 200,000 refugee children remain out of the school system pending more formal and non-formal education opportunities.⁹²

Clearly barriers to education remain multifaceted and interconnected, and range from financial constraints such as the cost of transportation or school supplies, to structural reasons and dissimilarities between Lebanese and Syrian curricula.⁹³ However most damaging, are the domestic economic necessities that rob children of their youth and scholastic growth. When adults without legal residency are restricted from gainful employment, it's their children that often pick up the slack. Children, while often immune from arrests, are deployed as additional source of income, adding to increased dropout rates among vulnerable Syrian refugee children.⁹⁴ Syrian children without access to education are more prone to get stuck in a perpetual cycle of poverty, and pose risks to both internal and regional security.

In this light, an overall framework should be pursued to enable those who can be self-sufficient to do so without having to resort to harmful negative coping mechanisms. Ensuring that Syrian adults that are able to work have the right to do so, especially in work sectors traditionally filled by Syrians in Lebanon, is a key first step.

90 percent of Syrian refugees in Lebanon are **trapped in debt.**

98 percent of Palestine Refugees from Syria **rely on UNRWA** cash assistance as their **main source of income.**

4. Conclusions and recommendations

To be sure, few expected the Syrian conflict to drag on for this long, let alone that the number of refugees would surpass the million mark. But years into the conflict the scale of the humanitarian crisis continues to grow.

For the majority of the million of refugees from Syria living in Lebanon, returning home, in the short to mid-term, faces a myriad of challenges making such an option close to impossible. An opportunity exists for Lebanon to develop its domestic legal framework regarding the treatment of refugees, and draws a legal distinction between Syrian refugees and other types of immigrants and visitors. By doing so, Lebanon will uphold its international obligation to provide protection to those with a well-founded fear of persecution.

However, the responsibility for protecting and upholding the rights of the refugee population does not lie only with Lebanon. International support to the country and well as to Syrian refugees must increase. Resolutions, as well as mitigating solutions to restrictive policies require intervention from a broad range of actors. While the specificities of Lebanon's experience demand a sustainable political and humanitarian effort, responding to the more immediate issues requires a wide, more comprehensive and creative approach to the principles of protection and burden sharing.

Burden sharing and resettlement

Even if international financial support to the Lebanese government to deal with the humanitarian consequences of the influx of refugees has been substantial in absolute figures, it falls short of the needs of the Lebanese state, the Syrian refugees and their hosting communities.

The **responsibility** for **protecting** and upholding the **rights** of the **refugee** population **does not lie only** with **Lebanon**.

Material assistance should not be considered the sole requirement of burden sharing. Resettlement, security coordination, humanitarian evacuation and other forms of sustainable actions must also be part of the international community's support to Lebanon to mitigate the risks, fears and demographic challenges. The support provided must be made conditional on key criteria with regard to protection of refugees.

In that regard, ALEF and PAX call upon:

- ◆ The government of Lebanon and, the European Union and EU member states to ensure and increase funding to enable direct assistance for both basic and critical needs to mitigate policy impact
- ◆ The EU and EU member states to intensify efforts to increase the number of places for Syrian refugees globally, including humanitarian admission, or other forms of admission
- ◆ The EU and EU member states to seek a joint advocacy with the government of Lebanon on points of agreement, such as resettlement, and a durable political solution to the Syrian Conflict
- ◆ The UNHCR to continue and intensify advocacy efforts towards states to increase the number of places for Syrian refugees globally on resettlement, humanitarian admission, or other forms of admission
- ◆ Cooperation between actors in aid agencies, academia, think tanks, local government, and the private sector is needed to convey support and messaging advocating the fair treatment of refugees

Restrictive measures push refugees into illegality

The so-called “October policy”, restricting entry and stay in Lebanon for Syrians, has led to a very high number of Syrians disappearing in illegality. Some 70 percent of Syrian refugees in Lebanon do not have valid legal stay in the country. This leaves them subject to harassment, violence, and the restriction of movement, employment and decent livelihoods. While the restrictive measures were taken with the argument of protecting security, these measures actually lead to an increased pressure on security, with violent incidents, problems in documenting figures and location of refugees, refugees living and working illegally and hardship leading to an increased threat of crime and radicalization. Efforts to ensure all civilians from Syria seeking safety and international protection have access to UNHCR registration, regardless of means of entry or employment status are an immediate priority.

Therefore, ALEF and PAX call upon:

- ◆ The government of Lebanon to remove barriers that prevent Syrians from pursuing sustainable livelihoods, including restrictions on the right to work, and the right to self-sustain. An overall framework should be pursued to enable those who can be self-sufficient to do so without having to resort to harmful negative coping mechanisms
- ◆ The government of Lebanon to engage in vulnerability-based assistance, including for non-registered Syrians and host communities
- ◆ The EU and EU member states to communicate to their Lebanese partners the benefits of supporting refugees, including increased control over informal workers, tax income, filling employment and social stability
- ◆ The EU and EU member states to highlight with their Lebanese partners the importance of NGOs in outreach, community mobilization, and service delivery
- ◆ The UNHCR and other aid agencies to increase and improve communications to both the Lebanese government and the public around programs supporting Lebanese citizens, and the positive impacts of assistance on local communities and economies

Registration

Within the framework of the October Policy, Lebanon’s General Security is empowered to restrict or approve the entry of Syrian nationals according to specific categories under its discretion, ultimately blurring the lines between whom the government considers to be displaced, refugees, and migrants. While the justification of a systematic review to ensure that those registered as refugees are indeed within the well-established criteria is evident, an independent needs-based assessment must be done on a case-by-case basis with due consideration for the specific socio-economic and other sector-specific vulnerabilities of the individual. An opportunity exists for Lebanon to develop its domestic legal framework regarding the treatment of refugees, and draws a legal distinction between Syrian refugees and other types of immigrants and visitors.

Therefore, ALEF and PAX call upon:

- ◆ The government of Lebanon and the EU and EU member states to ensure that the review process for the status of refugees already in Lebanon is in line with international standards and done on a case-by-case basis, including when considering internal flight or relocation alternatives and voluntary repatriation
- ◆ The government of Lebanon to provide access to legal status and birth registration for all Syrian men, women and children
- ◆ The government of Lebanon to develop a clear legal framework for refugees/ displaced based on well-established protection criteria
- ◆ The UNHCR to continue to assist the Lebanese authorities in conducting human rights and refugee law training of local municipal officials as well as border officers

Dealing with mass influx of refugees

While Lebanon is not a party to the 1951 Convention or the 1967 Protocol, it is a party to a number of human rights treaties, and is bound to international customary norms, including the principle of non-refoulement, which safeguards individuals from being returned to environments or situations where they are at risk of persecution or serious human rights abuses. ALEF and PAX, while holding the Lebanese authorities accountable to its duties under international refugee and human rights law, recognize that Lebanon is facing an unprecedented challenge and cannot be expected to resolve the mass influx of refugees from Syria on their own.

Therefore, ALEF and PAX call upon:

- ◆ The EU and EU member states to develop more effective and predictable responses to mass influx situations that will improve responsibility-sharing arrangements to share the burdens of first asylum countries
- ◆ The government of Lebanon to reiterate the unconditional commitment to the principle of non-refoulement
- ◆ The government of Lebanon to continue to provide access of Syrian refugees on the basis of stricter review process in compliance with international refugee law standards, in particular the principle of non-refoulement and with human rights law.

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