

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 37th Session

LEBANON

I. BACKGROUND INFORMATION

Lebanon is not party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*, nor the *1954 Convention relating to the Status of Stateless Persons* or *1961 Convention on the Reduction of Statelessness*.

Lebanon is, however, party to several human rights treaties relevant to the protection of asylum-seekers, refugees and stateless persons, such as the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, the *International Covenant on Civil and Political Rights (ICCPR)*, the *Convention on the Rights of the Child (CRC)* and the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. Moreover, the *Lebanese Constitution*, in its preamble, refers to Lebanon abiding by the *1948 Universal Declaration of Human Rights*. Lebanon also affirmed the Global Compact on Refugees at the 73rd session of the UN General Assembly in December 2018, and provided substantive inputs during each phase of consultations.

As of 31 December 2019, there were 932,619 refugees and asylum-seekers registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Lebanon, including 914,648 Syrian refugees and 17,971 refugees and asylum-seekers of other nationalities. Approximately 77% of the non-Syrian refugees and asylum-seekers are from Iraq, while the rest originate from a variety of countries including Sudan, Ethiopia and Egypt. In 2015, the Government of Lebanon requested UNHCR to suspend registration for newly arrived Syrian refugees. Thus, the total number of Syrians in need of international protection in Lebanon remains unknown, however the Government estimate stands at 1.5 million, which is also the planning figure used in the Lebanon Crisis Response Plan (LCRP) 2017-2020.

Lebanon does not have a comprehensive domestic legal framework in place to protect asylum-seekers and refugees, leaving gaps and uncertainties in their protection situation. The *1962 Law Regulating Entry, Stay, and Exit from Lebanon* (the *1962 Law on Entry and Exit*) together with the Council of Minister's Decree 10188 implementing the *1962 Law* does not distinguish asylum-seekers and refugees from migrants.

On 23 October 2014, the Cabinet of Ministers in Lebanon adopted a *Policy Paper on Syrian Refugees Displacement to Lebanon* by virtue of Decision No. 38, leading to several decisions impacting the entry and stay of Syrian refugees in Lebanon. Further to these decisions, the General Directorate of General Security (GSO) revised both its entry and residency regulations to only allow admission of Syrians able to obtain a visa on one of the permissible grounds (tourism, business visit, property ownership, study, transit, medical treatment, Embassy appointment or pledge of responsibility by a Lebanese citizen ('sponsorship')). Admission on protection grounds was subsequently made possible but narrowly defined to include only those who could fulfil specific criteria provided by the

Ministry of Social Affairs for exceptional humanitarian cases.¹ These GSO decisions also encompassed additional document requirements for residency renewal and reintroduced the USD 200 fee for Syrians aged 15 and above, who arrived in Lebanon before 2015.

In February 2018, the State Council (Administrative Court) issued a decision declaring these regulations null and void with reference to the GSO's lack of authority to issue such decisions. The State Council decision also mentioned that any modification to the entry and stay regulations of Syrians should comply with the 1993 bilateral agreement between Lebanon and Syria and relevant Lebanese Laws. This court decision has not yet been executed.

There are estimated to be tens of thousands of stateless persons in Lebanon, with the exact number difficult to ascertain. The primary reasons for this are the lack of an official census since 1932 and the fact that many stateless persons do not have civil registration records. Stateless persons fall into two categories, namely (1) unregistered persons (*maktoum al kayd*) who are not registered with Lebanese authorities and (2) registered stateless persons (*kayd al dars*) whose status is considered as 'nationality under study' but hold special legal status in terms of residency and rights.

Stateless persons face numerous difficulties in their daily lives. These include the inability to move freely without risk of arrest and detention, restrictions in accessing public services such as healthcare and education; limited access to civil documentation and limited access to employment. Moreover, unregistered stateless persons (*maktoumeen al kayd*) have no record with the authorities, and children of unregistered stateless persons have no entitlement to registration at birth and are denied the basic right to an identity as provided for by the CRC.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no.132.154 "Take legal and administrative steps to ensure that every refugee child born in Lebanon is properly registered by the authorities and issued with the documents to prove it, without prejudice to the question of permanent residency or acquisition of citizenship (Austria)"

Several positive measures have been implemented by the Government of Lebanon to facilitate civil registration for Syrians. This includes provisions adopted by the Directorate of Personal Status (DGPS) in 2017 which entail that Syrian parents are no longer required to present a valid residency permit to register the birth of their child. It also now requires only one spouse to have valid residency to register their marriage in Lebanon².

Further, in 2018, the Ministry of Interior and Municipalities (MoIM) and the DGPS adopted a decision to waive late birth registration requirements for children born in Lebanon to Syrian refugees who had not had their births registered administratively within the child's first year. This waiver, which applied to Syrian children born in Lebanon between 1 January 2011 and 8 February 2018, was extended in August 2019 to encompass children born before 8 February 2019. This will enable thousands more Syrian children to have their birth registered

¹ The exceptional humanitarian criteria are: (a) Unaccompanied/separated children (under 16 years old) whose parents/legal guardians are confirmed to be displaced in Lebanon; (b) Persons with disabilities dependent on family/relatives confirmed to be displaced in Lebanon; (c) Persons needing life-saving medical treatment not usually available in Syria, or not available in a timely manner; and (d) Individuals pursuing resettlement or transitioning through Lebanon to a third country, with proof of onward travel outside Lebanon.

² Memorandum 43/02 on the Facilitation of marriage and birth registration procedures of Syrian nationals occurring in Lebanon, issued by the DGPS on 12 September 2017.

without having to go through a lengthy and costly judicial process, limiting the risk of them not being able to prove their Syrian nationality, and becoming stateless. The impact of these policy developments is already seen, through an increase in birth registrations of Syrian children, from 17% in 2017, to 30% in 2019.³

The Government of Lebanon is also considering digitalizing civil registry records and undertaking a law reform to simplify the birth registration process for all children, regardless of nationality, and remove the general requirement to obtain birth registrations through a judicial process when not completed administratively before the child's first birthday. Additionally, the Government is in the process of connecting online all civil registry offices and developing a tracking system where all internal and external requests (for example from courts) can be tracked and followed up in a timely manner. Such measures would constitute a great step towards preventing and reducing the risk of statelessness, as called for in UNHCR's global strategy 2014-2024 to end statelessness.

Linked to 2nd cycle UPR recommendation no. 132.207. "Continue the cooperation with international organizations and donor countries to find solutions to the problems of the refugees (Armenia)"

The Government of Lebanon and its people have shown a tremendous solidarity with and responsiveness towards the refugees from Syria. Despite hosting more refugees per capita than any other State in the world, Lebanon has continued to provide a safe haven for refugees and contributed significantly to international solidarity and responsibility sharing, and global public good. Lebanon's response to the influx of Syrian refugees has inspired multiple provisions in the Global Compact on Refugees, as illustrated in the compilation of Good Practices produced by UNHCR and the Government of Lebanon ahead of the Global Refugee Forum that took place in December 2019.⁴ These include the Government's central role in developing the Lebanon Crisis Response Plan (LCRP) 2017-2020 and leading the coordination of key sectors of intervention in close collaboration with UN agencies and international and national NGOs.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: *Non-Refoulement*

Linked to 2nd cycle UPR recommendation no. 132.206. "Take legal and administrative measures to guarantee the principle of *non-refoulement* and the adequate and fair treatment for those requesting international protection (Argentina)"

The Government of Lebanon has repeatedly affirmed its commitment to the principle of *non-refoulement*. However, in practice, the lack of due process in deportation proceedings puts individuals at risk of *refoulement*.

Prior to 2019, and since the introduction of stricter admission criteria in 2015, Syrians unable to obtain a visa permit, or meet the exceptional humanitarian entry criteria, were refused access to Lebanese territory. This lack of access and subsequent pushback forced many to resort to irregular means of entry, putting themselves at heightened protection risk. In January 2018, 15 Syrians died while attempting to cross irregularly into Lebanon over the

³ UNHCR, UNICEF, WFP "Vulnerability Assessment of Syrian Refugees in Lebanon" December 2019, available at: <http://ialebanon.unhcr.org/vasyr/#/>

⁴ Available at: <https://globalcompactrefugees.org/sites/default/files/2019-12/UNHCR%20GCR%20Brochure%2013x18cm%20LR.pdf>

snowy mountains.⁵ Nevertheless, Syrians who managed to enter the country irregularly were not deported by Lebanese authorities.

In April 2019, the Higher Defence Council (HDC) adopted Decision No. 50 on stricter measures against irregular entry. This was later followed by GSO Instruction No. 48380 providing for the deportation of Syrians apprehended for irregular entry after 24 April 2019 and their handing over to the Syrian authorities. Deportations based on these decisions started being implemented in May 2019. As of 28 August, more than 2,700 Syrians had been deported according to the GSO,⁶ and the practice has continued.

These deportations are normally executed following only a verbal confirmation from the Public Prosecution, without the judicial review required by *Article 88* of the *Lebanese Penal Code*⁷. Consequently, Syrians in this process are not afforded the possibility to express and have independently assessed any fears of persecution, torture, inhuman or degrading treatment or punishment upon a deportation, as required pursuant to the *CAT*, *ICCPR* and *CRC*. UNHCR has documented cases of Syrians who have been arrested and detained upon deportation and shared these with the relevant Lebanese authorities.

Asylum-seekers and refugees of other nationalities are also at risk of *refoulement*, through the execution of deportation decisions that have been adopted without a prior independent review of the individual's risks of persecution, torture, inhuman or degrading treatment or punishment in the country of origin or other country of return.

The United Nations, and notably UNHCR, has raised the need to apply the procedural safeguards set out in the national law in these deportation cases with the Government of Lebanon and its authorities. While fully acknowledging Lebanon's right to manage its borders and prevent illegal migration, UNHCR has stressed the need for due process to ensure respect for the principle of *non-refoulement* in individual cases.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- a) Ensures full respect for the principle of *non-refoulement* by applying the procedural safeguards provided for in national law, notably *Article 88* of the *Lebanese Penal Code* which prescribes that deportation can only take place on the basis of a court decision.⁸
- b) Fully implement Lebanon's *non-refoulement* obligations under international law⁹ and ensure that this obligation is given due consideration by national courts based on the priority that the *Lebanese Constitution* gives to international law.
- c) Establish a mechanism that enables persons in need to seek international protection at Lebanon's border crossings, as part of a protection-sensitive border management.

Issue 2: Legal Status of Refugees and Asylum-Seekers

Linked to 2nd cycle UPR recommendation no. 132.38 "Make it easier for displaced persons in Lebanon, and their children, to obtain legal status in order to prevent any violation of fundamental rights recognised in treaties to which Lebanon is party; and develop a legal

⁵ See news report at: <https://www.bbc.com/news/world-middle-east-42758532>

⁶ See news report at: <https://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-27/490475-more-than-2700-syrians-deported-from-lebanon-under-new-rule.ashx>

⁷ The only exception is the administrative deportation which can be carried out by the GSO where an individual's presence is considered to harm the public order or safety, based on Article 17 of the *1962 Law on Entry and Exit*.

⁸ Apart from the exception mentioned under footnote 8.

⁹ Notably under the *CAT*, *ICCPR* and *CRC*, as well as the right to seek asylum set out in article 14 of the Universal Declaration of Human Rights.

framework defining and protecting the rights and freedoms of those individuals (United Kingdom of Great Britain and Northern Ireland)”

In March 2017, the Government of Lebanon took an important step towards facilitating access to legal residency by waiving the USD 200 fee for Syrian refugees who had registered with UNHCR before 2015, and not previously renewed their residency based on tourism, sponsorship, property ownership or tenancy. UNHCR consequently increased its support to the GSO to expand the capacity of GSO centres around the country to receive a higher number of applications for residency renewal; this has had a positive impact on the ability of refugees approaching the GSO to submit their applications.

Nonetheless, the rate of legal residency among the Syrian refugees has continued to decline. In 2019, only 22% of individuals (above 15 years old) reported having legal residency, compared to 27% in 2018. Rates among youth and women remain lower than middle-aged, men counterparts.¹⁰ Reasons for the low rate of Syrian having legal residency are multiple.¹¹ Implementation of the waiver differs between local GSO centres, and needing to obtain a Lebanese sponsor, even for those who are exempt, was the highest reported barrier to regularizing their stay. Another reason is that refugees lacking valid residency are hesitant to travel to the local GSO centre as they are afraid to be arrested at checkpoints on their way. However, the main reason why the majority of refugees – Syrian and those of other nationalities – lack valid residency is the limited scope of the fee waiver and that it is becoming increasingly difficult for refugees to obtain residency on other grounds, due to inability to pay the fee or find a sponsor.¹² With extreme poverty rapidly rising among the refugees due to the loss of livelihoods, inflation and devaluation of the Lebanese Lira caused by the economic and financial crisis and exacerbated by the COVID-19 situation, very few, if any, will have the capacity to pay the fee for a residence permit.

Refugees lacking legal residency face multiple difficulties and protection risks in their daily lives. They risk being arrested and detained for illegal stay, face difficulties accessing justice, and their limited mobility hampers their access to essential services such as hospitals and schools.

In recognition of the critical protections that legal residency provides to people, the Government of Lebanon has committed to further facilitate refugees’ ability to obtain residency. Specifically, the following commitments were expressed in the Partnership Paper submitted for the Brussels II Conference on Supporting Syria and the region, which took place on 24-25 April 2018:

42. The Government of Lebanon with the assistance of its international partners commit to ensuring that all eligible refugees can renew their residency free of charge, by further upscaling the capacity of the offices of the General Security to process a higher number of applications, and by applying the waiver to all.

Furthermore, international partners request the Government of Lebanon to consider measures to cover all categories of refugees in an inclusive manner through the expansion of the residency fee waiver to categories of refugees currently not covered.

The monitoring framework developed between the Government of Lebanon and aid partners in the response, aimed to help assess progress towards the Brussels Conference’s

¹⁰ Vulnerability Assessment of Syrian Refugees 2019 (VaSyR 2019), available at: <http://vasyr.org/>.

¹¹ Lebanon Crisis Response Plan (LCRP) 2017-2020 (2019 Update), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/67780.pdf>

¹² VaSyR 2019.

commitments, was subsequently submitted as the Government's pledge to the Global Refugee Forum.¹³

Recommendations:

UNHCR recommends that the Government of Lebanon:

- a) Implements the commitments made at the Brussels Conference and reaffirmed through the pledge to the Global Refugee Forum, by applying the 2017 fee waiver consistently and expanding it to encompass all categories of refugees, registered or not with UNHCR. Given the exceptionally difficult socio-economic situation prevailing in Lebanon and the centrality of legal residency for refugees' protection and access to essential services and civil registrations, a general fee waiver would be the most effective way to facilitate access to legal residency. UNHCR remains committed to further support the GSO with capacity to process a higher number of residency applications.

Issue 3: Gender equality in conferring nationality

Linked to 2nd cycle UPR recommendation no. 132.156 "Provide opportunities for women to pass on Lebanese citizenship and withdraw all reservations to the Convention on the Elimination of All Forms of Discrimination against Women (France)"

The Lebanese Constitution provides for equality between men and women, which is also set out in several of the human rights treaties to which Lebanon is a State Party, including the *CEDAW*. However, a reservation has been made to Article 9(2) of the *CEDAW*, and the *1925 Nationality Law* prevents women from conferring their nationality to their children and foreign husbands, and to retain their Lebanese nationality on equal grounds with men. This gender discrimination in the Nationality Law is under discussion, and draft proposals aimed at addressing this issue have been presented by several parliamentarians and political parties.

Persons who are stateless as a result of the gender discrimination do not have access to formal identity documents, residency rights, formal employment, public health services, inheritance, property rights and civil registration (including birth and marriage registration). Consequently, they are unable to move freely without risk of arrest and detention due to their lack of documentation and legal status. Also, stateless children's access to public education is conditional on quotas for non-Lebanese students, despite the fact that procedures have been established to allow stateless children without documentation to attend primary and secondary school and sit for final exams.

Recommendations:

UNHCR recommends that the Government of Lebanon:

- a) Withdraw its reservation to Article 9(2) of the *Convention on the Elimination of All Forms of Discrimination against Women*.
- b) Amend the *1925 Nationality Law* to bring it in compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*.

**UNHCR
July 2020**

¹³ Available at: <https://globalcompactrefugees.org/channel/pledges-contributions>