

“A Shoulder to Lean On.”

*Towards Rights-Based Interventions and Policies
for Syrian Refugees in Lebanon.*

“A Shoulder to Lean On.”

*Towards Rights-Based Interventions and Policies
for Syrian Refugees in Lebanon.*

ACKNOWLEDGEMENTS

The Lebanon Support team would like to extend their thanks to all the interlocutors for taking part in this research and for sharing their experiences. We are also grateful to all those who participated in our series of roundtables aimed at discussing primary findings, in the spring and summer of 2016, for their insightful feedback and discussion.

TEAM

Research Officer

Amreesha Jagarnathsingh

Research Fellow

Miriam Younes

Director of Publications

Léa Yammine

Head of Research

Marie-Noëlle AbiYaghi

Copy Editor

Muriel N. Kahwagi

Layout and design

Nayla Yehia

The views expressed in this publication are solely those of the author(s) and do not necessarily reflect the views of Lebanon Support or its partners.

Lebanon Support © Beirut, November 2016 all rights reserved.

1	Introduction	03
2	The backlash of policy effects and increased informality and illegality	04
3	Recommendations	06

1 Introduction

- 1 European Commission, “ECHO Factsheet. Lebanon: Syria Crisis.” Brussels, Humanitarian Aid and Civil Protection, 2016, available at: http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf [last accessed 1 November 2016].
- 2 The Lebanese Government did not introduce new measures until the Syrian refugee crisis had reached its peak, with almost 1,2 million registered refugees residing in Lebanon. Karim el Mufti, “Official response to the Syrian refugee crisis in Lebanon, the disastrous policy of no-policy,” *Civil Society Knowledge Centre*, 2014, available at: <http://civilsociety-centre.org/paper/official-response-syrian-refugee-crisis-lebanon-disastrous-policy-no-policy> [last accessed 11 November 2016].
- 3 Lebanon Support, “Formal Informality, Brokering Mechanisms, and Illegality: The Impact of the Lebanese State’s Policies on Syrians Refugees’ Daily Lives,” *Civil Society Knowledge Centre*, 2016, available at: <http://civilsociety-centre.org/resource/formal-informality-brokering-mechanisms-and-illegality-impact-lebanese-state%E2%80%99s-policies> [last accessed 1 November 2016].
- 4 Lebanon Support “Formal Informality, Brokering Mechanisms, and Illegality,” *op.cit.*; Lebanon Support, “Syrian Refugees’ Livelihoods: The Impact of Constraining Legislations and Increased Informality on Syrians’ Daily Lives,” *Civil Society Knowledge Centre*, 2016, available at: <http://civilsociety-centre.org/resource/syrian-refugees-livelihoods-impact-progressively-constrained-legislations-and-increased> [last accessed 1 November 2016]; Lebanon Support, “Access to Healthcare for Syrian Refugees. The Impact of Fragmented Service Provision on Syrians’ Daily Lives,” *Civil Society Knowledge Centre*, 2016, available at: <http://civilsociety-centre.org/resource/access-healthcare-syrian-refugees-impact-fragmented-service-provision-syrians%E2%80%99-daily-lives> [last accessed 8 November 2016].

The conflict in Syria has displaced more than a million Syrian refugees to the neighbouring country of Lebanon. Compared to a total of 4.4 million Lebanese inhabitants, Lebanon currently has the highest per-capita concentration of refugees worldwide,¹ while the country is still struggling to recover from the damage caused by recurrent conflicts and tensions. This significant influx of refugees has had repercussions not only on Lebanon’s social, political, and economic stability, but on the country’s security situation as a whole, what with the recurrent fear of a “spillover” effect.

As the Lebanese government initially refrained from responding to the crisis at an early stage,² resulting in a non-camp approach and in the continuation of the open-border policy, the crisis became protracted. But despite having a long and extensive history of migration-for-work trajectories between Syria and Lebanon, the Council of Ministers, in October 2014, agreed upon a new policy aimed at reducing the number of Syrian refugees in Lebanon, which was implemented from January 2015 onwards.

Contrary to this policy that was adopted in an attempt to formalise and control Syrian presence in Lebanon and in the Lebanese labour market, research indicates that measures taken led to *de facto* emerging illegality amongst Syrian refugees, as well as dependence on informal structures³.

In this regard, this policy brief analyses the socio-political implications of this policy, and suggests legislative, political, and practical measures to improve the situation of Syrian refugees in Lebanon. It also aims to inform policy formula-

tion regarding Syrian refugees from a human rights-based perspective, while discussing modalities for enhanced programming at the civil society level.

This policy brief is the fourth publication of a research project investigating the social effects of political and legal measures on Syrian refugees’ daily lives. The brief is based on a consultative process with stakeholders that aimed at identifying literature and policy gaps regarding Syrian refugees. Hence, three areas of interest have been identified: entry and residency conditions, decent living and livelihoods, and access to healthcare services. It builds on the findings of field research conducted between June 2015 and September 2016, which have already been published by Lebanon Support in a series of three reports.⁴

2 The Backlash of policy effects and increased informality and illegality

Since the start of the conflict, Lebanon has been a favoured destination for Syrian refugees because of its proximity, its long history of privileged access to Syrian nationals, and its porous borders. With refugees settling among the country's poorest residents,⁵ tensions rose as unemployment rates grew, the demand for public services such as electricity, water supply, solid waste management, and transportation increased,⁶ donor support mainly focused on Syrian nationals rather than Lebanese,⁷ and the host community perceived community threats.⁸ At the same time, a legal framework for refugee governance is lacking since the country is not signatory of the 1951 Convention on the Status of Refugees, nor its 1976 Protocol. As such, Lebanon's approach to the Syrian refugee crisis has been rather *ad hoc*.

On October 23, 2014, the Council of Ministers adopted a new policy, which was published under the heading "Reducing Numbers," to put a halt to the huge influx of Syrian refugees.⁹ For this purpose, the General Directorate for General Security (GSO) introduced new categories on the basis of which Syrians can enter or reside in Lebanon. Additionally, the UNHCR – as per the Government's instructions – suspended new registrations of Syrian refugees.

These "October policies" engendered significant change for Syrian refugees. Research shows that borders were virtually sealed off for those wishing to enter Lebanon, and that the majority of those already residing in the country were unable to renew their residency, as conditions for the new categories appear to be rather difficult to meet. Consequently, the

categories compelled an overwhelming majority of Syrian refugees to reside in Lebanon illegally.¹⁰ This has affected Syrians in terms of restrictions on their mobility,¹¹ births registrations, as well as access to livelihoods and health services.

Moreover, Syrian refugees registered at the UNHCR were required to sign a "pledge not to work," which prohibited them from joining the Lebanese labour market. But the compensation that is offered for being excluded from the labour market seems to be insufficient.¹² Those wishing to enter the Lebanese labour market were considered Syrian migrant workers, rather than refugees. However, the choice to (legally) work – and thus, to deregister from the UNHCR – negatively affects refugees' eligibility for UNHCR services. Syrian refugees that are not registered, or are deregistered at the UNHCR, and who wish to work, have to obtain a "pledge of responsibility" by a Lebanese *kafeel* who is legally responsible for them. Since Syrian refugees' legal residency is dependent on the *kafeel* – who can withdraw his pledge of responsibility without any notice – Syrians are subjected to harsh and precarious working conditions without any form of protection.

In addition, Lebanon has not set up formal camps for Syrian refugees, which is perceived as a cheaper solution for the host country and more humane toward the refugees. However, it reflects political cleavages regarding the Syrian conflict and is reminiscent of the militarisation of the Palestinian camps before the Lebanese Civil War (1975-1990). In fact, this policy has also contributed to dust off the image of a

- 5 85% of registered refugees reside in areas in which 67% of the host population lives below the poverty line. This is comparable to the number of Syrian refugees living below the poverty line (70%). World Health Organisation, "Donor Snapshot – Lebanon. July – September 2014," available at: http://www.who.int/hac/donorinfo/who_donor_snapshot_lebanon_english_oct14.pdf [last accessed 4 September 2016] in International Alert, "Understanding the Use of Segregation measures in primary Healthcare settings in Lebanon," unpublished, 2015.
- 6 International Labour Organisation, "Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile," Beirut, ILO Regional Office for Arab States, 2014, p.34.
- 7 "Une ONG suisse soigne les réfugiés syriens au Liban," 24H, available at: <http://www.24heures.ch/monde/moyen-orient/ong-suisse-soigne-refugies-syriens-liban/story/25322377> [last accessed 6 November 2016].
- 8 Estella Carpi, Miriam Younes, Marie-Noëlle AbiYaghi, "Crisis and Control. (In)Formal Security in Lebanon," *Civil Society Knowledge Centre*, July 2016, available at <http://civilsocietycentre.org/resource/crisis-control-informal-hybrid-security-lebanon> [last accessed 27 October 2016].
- 9 With the exception of humanitarian cases, as assessed by the government.
- 10 Those who have legal residency may have relied on illegal measures. Lebanon Support "Formal Informality, Brokering Mechanisms, and Illegality," *op.cit.*, p.22.
- 11 Estella Carpi, Miriam Younes, Marie-Noëlle AbiYaghi, *op.cit.*, 2016.
- 12 Refugees who are registered with the UNHCR can receive compensation in the form of food assistance (13.50-27 USD per person) and multipurpose cash assistance (175 USD). Taking into account that only 14% of the refugees receive both food and cash assistance, this implies that 86% are compensated by a lower amount, or not at all. At the same time, refugees who are not registered and are working earn an average of 177 USD per month. However, neither the amount of food and cash assistance nor the average salary earned by refugees' or even the combination of the two can cover for all the living expenses of a family living on the poverty line, which a United Nations Inter-Agency estimates at 604 USD per month. See Inter-Agency Coordination, "Syrian Refugee Livelihoods," UNHCR, 2016, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=11059> [last accessed 7 November 2016].

- 13 Are John Knudsen, "Syria's Refugees in Lebanon: Brothers, Burden, and Bone of Contention," in Rosita di Peri and Daniel Meier (eds.), *Lebanon Facing the Arab Uprisings, Constraints and Adaptation*, London, Palgrave Macmillan, 2016.
- 14 Hisham Ashkar, "Benefiting from a Crisis: Lebanese Upscale Real-Estate Industry and the War in Syria," *Confluences Méditerranée*, no 92, 2015, p.89-100.
- 15 Lebanon Support, "Access to Healthcare for Syrian Refugees," *op.cit.*, 2016, p.25

weak Lebanese State.¹³ While the non-camp policy led to the setup of irregular tented settlements, especially in rural areas, those living in such settlements – mainly lower and lower-middle class refugees – suffer from limited service provision. Similarly, the new policy also affected middle-class refugees who live in rented, often more expensive, accommodations in urban settings, which has contributed to a boom in the real estate sector.¹⁴

The lack of legal status – and subsequent lack of legal redress – and little to no access to the labour market, combined with inevitable high costs such as rent, have pushed many Syrians into illegality and informal structures. Moreover, it allowed for dependency on authoritative figures, such as a *shaweesh* or broker. Not only does this pave the way for opportunities for abuse and exploitation, it also mainly affects those more fragile social categories: lower and lower-middle class Syrian refugees, as well as women and children.

Illegality has also had implications on Syrian refugees' access to healthcare services. On the one hand, the absence of legal status in general does not directly seem to influence Syrians' actual admission to hospitals. On the other, however, illegality does impact Syrians' mobility in the country, and thus, the accessibility of health services.¹⁵ Although health services do not usually require legal residency as a prerequisite in order to receive assistance, some organisations only offer their services to refugees who are registered at the UNHCR.

Moreover, the highly privatised, unsystematic, and fragmented healthcare system in Lebanon requires financial contributions that most Syrian refugees are unable to meet. Despite the UNHCR's significant, yet constrained, assistance that adopts a curative rather than preventive approach, in reality, a significant number of Syrians find themselves excluded from necessary forms of assistance.

In sum, we can conclude that although the "October policies" were adopted in an attempt to formalise, control, and monitor Syrian presence in Lebanon, they have most of all contributed to emerging illegality and informality. This not only creates a constant atmosphere of fear among Syrian refugees, but also allows for the expansion of – and especially, the dependence on – a black market. As such, the policy on Syrian displacement has created a gap between Lebanese state authorities and Syrian refugees, who, in turn, sidestep state institutions.

3 Recommendations

As shown in research findings and mentioned in the previous section, the lack of legal status has pushed many Syrians into illegality and informality. As a result, Syrians are subjected to harsh and precarious living conditions, thus contributing to dynamics of abuse and exploitation.

Based on in-depth qualitative analyses, this policy brief proposes the following recommendations to stakeholders, in favour of a rights-based approach rather than *ad hoc* policies which rely on elusive ideas of “brotherhood,” solidarity, and charity.

Local and international civil society actors should:

/ Advocate for, and support the Government of Lebanon (GoL) in, reviewing and amending entry and residency regulations, as well as the registration of Syrian refugees.

/ Significantly scale up their interventions and responses to not only alleviate symptoms, but also address root causes of inequalities, vulnerabilities, and marginalisation. Their interventions must seek to include all underprivileged communities, including vulnerable Lebanese, and refugees from Palestine, Iraq, and Syria.

/ Actively and exhaustively coordinate aid distribution and provision of basic services among all actors involved in the response, so as to increase effectiveness based on measurable indicators.

/ Advocate for and adopt a human rights-based approach across the response.

Donors and UN agencies should:

/ Support and fund the GoL in increasing the capacity, efficiency, and coverage of public services, so as to meet the needs of both host and refugee communities. In this perspective, aid should move from short-term humanitarian assistance to sustainable and long-term development, addressing root causes of inequalities.

/ Advocate for and support the GoL in adopting a human rights-based approach across the response, reviewing and amending entry and residency regulations, as well as the registration of Syrian refugees.

/ Increase engagement with, and continuous direct funding for local municipalities, local communities, as well as local and/or Syrian

humanitarian actors and initiatives to allow them to take on an increased leading role in aid coordination, as local professionals are the first responders and the most knowledgeable of the local context.

/ Enhance women-oriented services in interventions, notably services that support women-headed households as well as programmes that encourage female employment, so as to mitigate risks of slavery, child marriage, human trafficking, and survival sex.

/ The UNHCR should systematically accelerate resettlement processes, taking into account that delays affect those without legal status and increase risk of abuse.

The Lebanese government and political leaders should:

/ Remove barriers for Syrians to regularise their legal status, which involves ratifying the UN 1951 Convention on the Status of Refugees and its 1967 Protocol and the introduction of a refugee status. Authorities should ensure that lacking legal residency is no immediate cause for detention or punitive measures for refugees, and ensure that those who ill-treat Syrian refugees will be held accountable for their actions.

/ Ensure that having a legal status is not a prerequisite for refugees to access educational or health services across the country. In addition, the UNHCR should be re-enabled by the GoL to (re)register Syrian refugees, as it is not only a key mechanism to identify those in need of international protection and assistance, but also to document civil affairs, such as birth, marriage, divorce, and death.

/ The GoL should consider itself as the duty-bearer in leading responses to the Syrian refugee crisis in Lebanon. In this regard, responses should be effectively coordinated with all actors involved in the response. Moreover, an overall human rights-based approach should be adopted towards refugees, migrants, and asylum seekers

on the Lebanese territory, so as to ensure that no refugee is forcibly returned to their homeland, and to preserve human dignity in all its aspects – be it mobility, access to basic services, or decent living conditions. Ideally, such an approach would contribute to rebuilding trust in state authorities.

/ Refrain from instigating political scapegoating and discourses that polarise the Lebanese host community and refugee communities.

/ Abolish the kafala system, that is highly conducive to exploitation as it ties Syrian refugees’ – as well other migrants’ – residency to their employment.

/ Expand the three sectors Syrians are constrained to work in (agriculture, construction, and environment), in order to allow skilled Syrians to enjoy legal access to the labour market.

/ Facilitate access of Syrian refugees to basic services and rights, which includes but is not restricted to: healthcare, health education, as well as decent living conditions. A dignified life for Syrian refugees temporarily residing in Lebanon can contribute to mitigate communal tensions between Syrian refugees and the host population.