

LEGAL CHALLENGES FACED BY REFUGEES FROM SYRIA IN LEBANON

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C.L.D.H

Centre Libanais des Droits Humains
Lebanese Center for Human Rights
المركز اللبناني لحقوق الإنسان

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Abbreviations

Alef	Alef - Act for human rights
CLDH	Lebanese Center for Human Rights
FEMED	Euro-Mediterranean Federation against Enforced Disappearance
GoL	Government of Lebanon
GSO	General Security Office
IMF	International Monetary Fund
IRC	International Rescue Committee
IRCT	International Rehabilitation Council for Torture victims
ISF	Internal security forces
ISIS	Islamic State of Iraq and Syria, also known as Islamic State
LGBTI	Lesbian Gay Bisexual Trans and/or Intersex
MEHE	Ministry of Education and Higher Education
MoSA	Ministry of Social Affairs
MoU	Memorandum of Understanding
NFE	Non-Formal Education
NRC	Norwegian Refugee Council
OMCT	World Organization against Torture
PRS	Palestine Refugees from Syria
PRL	Palestine refugees in Lebanon
RACE	Reaching All Children with Education program
REMDH	Euro-Mediterranean Network of Human Rights
SOLIDA	Support for Lebanese Detained Arbitrarily
STEP	Subsidized Temporary Employment Program
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WFP	World Food Program
WGAD	Working group on arbitrary detention

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Introduction

The Lebanese Center for Human Rights (**CLDH**) is a local non-profit, non-partisan Lebanese human rights organization based in Beirut. **CLDH** was created in 2006 by the Franco-Lebanese Movement SOLIDAⁱ, which has been active since 1996 in the struggle against arbitrary detention, enforced disappearance and the impunity of those perpetrating gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights enforced disappearance, impunity, arbitrary detention and racism and rehabilitates the victims of torture. **CLDH** regularly organizes press conferences, workshops and advocacy meetings on human rights issues in Lebanon and collects, records and documents human rights abuses in reports and press releases.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in Lebanon in coordination with Lebanese and international organizations, and with the United Nations Working Group on Arbitrary Detention and the UN Special Rapporteur on Torture.

CLDH opened in 2007 a Rehabilitation Center for the victims of torture in Beirut, Centre Nassim, member of the IRCTⁱⁱ, which provides multi-disciplinary professional support and case management for victims of torture and their families.

Since 2012, **CLDH** established a legal aid program for vulnerable persons. Several lawyers assist vulnerable migrants, refugees, asylum seekers and Lebanese citizens through legal consultations and before courts, institutions and security services. CLDH compiles a daily press



review on human rights violations and on-going judiciary cases in Lebanon and updates several human rights blogs. **CLDH** is a founding member of the FEMEDⁱⁱⁱ, a member of the Euro-Mediterranean Network of Human Rights, a member of the SOS Torture Network of the World Organization against Torture, and of the International Federation of Human Rights Leagues.

Since 2011, the number of refugees from Syria who sought legal and psychological support by **CLDH** and Centre Nassim has considerably increased, proving the widening and deepening of their vulnerability. With this report, **CLDH** aims to highlight the changes that have been taking place in the life of refugees from Syria in Lebanon since January 2015, based on the first-hand testimonies collected. The results of the research show a direct correlation between the GoL's implementation of stricter policies and regulations and the worsening conditions of refugees from Syria in the country.

By drawing a causative connection between the former and the latter, **CLDH** aims to raise awareness to push for the implementation of a legal framework addressing the safety and security concerns of refugees from Syria in Lebanon.

Methodology

Primary and secondary resources have been used to inform this report. By drawing information from previous researches and papers, this report provides up-to-date field research findings to the available literature. Testimonies and public official data from the Government of Lebanon (GoL) and NGOs^{iv} have been used to frame the research and set the focus of both interviews and questionnaires.

To identify the legal challenges faced by refugees from Syria in Lebanon, it was important to collect, compare and challenge the point of views of the different stakeholders involved in shaping the life of refugees from Syria in the country. The concerns and issues raised by the refugees' voice have been supported by information gathered from **CLDH** database of beneficiaries assisted within **CLDH** legal assistance project, from various NGOs working in the legal and protection field, UNHCR officers, and national authorities.

Following a desk review of past and present regulations, which started at the beginning of 2016, a total of 99 questionnaires have been conducted with refugees from Syria. In order to reflect their real living conditions, the field research took place in different settings. Face to face interviews were conducted in informal refugee camps in the Akkar region and the Beqaa, and **CLDH** beneficiaries – assisted through various projects – have been contacted and interviewed over the phone. The latter live in different areas of the country, including Beirut, Tripoli, Mount Lebanon and the Southern region. The names of the refugees from Syria who have been interviewed have not been recorded for

safety and confidentiality reasons. Every testimony will be reported as Anonymous. The sample of people interviewed included both men and women aged between 17 and 75, belonging to different vulnerable groups, including LGBTI and Palestine refugees from Syria (PRS).

The questionnaire^v was run in Arabic and it included closed, multiple choice and open questions. To be as comprehensive as possible, demographic questions were followed by questions directly addressing the respondents' legal status to better assess the impact of the legal conditions of refugees on their everyday life and their perspective on the future. The interaction with and perception of UNHCR and the Lebanese authorities were also assessed in the questionnaire, as both represent important actors in the management of the refugees in Lebanon. Education and work were given particular relevance, as they are key factors for the stability and resilience of refugees.

Interviews with local and international NGOs gathered different inputs to this research with regards to the delivery of protection assistance to the refugees from Syria in different areas of Lebanon. The research also includes the stand of officials on the consequences of new regulations as well as an update on the latest legal measures implemented by the GoL.

The data analysis combined the quantitative and qualitative information collected during the field research. The results were compared with previous data presented by other reports to provide an overview of the evolution and a better assessment of the impact of the legal regulations on refugees.

Access to governmental information was

not possible, as such, there is no official data on the number of arrests of refugees in Lebanon nor the number of entries under "humanitarian cases".

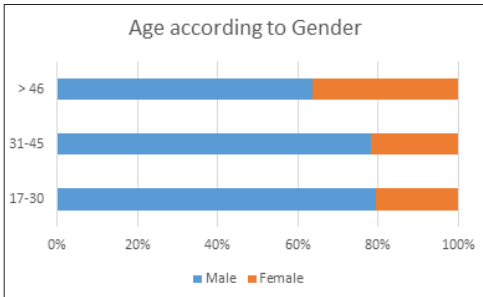


Presentation of the Sample

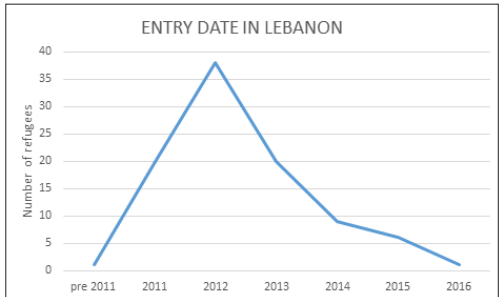
The sample of refugees from Syria interviewed for this report is composed of 99 individuals, 77% are male and 23% female. While this does not represent the statistics for the official data on all refugees from Syria in Lebanon circulating within UN channels but a qualitative analysis of the sample used for this report, nor the gender composition of refugees from Syria registered with UNHCR in Lebanon as reported by the OCHA bulletin^{vi}, the almost equal distribution of interviewed women over different age groups allowed the identification of a more comprehensive report of vulnerabilities.

As the following tables show, more than

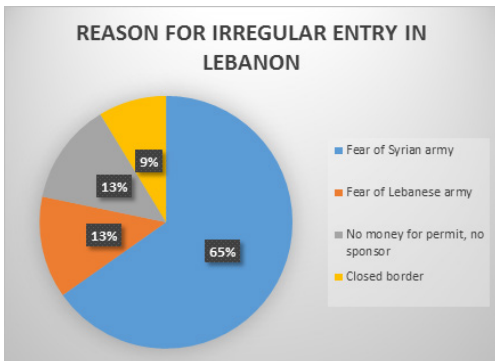
90% of the interviewed refugees from Syria moved to Lebanon before 2015, but only 78% of the sample accessed the country through a regular entry point. Among the reasons why refugees from Syria entered irregularly, fear of the Syrian and Lebanese armies is predominant, while 22% of irregular entries are a direct consequence of the 2015 regulations. Overall, 65% of the interviewed sample fled from Syria for safety reasons, due to the protracted crisis and the threat of ISIS, 14% left because of draft evasion and 15% because they are searched for by the Syrian authorities, mainly as political opponents.



Age groups

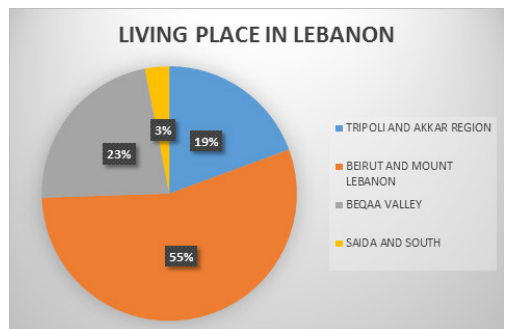
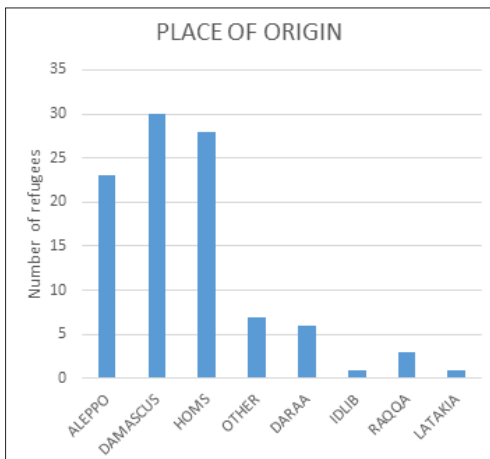


Entry date of interviewed Syrian refugees in Lebanon



Entry date of interviewed Syrian refugees in Lebanon

With regards to the geographical distribution, while most respondents come from Aleppo, Homs, Damascus and other areas situated close to the Lebanese border and among the most heavily hit by the conflict, the sample also includes refugees from Raqqa and the Eastern region. Due to the nature of the research, more than half of the respondents reside in Beirut and Mount Lebanon; 19% and 23% of them live respectively in the Akkar region and the Beqaa valley, mainly in informal refugee camps; a small minority resides in the Southern region.

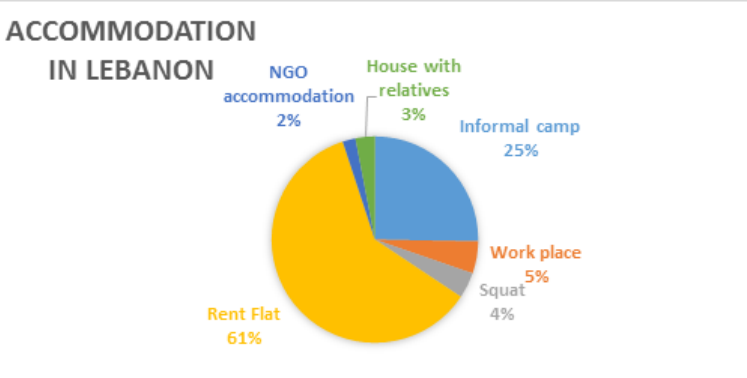


Distribution of interviewed Syrian refugees in Lebanon



Flats are the most common accommodation among the respondents, 61% live in rented rooms or flats, sometimes sharing them with the larger family or with strangers. 25% of the interviewed refugees from Syria live in informal refugee camps or in Palestinian refugee camps south of Beirut, while the remaining live in makeshift accommodations: NGOs, accommodations, squats, working place, hosted by friends or in the streets.

Almost a fifth of the interviewed refugees from Syria live in Lebanon alone, either because they are not married or because their family is in Syria; 56% have a family composed of between 2 to 5 members; 23% have a family of between 6 to 10 members; 2 % have a family of more than 10 members. 70% of the interviewed refugees from Syria include minors in their family.



Place f Type of Accommodation of interviewed Syrian refugees in Lebanon origin of Syrian refugees

Theoretical Legal Background

In August 2016, the number of Syrian refugees registered with UNHCR in Lebanon reached 1,033,513^{vii}. Together with the estimated number of unregistered refugees from Syria in the country, the total number of refugees from Syria in Lebanon reaches around 1,500,000^{viii}. Both numbers have been relatively stable since April 2015, when the GoL requested from UNHCR to suspend the registration of refugees from Syria following the implementation of new regulations that effectively made access to the country almost impossible.

The living and legal conditions in which most of these refugees find themselves in Lebanon have increasingly become a

concern for the international community, especially since the implementation of the most recent Lebanese regulations. These policies, that will be discussed in detail in the following paragraphs, are the direct consequence of the decision taken by the GoL not to take part in the 1951 UN Convention on the Status of Refugees^{ix}, nor in its 1967 Protocol^x. Syrian refugees fleeing to Lebanon are therefore not legally recognized the status of “refugee” as defined by international law. They are instead considered by the GoL as “displaced”^{xi} – despite the fact that they do not fit the international definition of displaced persons who would have moved within a country without crossing an international border – and in order to



stay in the country, they are required to hold a legal residency permit^{xii}.

“Displaced”, not “refugees”

Until the beginning of the war in 2011, the movements of Syrians into Lebanon were regulated by a bilateral agreement between Lebanon and Syria for Economic Social Cooperation and Coordination^{xiii} signed in 1993. This agreement granted freedom of work, residence and economic activity for both Syrian and Lebanese nationals in both countries^{xiv}.

In the first two years of the conflict, the influx of Syrian refugees was facilitated by this agreement and by the “open door” policy implemented by the Lebanese government. Syrians were provided with 6 months’ residency permit following the payment of \$200 per person renewable for free for 6 more months. At the same time, the possibility to cross the border both ways without special visa requirements and the number of illegal crossing meant that some refugees moved without their passport or ID.

The lack of formal legal recognition of Syrians as refugees, though, allowed the GoL to hold them in precarious conditions which became clear in 2013, when the Lebanese government started imposing restrictions on Syrians seeking entry to the country.

With the change of government in 2014, more restrictive measures were taken. The closure of eighteen irregular entry points along the border between Lebanon and Syria marked the introduction of stricter policies by the GoL. Two important steps followed. The first one was in May 2014 when the GoL accepted to cooperate with the UN in the development of the **Lebanon Crisis Response Plan**

(LCRP)^{xvi}. This response plan has three main strategic priorities: (i) ensuring humanitarian protection and assistance primarily to Syrian de facto refugees and the poorest Lebanese; (ii) strengthening the capacity of national and local public delivery systems to accommodate the basic needs of the aforementioned peoples; and (iii) supporting Lebanon’s economic, social, institutional and environmental stability.

The implementation of the LCRP is led by GoL in cooperation with various local and international NGOs, operating in different sectors. With regards to the protection sector, according to its latest report^{xvii}, LCRP is developing models to strengthen community-based protection while providing refugees with counselling sessions and legal awareness workshops, reaching in 2016, 25,000 people^{xviii}. Planning is now taking place for the implementation of the new LCRP four-year program, 2017-2021^{xix}.

In October of the same year, the Government proposed and approved the application of the “Policy Paper on Syrian Refugee Displacement”^{xx}. This document sets out three express goals regarding “displaced” Syrians in Lebanon: (i) reducing the numbers of Syrian refugees in the country by reducing access to territory and encouraging Syrian nationals to return to Syria, (ii) ensuring security by *inter alia* increasing regulation of the Syrian population in Lebanon, providing additional support for municipality police and requiring municipalities to undertake regular statistical surveys, and (iii) easing the burdens on the infrastructure^{xxi}. A number of more specific steps were provided in the Policy Paper, including strictly enforcing laws governing displaced

persons and foreigners to protect Lebanese employment and employment generally.

Government of Lebanon and UNHCR

Despite its refusal to sign the 1951 UN Convention, the GoL signed in 2003 a Memorandum of Understanding (MoU)^{xxii} with UNHCR concerning the status of refugees in the country and the role of UNHCR in the Lebanese territory. This MoU that was mainly aiming at regulating the stay of refugees from Iraq in Lebanon affirms that Lebanon does not consider itself an asylum country, and specifies that an “asylum seeker”^{xxiii} means a “person seeking asylum in a country other than Lebanon”^{xxiv}. While this MoU was not signed in relation to the Syrian crisis, it set the foundation for the cooperation of UNHCR with the GoL and defined the role of the former in the country, with regards to the registration of refugees in the country and the provision of services.

Up to April 2015, UNHCR was allowed to register any Syrian national who entered the country and desired to register. Following the registration, they would provide a registration paper^{xxv} including the refugee’s name, picture, place of birth and personal details^{xxvi}. With this paper, recognized internationally, Syrian refugees get access to health services, as well as to the WFP food support^{xxvii} and the resettlement program, according to their assessed vulnerability^{xxviii}.

As explained on UNHCR website for Lebanon, this paper “*is not a replacement for the residency permit issued by the Lebanese authorities/General Security Office(GSO); it is not a formal identification document; it is valid for two years and should be renewed at the UNHCR registration center in the area*

where [the refugee] lives”^{xxix}. This UN certificate is valid for 2 years, at the end of which it can be renewed.

Even though the GoL does not legally recognize the UNHCR certificate as a residence permit, the latter should guarantee protection from arbitrary arrest and deportation, in agreement with the Lebanese *non-refoulement* policy^{xxxi}, according to which no refugee or asylum seeker can be deported to a country where their life can be in danger. In reality, the UNHCR’s recognition of refugee status is often disregarded by the GoL and the Lebanese authorities, and hundreds of cases have been reported of Syrians registered with UNHCR who have reportedly been arrested, detained and intimidated to leave the country in spite of their refugee status^{xxxii}.

While an update of the MoU could represent an important tool for the protection of refugees from Syria and their human rights in Lebanon, the GoL has seemingly shown no interest in renegotiating the terms of the agreement nor in reviewing the revised version of the Memorandum submitted to the Council of Ministers by UNHCR in 2013. Furthermore, the scope of action of UNHCR has been notably reduced by the GoL with the new regulations in April 2015.

January 2015 new regulations

The Policy Paper approved by the GoL in October 2014 became effective in January 2015.

It aims at controlling not only the access of refugees from Syria to the country, but mainly their residence in Lebanon. Its implementation took place in January and February 2015, when the GSO effectively closed the borders. The entrance to Lebanon was then only



granted to specific categories, most of which would only allow for a short-term visa in the country^{xxxiii}.

In order to prove to belong to one of these categories, specific documents need to be provided. The only two categories that potentially allow for long term residency in Lebanon are the one for displaced people and the one for people entering with a pledge not to work.

In order to be recognized as “*displaced immigrants*”, Syrians need to comply with the government’s “*Humanitarian Exception Criteria*”: according to these criteria, are recognized as “*displaced*” persons “*unaccompanied and/or separated children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; persons who will be resettled to third countries*”^{xxxiv}. The extremely small number of Syrians who were granted protection in Lebanon within this category since January 2015 is a strong proof that it does not, and is not meant to represent an adequate response to the crisis in Syria. Three requirements need to be fulfilled in order to access the country as part of this category: proof of compliance with at least one of the aforementioned criteria; payment of a fee of \$200 per person above the age of 15 to acquire and renew the residency permit for 6 months, renewable for 6 more months^{xxxvi}; receiving the approval of both the Minister of Social Affairs and the GSO General Director^{xxxvii}.

In addition to the lack of inclusion of a “*fleeing from war*” criteria in the Humanitarian Exception Criteria, which makes it even harder for Syrians to prove they are displaced, there is no

administrative process at the GSO at the border to identify them. Moreover, the MoSA, responsible for the displaced category, is reportedly not present at the border^{xxxviii}. The combination of these elements makes the process of identification of displaced cases in fact non-operational.

The only other alternative for Syrians to enter Lebanon is as workers, pledging responsibility. In order to do so, they need to secure a Lebanese sponsor, provide proof of residence and other documents from the Municipalities, in addition to the payment of the \$200 fee for the 6 months’ residency visa, renewable for free for 6 more months^{xxxix}. The same rules apply to Syrians who have been living in Lebanon for a year and have to renew their residence permit: they have to pay a fee of \$200 and provide four other documents^{xl} from Municipalities and landowners in order to demonstrate that they have secured housing and to prove their identity. In case their legal residency permit had expired before they renewed it, or if they did not have one, Syrian refugees are often also asked to leave the country before being able to access the procedure. Restrictions apply also with regards to the kind of job Syrians can do: they can only work within the environmental sector (cleaning the streets), agricultural sector and construction. With regards to the sponsors, there are two types: Lebanese families, who can only sponsor one Syrian individual at a time, and not for work purposes; Lebanese employers, either commercial or agricultural enterprises, who can sponsor a Syrian refugee provided it can justify the need for the worker to the GSO^{xli}.

The detailed explanation of these requirements was only made available

to Syrians in April 2015, 4 months after the closure of borders. At the same time UNHCR was required by the MoSA to de-register over 1,400 Syrian refugees who had arrived in Lebanon after January 5th, 2015^{xlii}. Ever since May 2015, the Lebanese authorities instructed UNHCR to suspend the registration of any Syrian. The reason given for this new ban was that a new mechanism for registration of refugees was to be established^{xliii}.

London Conference in February 2016

On the 4th of February 2016 representatives of Lebanon, Jordan, Egypt, Turkey and Great Britain met to discuss the situation in Syria and in the neighboring welcoming countries. In its final statement, Lebanon declared to be aware of the tough living conditions of refugees from Syria in the country and underlined the economic and social tensions that came as a result of the Syrian crisis. It pledged to promote two main programs in order to improve the situation in Lebanon for Syrian refugees. The first is RACE II program, the continuation of the RACE programme for education, guaranteeing access to education to every child, under the age of 18, independently from their parents' legal status. The second is the STEP program, Subsidized Temporary Employment Programme, which should allow *"Syrian workers to accumulate social security contributions that can be collected by the workers upon the completion of the programme and their safe return to Syria, or their resettlement to a third country"*^{xliv}.

The main objective of RACE II is for the Lebanese education system to be able to provide equitable and inclusive access to quality education opportunities for children and youth between 3 and 18 in Lebanon, independently from their

parents' legal status^{xlv}. Compared to RACE, RACE II does not only focus on the access of Syrian refugee children to public education, reaching 440,000 Syrian children, but aims at widening its scope of action to the improvement and increase of Non Formal Education (NFE) programs, the review of the educational curriculum and the provision of more opportunities for children between the age of 15 and 18^{xlvii}. By June 2016, the executive summary and framework were finalized by the Ministry of Education and Higher Education (MEHE) with the support of UN agencies, and presented to the main donors, including the IMF and the World Bank. Information about the time in which the program will be implemented has not been found.

With regards to the STEP program it does not represent a valuable and sustainable solution to the problem of employment of refugees from Syria. Indeed, the number of individuals included in the program is almost insignificant compared to the overall number of Syrian refugees living in poor conditions and working irregularly in the country, and irregular work represents the most common practice in Lebanon, especially within the sectors that Syrians are allowed to work in. Consequently, even if implemented successfully, it would not represent an efficient tool to improve the condition of Syrians in Lebanon, due to its scope of action and the current conditions and labor regulations in the country.

The most important developments with regards to the 2015 Entry and Renewal of Residency permit policy for Syrians registered with UNHCR took place in June 2016. Following negotiations with UNHCR, the GoL changed the requirements for the renewal of residency permit to include a wider scope of the Syrian



population in Lebanon. With regards to the housing commitment document, a proof of accommodation signed by the local Mukhtar was introduced as an alternative for people living in informal camps^{xlix}. Previous to this change, because of the lack of contract with a landlord, this category could not get access to the renewal process. The other important development was the waving of the pledge not to work, substituted by a pledge of responsibility to comply with the Lebanese law. Although this pledge does not represent a work permit, it recognizes that services provided by UNHCR cannot address all refugees' needs and reduces the risk of arrest of registered Syrian refugees who undertake irregular work. Both developments are important and potentially ease the living and legal conditions of refugees, but as for now, they are not yet implemented in every region of Lebanon^L.

Analysis on Collected Data

I. Legal residency permit and its renewal

Since the implementation of the new regulations at the beginning of 2015, the number of Syrian refugees who reside in Lebanon without legal residency permit has notably increased: in only 20% of Syrian refugees' households in Lebanon do all members over the age of 15 have legal residency permits^{Li}. This trend is reflected in the sample: 86% of the interviewed do not have legal residency permits^{Lii}. (This percentage does not include the minors over the age of 15 in the respondents' households who also have to hold a valid residency permit as according to the regulations.)

The reasons behind this increase are both a direct cause and consequence

of the worsening living conditions of the vast majority of the interviewed Syrian refugees. While multiple reasons can be identified for the lack of legal residency permit, the strengthened legislation and deteriorating economic conditions Syrian refugees face represent the two main determinants of a vicious loop: the lack of legal residency permit causes lack of safety, limited movement and increasing economic limitations, which in turn prevent refugees from saving to pay for the legal residency permit.

Among the reasons why the respondents cannot have access to legal residency permit are the lack of any ID or passport, the fact they entered Lebanon illegally



and the lack of the necessary documents for the application such as a personal pledge of responsibility signed by a Lebanese sponsor or pledge to comply to Lebanese law, housing commitment certified by local Mukhtar, exit and entry cards^{Liii}. While the requirements for these documents have recently changed, their implementation still has to be adjusted on the national level, leaving a scope for the implementation of arbitrary procedures in the local offices^{Liv}.

The requirement of a sponsor and of the payment of a \$200 renewal fees per individual represent the main legal challenge for 61% of the respondents who do not have a legal residency permit: 34% of them state they cannot afford to pay for the renewal fees, while 27% cannot find a sponsor.

The challenges reported by the interviewed refugees from Syria with regards to residency's fees payment and sponsorship run on different levels and intersect with other issues. One of these issues is the lack of a legislation that protects the refugees from the volatility of the sponsorship system (Kafala system). A high number of the respondents state that they have not been able to renew their legal residency permit because the person who offered to sponsor then suddenly refused, without providing any valuable explanation. Syrian beneficiaries have reported to Restart - a local NGO providing psychological and legal support to refugees in Lebanon - that they are often victims of exploitation from their sponsors, who confiscate their ID documents, promise to pay for their sponsorship and eventually fail to, or change their mind without providing explanations^{Lv}.

The small percentage of respondents who

managed to obtain and renew their legal residency permit describes the process as long and difficult: 71% of regular Syrian refugees state that obtaining the residency permit was between hard and almost impossible, and when asked if they thought they would be able to maintain it, they all replied that they were uncertain because even if they had the money, they could not control the sponsor's decision.

Testimony of anonymous before interviewing with GSO for residency renewal: *I submitted my passport to the GSO for the renewal and it has now been hold for 3 months. I will have to pay \$200 for the renewal fees and \$60 for each required paper, and what I am really worried about is the possibility that my sponsor suddenly decides not to sponsor me again, because it would be very hard to find another sponsor, and there would be no way for me to claim my rights if the sponsor decides not to renew my sponsorship.*

The cost of the sponsor is a currently reported issue by the interviewed Syrian refugees: the total cost of a legal permit renewal per individual, including the \$200 fees, the expenses for the necessary documents and for the sponsor, ranges between \$600 and \$1400. Respondents from the Beqaa region stated that they used to go directly to the border in order to renew their legal residency permit because it was cheaper and easier to reach. They stopped because of fear of being arrested and harassed on the way back both by Lebanese nationals and authorities.

For now, if a Syrian refugee is not in possess of a valid legal residency permit^{Lvi}, he/she has to leave the country, in addition to all the other requirements.

Sources from GSO stated that the regulations might change, but this statement still has to be confirmed. As the international management of the refugee crisis limits the autonomous access to Syrian refugees to most of the nearby countries, in order to leave Lebanon as required by the regulations, Syrians do not have much of a choice. They can either go back to Syria, or they can go to the most convenient country, Sudan^{Lvii}. Respondents who were required to do so stated that neither of the two was an option for them: for many, crossing the border to Syria would mean direct arrest by the Syrian army; for the others the travel would be too complicated or expensive.

Testimony: Anonymous' husband has to renew his legal residency permit. Because he overstayed, he would have to pay an exit fee of \$650, exit the country by going to Sudan, find a sponsor and pay for the residency permit papers. Even if he was able to find a sponsor, the whole procedure would be impossible for safety reasons and because it would be too expensive for the family.

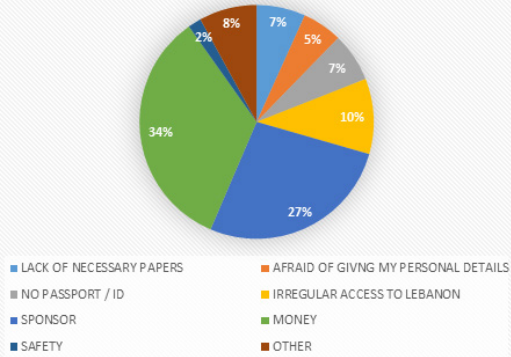
In alternative to a working residency permit, registered Syrian refugees can obtain their legal residency permit as refugees registered with UNHCR. A very small number of respondents stated to belong to this category, and most of them reported difficulties in the process, especially due to the requirement to sign a pledge not to work. These difficulties have been confirmed by NGOs providing protection services in Mount Lebanon^{Lvix}: GSO officials often deny the renewal of the legal permit through UNHCR registration to young male refugees because they do not trust they would respect/adhere to their pledge not to work. While there is hope for this

issue to disappear following the recent substitution of the pledge not to work with the pledge to obey Lebanese law^{Lx}, the more and more limited role of UNHCR within the Lebanese legal context and its limited delivery of services to refugees, as highlighted through high discontent by the refugees themselves, does not indicate any consistent improvement on the systematic level.

Before January 2015, the most common coping mechanism among Syrian refugees for the renewal of the residency permit after a year, was to briefly leave the country and return. At present, the stricter requirements for entry according to the categories defined by the new regulations, make it virtually impossible to access Lebanon without a sponsor. According to UNHCR, there were very few entries within the “humanitarian” category since 2015. Leaving the country could mean never being able to return in addition to the risk of losing the UNHCR refugee status, as reported by various respondents. An often-mentioned alternative coping mechanism among the respondents is the limitation of the legal residency permit to only one member of the family, usually the one who works or whose safety is perceived as more at risk. By allowing at least one component of the family free movement and the possibility to work, this also gives them the chance to avoid growing debts for food and primary needs, as is the case of several Syrian refugees in Lebanon^{Lxi}.

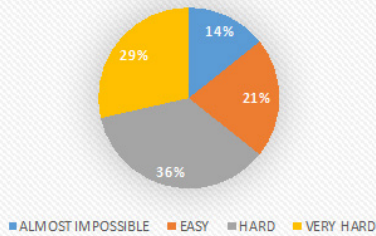


REASONS FOR LACK OF LEGAL RESIDENCY PERMIT



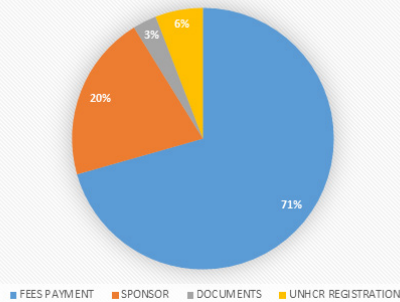
Reasons why Syrian refugees do not have legal residency permit

Difficulty in obtaining legal residency permit



Level of difficulty for Syrian refugees to obtain legal residency permit in Lebanon

DIFFICULTIES IN OBTAINING AND RENEWING RESIDENCY PERMIT



Main obstacles for Syrian refugees to obtain and renew the legal residency permit in Lebanon

II. Legal residency permit and safety

The main reasons why Syrian nationals seek refuge in Lebanon is safety from war and political persecution. But what they often find when they arrive is a different kind of violence, that makes their lives also unstable and dangerous. More than 80% of the interviewed Syrian refugees who came to Lebanon were looking for safety; around 85% of them did not find it.

The connection between safety and residency permit is often linear. The risk of arrest due to their irregular legal status is one of the main concerns of Syrian refugees, and turned to be the most challenging. Nevertheless, to make sure to properly assess the impact of legal

challenges on Syrian refugees' safety, it is important to give particular attention to their perception of safety in different contexts of their daily life.

Generally speaking, holding a legal residency permit gives a higher degree of safety, as it allows more freedom of movement in the country. Yet, the imposition of curfews for Syrian nationals in certain municipalities represents a further form of restriction and discrimination which the legal residency permit does not protect refugees from.

Testimony: Anonymous lives in in the Beqaa valley, he has a legal residency permit and he works in Beirut. Ever since



the imposition of curfews, his safety and ability to go to work have been limited due to this practice, which he defines as racist.

Despite the obstacles faced by Syrian refugees discussed in the previous chapters, obtaining the legal residency permit is a priority for Syrian refugees in Lebanon. The majority of respondents state that their safety is hindered without legal status.

As shown by Table B.9, the priority given to legal assistance as a need is indirectly proportional to the fact of holding a legal residency permit.

Consequences of the lack of legal residency permit

While no official figures could be accessed with regards to the number and reasons of arrests of refugees from Syria, whether registered with UNHCR or not, potential arrests represent a source of concern for both refugees and NGOs assisting them.

The most common places of arrest are

the check points. The main causes of arrests are the lack of the legal residency permit, and the lack of personal ID. While arbitrary detention and the exercise of physical and psychological torture in the Lebanese prisons and at check points are not limited to Syrian refugees^{Lxii}, they have vulnerabilities that result from their nationality.

Testimony: Anonymous is wanted both in Syria and in Lebanon. He says: “Here it’s like in Syria”. He was arrested in Lebanon at a restaurant where he was working, and tortured in prison; he said that it wasn’t as bad as in Syria, but the soldiers were still violent.

Testimony: Anonymous was stopped at the checkpoint 10 times for few hours in the past year, but he was never sent to prison.

As reported by Restart^{Lxiii}, because of the non-refoulement regulation and the overcrowding condition of Lebanese prisons, Syrian refugees tend to be held under arrest for a shorter period of time compared to Iraqi and Sudanese refugees. Yet, UNCHR reported a high risk of deportation for those Syrians who try to



Perceived need for legal assistance by Syrian refugees with and without legal residency permit in Lebanon (comparison)

resettle irregularly to a third country and then return to Lebanon; in this specific case, it seems that the non-refoulement regulation is not considered valid by the GoL; indeed, the number of deportation has increased since 2015^{Lxiv}, as well as the number of Syrian refugees who have been sent back to Lebanon from third countries, especially Turkey, thus becoming at risk of further deportation to Syria^{Lxv}.

Temporary arrests at check points are frequent, representing a constant harassment and risk for both male and female Syrian refugees. Threats and economic violence have been reported by 5 of the respondents who complained that Lebanese army officials at check points had asked them to pay a bribe in order to be released.

Testimony: Anonymous heard that people are arrested and released only under payment, especially at check points. She is very afraid of the arbitrary arrests that she can be subjected to as a Syrian refugee.

Interviewed Syrian refugees living in an informal camp in the Beqaa have reported that they receive a similar treatment by Lebanese civilians: since they do not hold a legal residency permit, they have been stopped while walking in the street and threatened to be brought to the closest check point if they did not give them money.

Vulnerabilities embedded in the system: lack of equality with the Lebanese nationals

While the lack of legal residency permit represents the main source of vulnerability for Syrian refugees in

Lebanon, it is important to highlight that more than half of the respondents holding a legal residency permit, is victim of psychological, physical and economic violence, especially from Lebanese nationals. 57% of the interviewed Syrian refugees with legal residency permit still declare to feel unsafe in Lebanon, compared to 69% of those who do not hold it. This relatively small difference is a proof that the legal challenges faced by Syrian refugees are not limited to their legal status, but are embedded in the way in which the lack of a proper legal framework, defines the Syrian refugees in Lebanon compared to the Lebanese nationals.

In this regard, Anonymous said that although each member of his family but one of his children have legal residency permit in Lebanon, he doesn't properly feel safe, especially at night. His main concerns are not the authorities, but the Lebanese people, who are often violent.

A lot of testimonies report that while they feel safe crossing the check points, they do not feel safe at home and in the street. Indeed, on the legal level, most of the respondents in possess of the legal residency permit state that beyond protecting them from arbitrary arrests at the check points or in the street, it does not guarantee them any right against the threats and violence exercised on them by Lebanese nationals.

Most of the respondents are afraid of going to the police to report mistreatment and threats. *Anonymous receives physical and psychological violence every time he leaves his house, he tried to call the police once but they were of no use, they ignored his complaints.*



On the economic level, in addition to bribes and threats, refugees from Syria reported being asked to pay higher rents by Lebanese landlords, because of their nationality and their vulnerability. Furthermore, for safety reasons, refugees need to move to areas that are more expensive than others, in order to be further away from check points or closer to their working place.

The power of non-state actors in Lebanon has a direct impact on refugees from Syria's safety, especially considering the involvement of different factions and parties in the current conflict in Syria. Some refugees from Syria seek protection from these actors rather than from Lebanese legal authorities, or from both. As reported by Restart beneficiaries, the risk of being investigated, arrested and tortured by non-state actors is often higher than from Lebanese officials, especially when the latter would provide protection^{Lxvi}.

Coping mechanisms

Both refugees from Syria with and without legal residency permit had to find ways to counteract the challenges caused by their legal status. To the question of whether they have been victims of violence from Lebanese officials, most respondents answered: "I don't look for trouble". The frequency of this statement highlights a certain mode of living adopted by refugees from Syria who do assume a low profile as a form of protection from the Lebanese authorities, but mainly from Lebanese nationals. Avoiding problems with neighbors is a commonly reported criterion in the decision of accommodation.

The risk of being arrested at check points and being victim of violence in the

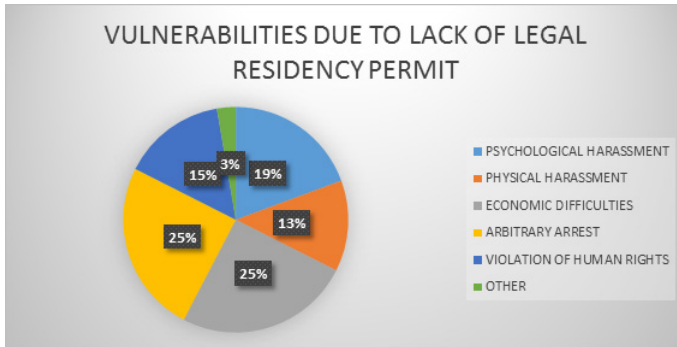
streets limit the freedom of movements, especially of men who are more often the target of officials' interest. Refugees found different ways of facing these challenges. Some testimonies, especially single men, report living in the same place of the one where they work. This way they do not have to move and can sustain themselves. In some families, men stay at home or in the camp with the children and women go to work, since they are less at risk of arrest.

Moving to Palestinian refugee camps is becoming a more and more common coping mechanism for the lack of safety, both for Syrian refugees and for Palestinian refugees coming from Syria. Because of the agreement between the GoL and the Palestinian, these camps represent a safe hub from the Lebanese authorities and from some other political factions.

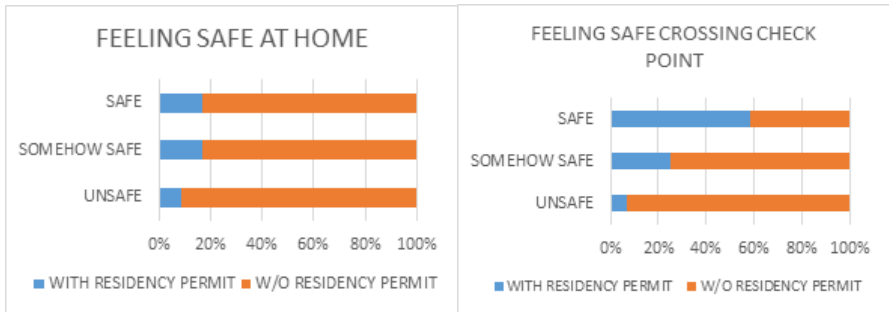
Testimony: Anonymous moved to a Palestinian camp south of Beirut because he is wanted by a political faction involved in the Syrian conflict; he had to move there for safety reasons, even if the rent is higher; he thinks it is safe for his 13 years old son to work in the shop as long as he stays in the camp.



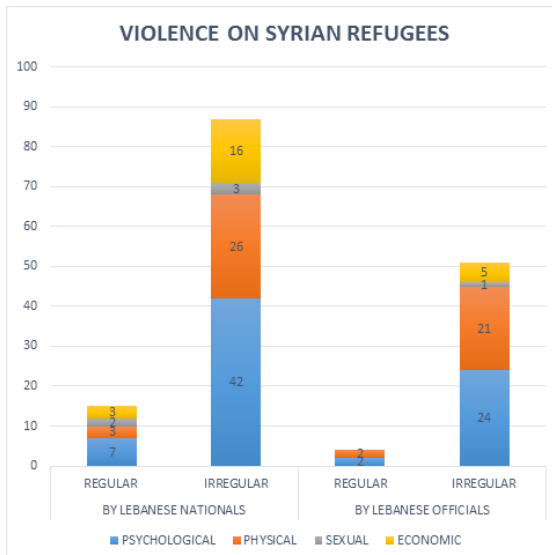
Informal refugee camp in Beqaa Valley, © CLDH 2016



Vulnerabilities of Syrian refugees without legal residency permit due to their legal status



Perception of safety by Syrian refugees at home and in the crossing of a check point



Types of Violence Syrian refugees are subject to in Lebanon



III. Legal residency permit and economic conditions

According to the most up to date data, the number of Syrian refugees registered with UNCHR in Lebanon is 1.033.513, while the approximate number of Syrian refugees in the country is 1.500.000 when including unregistered refugees^{Lxvii}. Out of this number, 71% Syrian households live under poverty line (\$3,84 per day), and 50% under extreme poverty line, percentages that are similar to those in 2015^{Lxviii}.

Syrian refugees registered with UNHCR are eligible to multiple forms of direct assistance, among which are economic support to cover the expenses for health services provided by cooperating hospitals and food support through the

WFP card. Both services are limited: the health support only covers certain medical interventions^{Lxix} and the eligibility to the WFP is based on the assessment of their level of vulnerability^{Lxx}. Because the GoL does not legally recognize the refugee status of Syrians registered with UNHCR, these forms of assistance, together with access to the resettlement program, represent the main reasons why most Syrian refugees register upon arrival to Lebanon. Yet, the majority of the 89% of the respondents, who are registered with UNHCR, state that they did not receive any help from UNCHR and when they did it was only for a short period of time.

While not formally recognizing the legal status of registered refugees in Lebanon, since January 2015 the GoL is recognizing UNHCR as a sponsor of registered Syrian refugees for the procurement or renewal of the legal residency permit. By providing some legal value to the UNCHR registration certificate, the GoL also turned it into a tool to limit the freedom of Syrian refugees, requiring from them to sign a pledge not to work because of their refugee status. Although this regulation has changed since August 2016, with the substitution of the pledge not to work with the pledge to obey to Lebanese law, it did and still does represent a legal challenge for the majority of Syrian refugees.

First of all, as reported above, the nature of the UNCHR aid and the uncertainty of its sustainability may not represent a mean for survival for registered Syrian refugees. The nature of UNHCR's aid does not include monetary support for rent, nor the provision of free accommodation because of the no-camps policy. As for other expenses, UNHCR currently covers 65 to 70% of their registered refugees with 27USD/per person/per month. During the winter, registered Syrian refugees shall receive an extra cash influx of 100USD. Additionally, UNHCR provides multipurpose cash, 175USD/per month/per family, to 30% of the severely vulnerable refugees, who represent 50% of all registered^{Lxxi}. **Consequently, while NGOs attempt to compensate UNHCR's aid by providing assistance, most interviewed refugees claimed that it is not sufficient to sustain themselves in Lebanon, and that they cannot survive without working in spite of the GoL prohibition in many cases.**

The level of occasional and informal

employment in Lebanon was already high before the Syrian crisis^{Lxxii}. This issue does not only highlight unstable labor conditions in the country, but also the limitations of the GoL in enacting labor control. Representing one of the most vulnerable groups in Lebanon society, for refugees from Syria the access to regular works is very rare. Most respondents work on a daily or weekly call as construction workers, in the fields and in the manufacturing sector. Because of their occasional nature, none of these forms of employment are subject to the control of the GoL. The pledge not to work, then, turned UNHCR registration into a mean of control rather than protection of Syrian refugees and represents for the GoL an additional tool for control and an impediment for the freedom of Syrian refugees in Lebanon, rather than an actual check on Syrian labor in Lebanon.

The results of the research show that 89% of the respondents are officially registered with UNHCR and 61% of them have some sort of employment. Furthermore, 59% of the interviewed refugees without legal residency permit declared that they work. These figures show that despite, and because of the regulations implemented in 2015 requiring sponsorship for workers and the pledge not to work for refugees registered with UNCHR, the majority of Syrian refugees work irregularly.

Occasional and unskilled work is the main source of income for refugees with and without legal residency permit. According to the most recent livelihoods interagency report^{Lxxiii}, the average monthly income of working Syrian refugees in Lebanon is \$177. Due to the occasional nature of their employment, most refugees do not receive a constant salary, but are usually paid by day or week. As the



salary table shows, while it looks like the majority of working respondents receive a monthly salary above \$200, this does not reflect the reality of facts. The form in which the data were collected only allowed an estimated calculation of the respondents' monthly salary by making a sum of the daily and weekly payments they communicated. But, as most of them have an occasional job, the amount reported hardly ever corresponds to their actual income. In addition, various respondents reported the lack of payment by the employer.

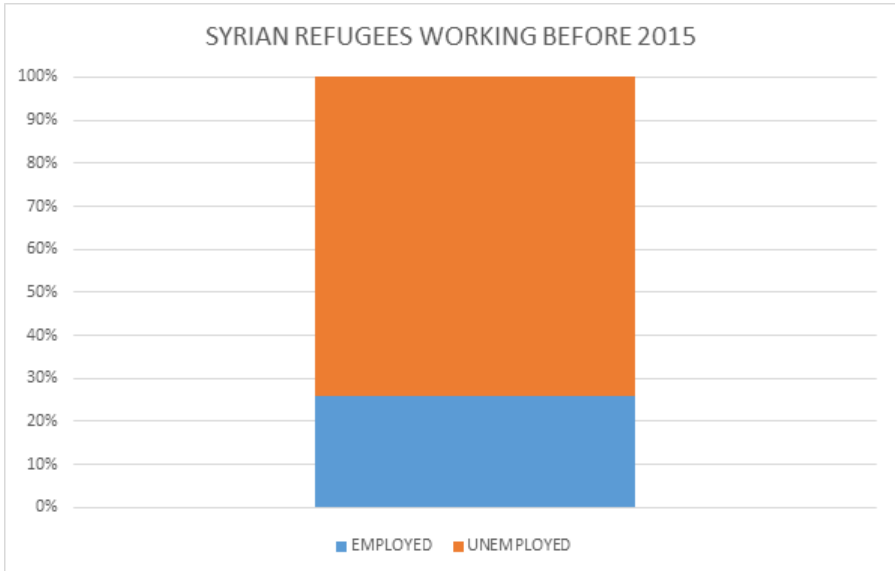
The 2015 regulations meant for the vast majority of respondents, the loss of their employment as well as worsening working conditions and more exploitation. Only around 26% of the respondents who used to work before 2015 are currently employed and three main reasons can be identified. First, as reported in the previous chapter, the majority of Syrian refugees could not overcome the difficulties in finding and paying for a Lebanese sponsor to obtain a legal residency permit and an official employment. *Anonymous reports that he changed his job from construction worker to volunteer for an NGO, but after 2015 it became much harder to find an employer who would offer a job to refugees without legal residency permit.*

Second, the lack of residency permit led to a decreased level of safety, and thus limits movement for the refugees. *Anonymous reported that now it is harder for him to find a job because he cannot go to different places anymore, especially in the area around Beirut, and in the area where they live there are no job opportunities. Anonymous, instead, lives in a cheap accommodation in Halba, separated from her husband who lives in Beirut in order to be able to work and*

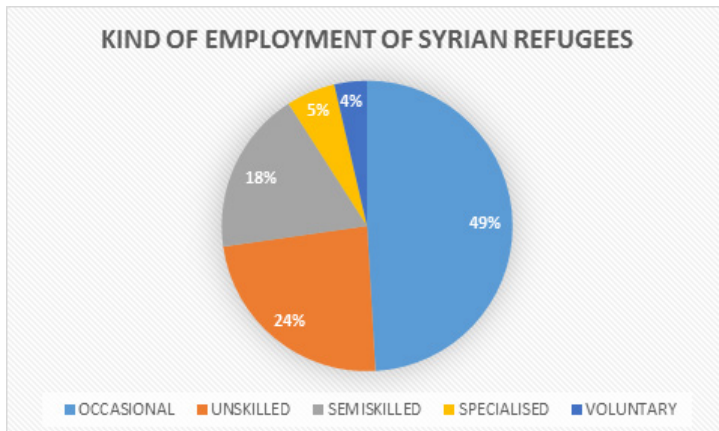
they only meet once a week.

Third, according to the new regulations, Syrian refugees are not prohibited to work in three sectors: agriculture, construction and environmental sectors, which resulted not only in a reduction in available employment, but increased the competition and reduced the salaries. Furthermore, these jobs do not allow Syrian refugees to use their skills and the full potential of their education. As the table shows, more than half of the respondents have completed higher education and 20% went to university, but only 5% of the working refugees have a specialized work.

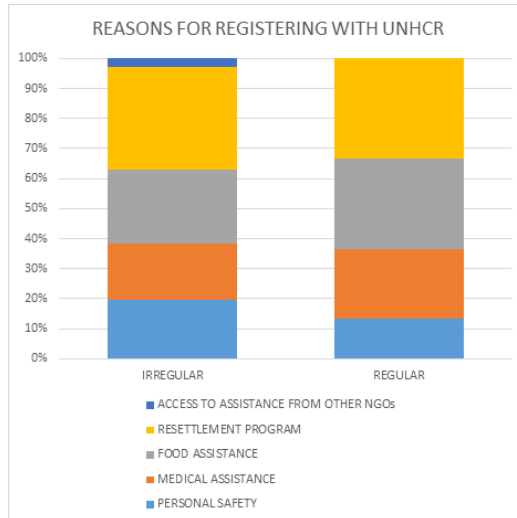
At the London conference in February 2016, the GoL presented a statement of intents in which it committed to the implementation of the STEP program, which is meant to promote the creation of new employment for Syrian refugees^{Lxxiv}. In October 2016, the program had not taken any concrete shape yet, if not in the involvement of possible funders in the discussion of the next steps to be taken. While representing a good will on behalf of the GoL, the STEP program is not a sustainable solution to the issue of Syrian and Lebanese employment crisis, as it is only bound to include between 5,000 to 30,000 of Syrian refugees in the whole of Lebanon.



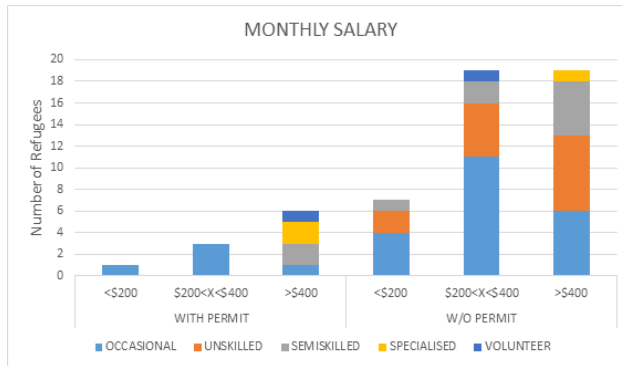
. Percentage of currently employed and unemployed Syrian refugees in Lebanon among those who used to work before the implementation of the new regulations in 2015



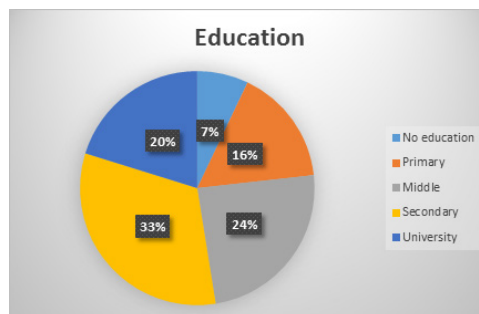
Kind of employment of Syrian refugees in Lebanon



Reasons why Syrian refugees in Lebanon register with UNHCR



Monthly salary of employed Syrian refugees in Lebanon according to the kind of job



. Level of education pursued in Syria

IV. Legal residency permit and new generations

According to the latest VASyR (Vulnerability Assessment of Syrian Refugees) findings, 53% of Syrian refugees in Lebanon are minors, children between the age of 0 and 17^{Lxxvii}, and up to 37% of the current Syrian population in Lebanon is between the age of 0 and 4, meaning that they most likely were born in Lebanon. The number of school-aged Syrian refugees, 487,984^{Lxxviii}, exceeds the 249,494 Lebanese children enrolled in public schools in 2015-2016 by doubling it^{Lxxix}. This disproportion does not only have an impact on the education system at the moment, but makes it easy to make a prevision on the consequences for these young generations and economy in the coming years.

Although legal residency permit is only required to individuals above the age of 15, the regulations implemented in 2015 have a strong impact on the quality of life and education of Syrian minors in Lebanon. The children's current livelihood and safety conditions, as well as their opportunities for the future are reduced by the legal and economic challenges faced by their parents.

In 2014, Lebanon adopted the Reaching All Children with Education (RACE) policy, which has helped Lebanon to increase the number of Syrian children enrolled in public schools to 158,321 by the end of the 2015-2016 school year, 32,4% of the school-aged Syrian children in



Children living in an informal refugee camp in the Beqaa Valley, © CLDH 2016

the country. In 2016, Lebanon adopted a five-year RACE II plan with the goal of enrolling 440,000 Syrian children in formal education by the 2020-2021 school year, which only represents 90% of the total amount^{Lxxx}.

During the academic year 2015-2016, the Lebanese Ministry of Education and Higher Education (MEHE) in collaboration with UNHCR, INGOs and Local NGOs has launched a series of programs aiming at improving the organization of informal education in Lebanon and at involving more Syrian teenagers in Vocational training, and parents in their children's education^{Lxxxii}.

Despite the positive attitude of the Lebanese government with regards to the promotion of education, the target while being ambitious, does not reach half of the total number of minor refugees from Syria in the country. Furthermore, the distribution of the schools where these programs are offered often does not reflect the needs of the Syrian population. Furthermore, the need for children above the age of 15 to have legal residency permit is an obstacle to their access to education that has not been taken into much consideration until now.

The data collected reflects quite well the trend of children's attendance to school, especially its evolution after 2015. More than half of the children of the respondents do not attend any sort of school. While a quarter of them are too young to go to school, the remaining 75% of the children do not go to school because of safety and economic reasons which are often direct consequence of the legal status of their parents.

Parents lacking legal residency permit, in fact, do not bring their children to school because they fear of being arrested, and often do not have the financial mean to pay for transportations, when available. On the other hand, schools are often far from refugees' accommodation, especially the refugee camps, so children are not able to walk there.

Safety is a major concern not only on the way to school, but in the school itself. Children are not spared from the mistreatment and psychological violence that adult Syrian refugees face in the streets. Many parents report episodes of harassment and racism against their children, both by fellow students and by teachers. Many lament a lack of interest and respect to Syrian children, while others blame the poor quality of public schools on the double shift system. In schools that operate two shifts, the first shift is generally open to Syrian students as long as there is space for them. The second shift starts between 2:00 and 2:30 p.m., and is for Syrian children only^{Lxxxii}. *Anonymous states that his children, who go to school in the afternoon, receive a lower level of education because the teachers have been working all morning with Lebanese students, and they are tired and less efficient once the Syrian students come.*

According to the RACE program and in agreement with the MEHE, the access to education should be granted to every Syrian child, independently from their parents' legal status. This regulation, though, has never taken a written form, but has been shared and agreed upon orally^{Lxxxiii}. For this reason, schools' directors make their own regulations and take their own decisions with regards to enrollment, registration fees and legal residency permit^{Lxxxiv}. This issue has not only been reported by the respondents, but also by various NGOs cooperating in the protection sector.

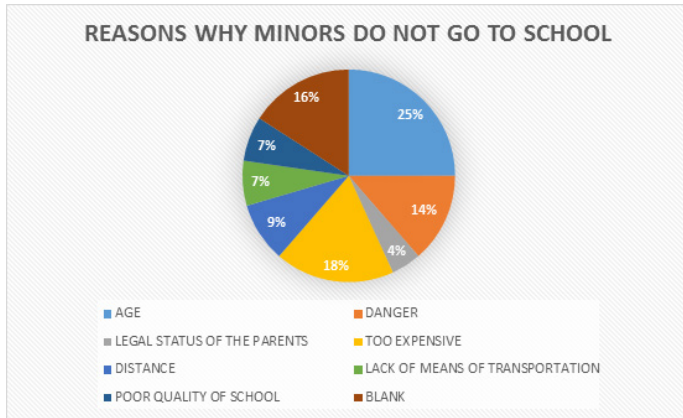
The deterioration of their economic conditions prevents many Syrian families from sending their children to school. While some used to go to private schools and have now moved to public schools, others do not have enough money to pay for the books, clothes and school fees, even if low. For this reason, some large families only send one or two of their children to school, while they have to send their other children to work in order to increase their income. The phenomenon of minor workers is increasing dangerously. It is often easier for Syrian children in Lebanon to find work than for adults because they receive exploitatively low wages^{Lxxxv}. The majority of children of the interviewed Syrian refugees gains less than \$150 per month, working mainly in grocery shops and markets. Like adult Syrian refugees, the children work a variable number of hours, between 6 and 12, some of them only during the weekends, others drop school in order to work on a daily basis.

Lack of valid residency in Lebanon has also hindered refugees' ability to register their new-born children. Without birth certificates or identification documents (IDs), refugee children may not be able to

enroll in public schools, nor be recognized as Syrian nationals if they were to return to Syria. Under the Convention on the Rights of the Child, which Lebanon ratified in 1991, new-born children have the right to be registered immediately after birth^{Lxxxvi}. The final registration of new born Syrian children in Lebanon with the Lebanese government requires both parents to have a legal residency permit, as well as a valid marriage certificate. Following the 2015 regulations, it has become harder and harder for Syrian parents to fulfill all the requirements. Consequently, the number of children who are not registered has increased. *Anonymous presented a coping mechanism to this issue: he registered two of his children born in Lebanon at the Syrian registry via relatives who are in Syria.* At the moment, though, there are more than 100,000 unregistered new-born children risking to become stateless, and which represent one of the main issues of concern for UNHCR^{Lxxxvii}.



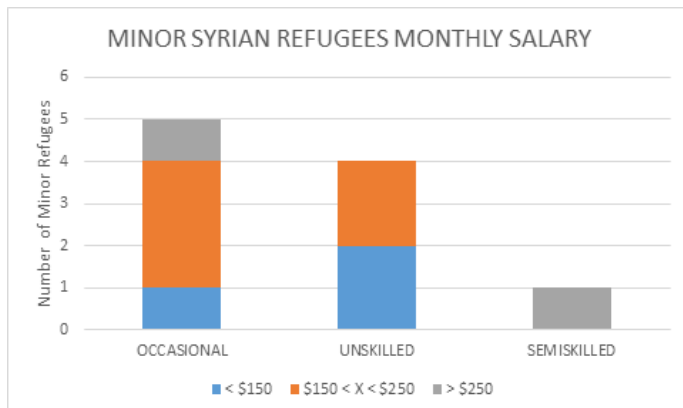
REASONS WHY MINORS DO NOT GO TO SCHOOL



Reasons why minor Syrian refugees in Lebanon do not go to school

Type of School	PLACE OF RESIDENCE				Grand Total
	Tripoli & Akkar Region	Beirut & Mount Lebanon	Beqaa Valley	South & Saida	
Public School	6	4	5	2	17
Private School	1	3	1	0	5
UN School	5	4	1	0	10
Classes at the Camp	1	1	0	0	2

Type of school attended by minor Syrian refugees according to the place of residence in Lebanon



Minor Syrian refugees' monthly salary according to the type of employment

V. Legal challenges deriving from lack of recognized legal status to Syrian refugees by the GoL

The legal challenges faced by Syrian refugees in Lebanon that have been identified in the previous chapters are both direct and indirect consequences of the political attitude of the GoL towards the presence of refugees and the changes in its regulations, especially since 2015. In order to reach a comprehensive understanding of the origins of these challenges, and thus to be able to tackle them, it is not enough to focus on the legal provisions, but it is necessary to look at the impact of the political approach of the GoL towards the issue of refugees and of its interaction with the UNHCR agencies and other NGOs.

GoL political and executive limitations/obstacles

The means of implementation of the different regulations by the GoL have a direct negative impact on the living and safety conditions of Syrian refugees. The lack of a cohesive application of the regulations is an issue refugees face on an everyday basis. A practical example reported by several NGOs, and the UNHCR, regards the changes in the type of documentation required to the refugees for the renewal of the legal residency permit. Although the GoL approved the implementation of the new requirements in terms of documentation



in June 2016, no official communication was made until August 2016, and up until the end of September 2016 there were still different requirements imposed by different GSO offices in the country^{Lxxxviii}. This issue is not only limited to the required documentation for the renewal of the legal residency permit, but also to the process for new-born registration: *Anonymous could not register his child with the Lebanese government because he was asked to pay an extra fee which is not required by the legal regulations.*

Similarly, the GoL issued only an oral communication of the regulations concerning the right to access public education by every Syrian refugee child free of fees, irrespective of their parents' legal status. Consequently, school directors have been taking the freedom to arbitrarily impose additional requirements before accepting the registration of a Syrian child in their schools, thus preventing the children from enjoying their right to education. Anonymous could not register his two children in school because he does not have a legal residency permit. Anonymous, on the other hand, can only send one of his children to public school because he is required to pay fees and he does not have the financial capacity to pay for both.

On a governmental and executive level, the intersecting roles and duties of the GSO and MoSA in the management of the legal status of Syrian refugees in the country often leads to bureaucratic complexities that provoke delays, misunderstanding on behalf of the refugees themselves, and operational failure. As reported by officers of the UNHCR protection sector^{Lxxxix}, the extremely low number of Syrian refugees who managed to access Lebanon within the "humanitarian cases" category is

mainly due to the lack of an effective operational process at the border. In fact, the validation of the case does not only need to be approved by a MoSA representative, who is not present on the border, but it also needs to be accepted directly by the Minister of Social Affairs and the GSO General Director, the heads of both institutions. As it could easily be imagined, these procedures and arrangements do not facilitate the process^{xc}.

UNCHR, limited scope of action and lack of coordination

The political and legal approach of the GoL entails a big obstacle for UNHCR and NGOs in the provision of protection services. The interaction between the GoL and UNHCR, as the main state and non-state actors involved in the management of the presence of refugees from Syria^{xcii} in the country, greatly contributes to the reproduction and strengthening of specific legal challenges for the refugees themselves.

The new regulations implemented in 2015 highlight the stronger hold that the GoL has on UNCHR. As an international and non-governmental agency, UNCHR depends in its action not only on international funding, but also on the consent of the local government, in respect of its sovereignty. In the case of Lebanon, this also means accepting the limitations derived from decisions adopted by the GoL. An example is the reaching of spoken rather than written agreements, as is the case for some of the new regulations implemented after April 2015^{xciii}. In certain circumstances, this strengthens the power relation between the two actors, limiting UNHCR scope of action.

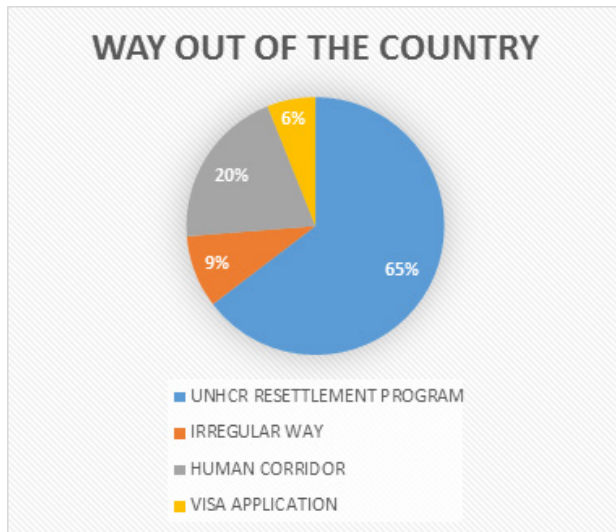
On the other hand, the insufficient delivery of services and protection as reported by most respondents is also a result of a coordination and communication system that needs improvement. The main concern, and complaints of Syrian refugees regard the WFP food card, the medical assistance and the resettlement process. This results more from a lack of communication and information, rather than a lack of the services themselves. A lot of respondents voiced their disappointment with UNHCR. Many of them stopped receiving money on their WFP food card, and have never been informed of the reason why. Similarly, many voiced the poor or inefficient medical assistance provided by health centres and hospitals cooperating with UNHCR.

The process of application for resettlement is another main concern of Syrian refugees. Most of them place all their hopes for the future in leaving the country and fleeing the worsening economic, safety and legal conditions in which they are forced to live in Lebanon. The lack of information and updates regarding their file status after doing one or multiple interviews at UNHCR has a particularly strong impact on them, and affects their ability to cope with their difficulties^{xciii}.

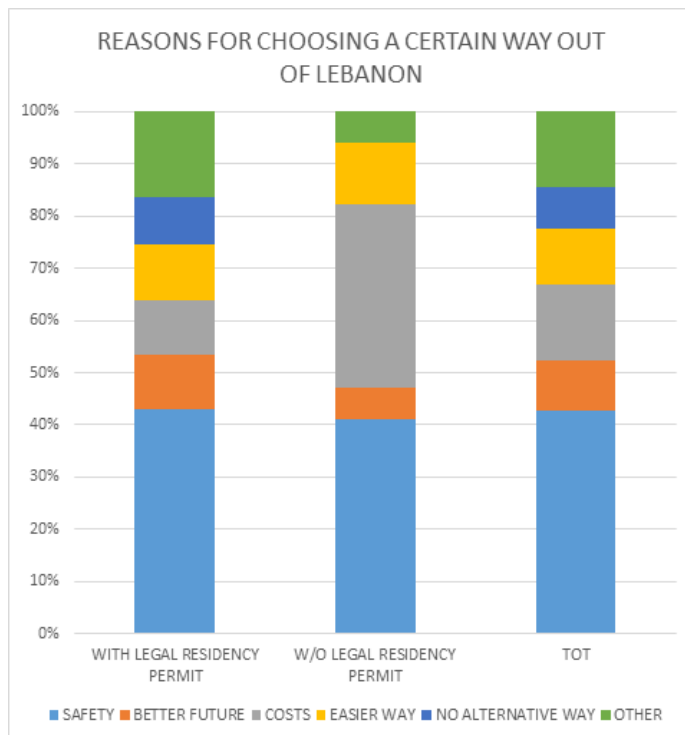
In legal terms, UNHCR highlighted challenges with regards to Syrian refugees' resettlement that are tightly connected to the regulations concerning the legal residency permit and the registration of new-born children with the Lebanese state. Custody issues represent a big challenge for the resettlement of children, especially when the father is missing. The lack or limited access to legal services, the difficulties or impossibility to register new born

children as well as recovering marriage and paternity certificates, all contribute to hinder the process of resettlement of often vulnerable subjects^{xciv}.

The payment of exit fees represents another obstacle which UNHCR is trying to address. Resettlement via UNHCR represents the only case in which Syrian refugees are not required to hold a residency permit nor to pay any fee to exit the country. In order to be able to leave Lebanon through other means, including humanitarian corridors, refugees from Syria must regularize their legal status in the country, usually by paying an exit fee. As financial constraints represent one of the main reasons why most refugees from Syria do not have a legal residency permit in the first place, these requirements perpetuate the same obstacles Syrian refugees are attempting to flee from through resettlement. This issue has raised more and more concerns since 2015. CLDH and other NGOs providing legal assistance to Syrian refugees during the resettlement process, as well as the receiving countries, sometimes pay for the exit fees. This form of support is not sustainable, of course, and UNHCR is currently negotiating with the GoL in the attempt to waive them^{xcv}.



Exit way preferences expressed by the interviewed Syrian refugees



Reasons expressed by interviewed Syrian refugees for the choice of their way out of Lebanon

VI. Legal challenges and vulnerable groups: PRS and LGBTI

Among refugees from Syria, Palestine Refugees from Syria (PRS) and LGBTI represent particularly vulnerable groups, both in Syria and in Lebanon. During the research for this report it has not been possible to directly address enough refugees belonging to these categories to have representative data. Nevertheless, information was collected through NGOs providing legal and mental support to these categories of refugees. Despite representing particularly vulnerable groups in Syria, they also face additional legal challenges in Lebanon, where they sought for safety and a better future.

PRS

According to the most recent reports, the number of PRS in Lebanon is between 40,807^{xcvi} and 53,070^{xcvii}. Because of their status of Palestinian refugees, PRS do not fall in the same category as Syrian refugees at the eye of the GoL. However, as newcomers from Syria, they have less rights than Palestine refugees from Lebanon (PRL). The main differences between Syrian refugees and PRS is the access to legal residency permit and humanitarian assistance.

Between August 2013 and May 2014, entry became more restricted and cases were screened for entry at the border,



although the criteria were never formally published. Since then, entry at the border is reportedly only granted with either a verified embassy appointment in Lebanon, or a flight ticket and visa to a third country: conditions that the majority of Palestine refugees from Syria are unable to meet^{xcviii}. Despite some scope for intervention with authorities and some flexibility, the restrictions still resulted in the denial of entry to PRS^{xcix}. Furthermore, reports were made in May 2014 by PRS who went to the GSO with the aim to regularize their status and were given deportation orders with periods ranging from 24 hours to one week^c.

Since the introduction of the new regulations concerning the obtaining and renewal of the legal residency permit in January 2015, the GSO has reportedly issued several consecutive internal memos enabling Palestine refugees from Syria to renew their legal residency documents for three months upon payment of the renewal fees of \$200 per person. The additional terms and conditions for these renewal procedures were not published until late October 2015, and were reportedly applied inconsistently across the country. Starting in October 2015, successive memos have reportedly been issued publicly, which allowed Palestine refugees to renew their visas, free of charge, within a specified period. NRC fieldwork, however, shows that very few PRS were actually able to renew their legal residency permit and only for a maximum period of three months^{ci}. Differently from Syrian refugees, PRS who do not possess legal residency permit are not allowed to obtain a new one, only those who have one are given the chance to renew it: there are no possibilities for those PRS who had entered through unofficial

border crossings or whose residency visa had expired to regularize their stay^{cii}. By early 2016 it was unclear whether these measures would continue^{ciii}.

Like for Syrian refugees, the lack of legal residency permit for PRS means reduced mobility, risk of arrest and harassment, limited access to services and employment. First, PRS who entered in an irregular way are not getting access to Palestinian refugee camps or UNRWA services they are eligible to^{civ}. UNRWA provides free education, primary health care and housing financial aid, according to its financial capacity. The vast majority of PRS households (92.6 per cent) rely on UNRWA assistance as a main source of livelihood, which is a substantial increase from the 80 per cent reported in the 2014 UNRWA Vulnerability Assessment^{cv}. Since 2015, due to a steep drop in funding, the agency has had to reduce the financial support provided to PRS families, who would still fall out of the assistance programs of UNHCR^{cvi}. This has contributed to an increasing number of families living in poverty to 89% of PRS in Lebanon, and to 9% those who live in extreme poverty, three times as much as the PRL^{cvii}.

The condition of poverty in which the almost totality of PRS in Lebanon live is strongly tied to their limited access to work as for Syrian refugees. Despite being Palestinian refugees, they do not fall under the framework that applies to Palestine refugees in Lebanon both with regards to labor laws and social security^{cviii}. Access to work is one major challenge: *Anonymous says that she cannot find a job simply because she is Palestinian*. Furthermore, in order to move in and out of some Palestinian refugee camps a permit is required, for

which legal status is often a pre-requisite. PRS who do not hold legal residency permit, therefore have limited access to economic opportunities outside of the camps^{cxix}. Because of these reasons, a higher rate of Palestinian women tends to find a job in the formal sector, with UNRWA and other NGO, mainly within the camps, while unemployment is higher among men^{cx}.

As it is the case for Syrian refugee minors, the legal status of the adult has a strong impact on their access to education, but in a different way. The majority of PRS children who go to school have access to UNRWA primary and secondary education within the camps; a very small percentage goes to Lebanese public schools. Nevertheless, the lack of regular legal status reportedly means that they are unable to register for official school exams and thus to obtain official school certificates (Brevet and Baccalaureate certificates). Without the prospects of obtaining official school certificates, many reportedly drop out of school^{cxii}. The lack of legal residency permit also prevents PRS from accessing civil registrations, such as marriages, divorces and birth certificates. As for the Syrian refugees, this will have a strong impact on the future generations.

Lebanon refuses to open more Palestinian camps, thus leading to an overcrowding of the existing camps and a further worsening of the living conditions within them. The reduction of funding to UNRWA in the past two years has also meant a reduction in the financial aid provided to PRS. (45.8 per cent) of PRS reside inside the Palestine refugee camps. These camps were already severely overcrowded prior to the arrival of Syrian refugees and PRS. This increase in the number of refugees has exacerbated the

overcrowded conditions of housing units and deficient infrastructural services. Most of the structures built as temporary shelters have deteriorated from lack of proper maintenance^{cxiii}.

LGBTI

Article 534 of the Lebanese Penal code criminalizes “intercourse against nature” and is still being used by security forces to arrest and detain LGBTIs on the sole basis of their sexual orientation, and reportedly to subject them to the notorious degrading treatment called “anal test”. Syrian LGBTI refugees did not only escape from their own country because of the war, but because persecuted due to their sexual orientation. To most of them, Lebanon did not only represent the hope for a better life, but also safety. Once they reached the country, many found out that persecution is as widespread in Lebanon as in Syria: while in some neighborhoods of Beirut more tolerance is displayed, that is not the case all over Lebanon and the tolerance vanishes once it turns from a private to a public display.

As reported by Proud Lebanon, a gay rights organization providing mental and health assistance to LGBTI of any nationality, Syrian LGBTI refugees in Lebanon are arrested both because of their nationality and because of their sexual orientation. This NGO saw a notable increase in refugees from Syria among their beneficiaries, from 13 in October 2013, to 220 in July 2015. All of them aimed to resettle in Europe, where they could find more tolerance. Because of the long resettlement process through UNHCR, and in order to be able to choose which country to move to, between October 2013 and July 2015, more than 100 beneficiaries of Proud Lebanon moved to Europe irregularly.



As is the case for the other refugees from Syria in Lebanon, the registration with UNHCR does not guarantee the provision of services nor adequate living conditions. While some manage to work occasionally in private houses, as a respondent who works as home hairdresser, “survival sex”^{cxiii} has become a form of income for some LGBTIs, and has increased their vulnerability.

In August 2014, for example, there was a raid in a bath house (Hamam el Agha) and LGBTIs working there were arrested. The Lebanese nationals were released, according to law, after 48 hours from the

arrest^{cxiv}. Syrian nationals, on the other hand, were kept for more than 30 days in a prison in Zahlé, during which time they were tortured because gay, as the guards openly declared^{cxv}. Another reported episode of torture took place in December 2015, when a transsexual Syrian refugee was arrested in Raouche, Beirut. Because of his female appearance and male sex, it was reported that the guards claimed they did not know where to place her within the prison cells, so they tied her up to a chair and kept her there for 3 days.



400 Tent camps, Akkar region, Lebanon. © CLDH 2016

Recommendations

Due to the legal and political developments discussed above and in the previous chapters, refugees from Syria in Lebanon find themselves in a limbo, often lacking personal, economic and legal safety. These living conditions do not only affect the psychological and physical wellbeing of the refugees in this moment, but keep them stuck in the moment, aspiring for a better future, but lacking the possibility to build one.

In order to tackle the legal challenges that have been identified in the previous chapters, CLDH believes that state and non-state actors, on a local and international level, have to actively contribute simultaneously. Following is a proposal of recommendations.

1. Recommendations to the Lebanese authorities

At the political level:

- Lebanese authorities should recognize the refugees from Syria as refugees with rights recognized by the international community and pertaining to the refugee status
- Lebanese authorities should continue to make sure that Lebanese borders are open to any person seeking protection
- A new Memorandum of Understanding should be finalized between the UNHCR and the Ministry of Interior of



Lebanon that would give a legal status to all asylum seekers and refugees on Lebanese territory

- UNHCR should be allowed to reopen the registration process of all refugees based on the definition of a refugee
- Lebanese authorities should make every effort to prevent corruption at all levels of the state

At the legislative level:

- The Lebanese Parliament should ratify the 1951 Geneva Convention on the refugees' status
- Discriminatory laws and regulations against Palestinians in Lebanon should be abolished
- The Lebanese Parliament should abolish article 534 of the Lebanese Penal Code that is being used against the LGBTI community

At the executive level:

- The Ministry of Interior should put an end to curfews imposed by certain municipalities on refugees from Syria
- Security services should be ordered by their respective ministries to put an immediate end to arrests and detentions of asylum seekers and refugees for the sole reason that they lack legal status
- The General Security should stop giving orders to some refugees to leave the territory and provide them with adequate documentation in order to avoid them being involved in illegal activities and subjected to exploitation to survive
- Lebanese authorities should review the cost of the renewal of residency papers for refugees from Syria considering the

fact that most of them cannot afford the required 200\$

- Lebanese authorities should order the security services to systematically investigate violence and discrimination against refugees
- Lebanese authorities should ensure the respect of the ban to the "anal tests", which is still reported to be required by some judges and performed by some doctors, despite representing an offense to human dignity.

2. Recommendations to UN agencies and their partners

- UN Agencies and their partners should develop their identification of the most vulnerable groups within the refugees as well as their assistance to them
- UN Agencies and their partners should continue to encourage social cohesion through assistance activities benefiting both the Lebanese host community and refugees in order to end discrimination against the refugees
- UN Agencies and their partners should educate society about human rights, with a particular focus on vulnerable groups, and the definition of refugees

3. Recommendations to the international community

- The international community should improve its funding of agencies up to the point that refugees should not be obliged to work illegally in Lebanon in order to survive
- The international community should work hard to make sure vulnerable

refugees are provided with durable
resettlement solutions

- The international community should
develop more scholarships opportunities
for refugee students who had to stop
studying because of the war



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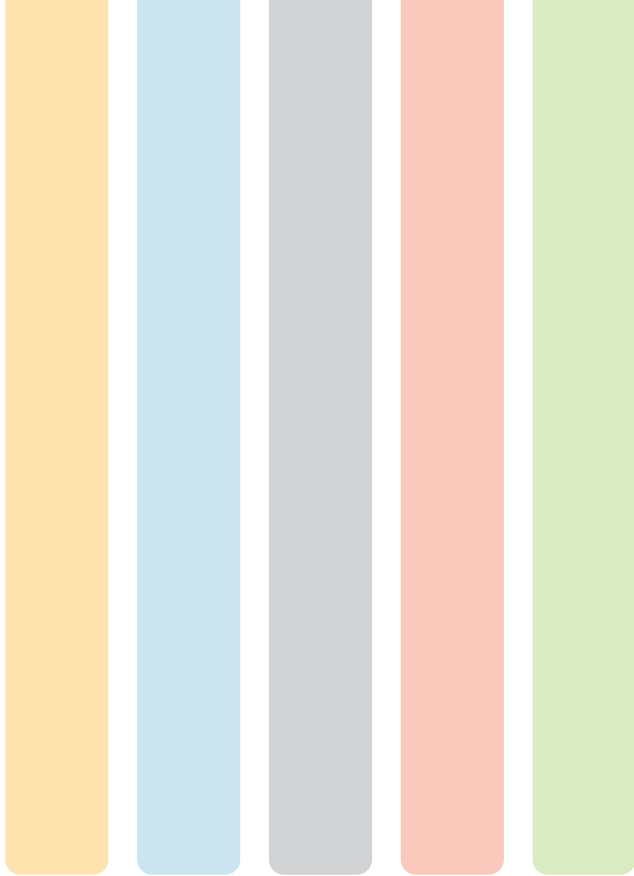
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