

**Universal Periodic Review of Lebanon**  
**Submission to the Human Rights Council by the Norwegian Refugee Council (NRC)**

***NRC has been operational in Lebanon since 2006, providing assistance and protection for persons affected by displacement.***

**1. Right to seek safety from conflict and persecution, right to work and right to freedom of movement**

1.1. There are an estimated 1.5 million refugees<sup>1</sup> who have sought safety in Lebanon due to the conflict in Syria<sup>2</sup>. Along with developing a joint response with humanitarian actors and, in accordance with its human rights obligations to all persons on its territories, this is evidence of Lebanon's hospitality and commitment to support the response to the crisis.

1.2. Unfortunately, recent changes in Lebanon's policy towards refugees means that **NRC is concerned that refugees fleeing conflict and persecution in Syria are now not able to seek safety in Lebanon**. For Syrian refugees and Palestinian refugees from Syria (PRS), after initial positive steps by Lebanon to allow refugees to enter and renew their residency in country, there has been subsequent restrictive requirements regarding entry, renewal or regularisation<sup>3</sup> of their residency visas, which are required because Lebanon does not recognise persons as 'refugees' and asylum is only granted under very limited national law conditions.<sup>4</sup> With borders effectively closed for refugees since January 2015, those already in Lebanon are increasingly unable to meet the onerous requirements to renew their residency visas, facing the risks of arrest, detention, departure orders or even being effectively forced to return to Syria.

1.3. Regarding PRS,<sup>5</sup> Lebanon issued a public statement and a Circular<sup>6</sup> in May 2014<sup>7</sup> restricting entry into Lebanon.<sup>8</sup> Since May 2014, it has also been very challenging for PRS to renew or regularise their residency visa, leaving many PRS without 'legal'<sup>9</sup> residency and subject to criminal sanctions.<sup>10</sup> Not all changes have been issued publically, leaving PRS largely unaware of the new regulations. **NRC has observed that this amalgam of regulations, practices and policies makes it almost impossible for PRS to renew or regularise their residency visa**. In addition, refugees also face difficulties in fulfilling the requirements set out in the regulations, such as paying

<sup>1</sup> Throughout this submission, the term 'refugee' is used to describe people who have fled from Syria and does not consider the position of each person's refugee status under international law. It also includes Palestinian refugees already in Lebanon (starting from 1948).

<sup>2</sup> As a result of the armed conflict in Syria, Lebanon hosts the second highest number of refugees in the Middle East (after Turkey), with over 1.18 million refugees registered with the United Nations High Commissioner for Refugees (UNHCR), an estimated 500,000 who have not registered and approximately 50,000 Palestinian refugees from Syria (PRS). See UNHCR Syria Regional Refugee Response – [Inter-agency Information Sharing Portal - <http://data.unhcr.org/syrianrefugees/country.php?id=122>], last accessed on 18 March 2015.

<sup>3</sup> Regularisation refers to the process to 'legalise' or 'regularise' residency which is often required for those who have overstayed their residency visas or entered Lebanon through an unofficial border crossing.

<sup>4</sup> Lebanon is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. The Universal Declaration of Human Rights (UDHR) at Article 14(1) states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution." Lebanon itself declared in its Constitution that it "abides" by the UDHR. However, the right to seek and enjoy asylum is only granted if the conditions set out by national law are fulfilled.

<sup>5</sup> Approximately 44,000 (12,200 families) PRS are recorded with UNRWA in Lebanon. See UNRWA Response and Services to Palestine Refugees from Syria (PRS) in Lebanon: [<http://www.unrwa.org/resources/reports/unrwa-response-and-services-palestine-refugees-syria-prs-lebanon>], last accessed 20 March 2015.

<sup>6</sup> A Circular is an administrative directive which sets instructions on the application of a policy. It can introduce new regulations but cannot amend a law. Laws in Lebanon are in the following hierarchy of importance: 1) Constitution; 2) International Conventions and Treaties; 3) Law or Legislative Decree; 4) Decree; 5) Ministerial Decisions, Decision from local authorities, Circulars or internal memoranda.

<sup>7</sup> Announcements of the Ministry of Interior and Municipalities (MoIM) of 8 May 2014 and General Security Office Circular on 21 May 2014. In practice however, entry for PRS has been restricted since summer 2013. See also UNRWA PRS in Lebanon: [<http://www.unrwa.org/prs-lebanon>], last accessed 20 March 2015.

<sup>8</sup> PRS may enter Lebanon only under exceptional circumstances. In practice they are allowed to enter if they have a plane ticket; or pre-approval (entry permit from the General Security Office) processed through a Palestine refugee from Lebanon relative, employer; or an appointment with Embassy.

<sup>9</sup> According to Lebanese national law, without the required entry or stay documentation to be in Lebanon, refugees from Syria are considered to be "illegally" present, giving them limited legal status in Lebanon. Throughout the submission any term related to "legality" refers to the position under Lebanese law and not necessarily international law. Under Lebanese legislation, the term used is "illegal".

<sup>10</sup> Since May 2014, a series of Circulars were issued by the GSO allowing PRS to renew their residency visas. In September 2014, PRS could regularise for free for one time only and obtain a three months' residency visa. In practice this policy has not been applied since 31 December 2014. On 21 February 2015, the GSO issued an internal Circular indicating that PRS may renew their residency visa for three months, for one time only.

fees or providing the required documents. **If Lebanon does not allow PRS to access ways to obtain valid residency, NRC anticipates that most PRS in Lebanon already have or will have limited legal status by the end of June 2015.**

- 1.4. Lebanon has also become progressively more restrictive for Syrian refugees.<sup>11</sup> Since 5 January 2015,<sup>12</sup> Syrian nationals entering Lebanon must disclose their purpose for entry and comply with the requirements of one of a number of categories.<sup>13</sup> **There is currently no category for refugees who are fleeing conflict or persecution and seeking safety in Lebanon.**<sup>14</sup> Syrian nationals in country prior to 5 January 2015 may renew their stay provided they comply with amended and highly complex regulations.<sup>15</sup> They are divided into two distinct categories, either registered with the United Nations High Commissioner for Refugees (UNHCR) or not, and accordingly must present a set of onerous documents and pay the required fees.<sup>16</sup> NRC has observed discrepancies in the application of these regulations by various General Security offices (GSO) throughout Lebanon. **Overwhelmingly in all areas it works, NRC has noted the uncertainty and fear amongst refugees with regards to these new regulations.** Many are not sure what to do or how they will manage to meet burdensome obligations to renew their residency visas (particularly the high costs and the required “housing pledge”) or how family members will be able to enter Lebanon.
- 1.5. Under the new residency renewal regulations, Syrian refugees registered with UNHCR must sign<sup>17</sup> a **pledge that he/she is not working and will not work in Lebanon for the duration of this residency.** This is contrary to the right to work<sup>18</sup> and the reality that many refugees have to work in order to sustain themselves and their families. In addition, humanitarian assistance has been reduced and, in any case, is not enough to meet all needs.<sup>19</sup>
- 1.6. Syrian nationals who are not registered with UNHCR are required to secure a Lebanese national (“guarantor”) to sign a pledge of responsibility in order to renew their stay, which can be challenging to organise and can lead to the risk of exploitation. One NRC beneficiary reported that a Lebanese national requested 350USD for this pledge of responsibility. Syrian refugees confronted with these challenges and potential criminal sanctions have asked NRC if they should even register with UNHCR or if they could continue working despite being unable to obtain a pledge of responsibility.

<sup>11</sup> Statement by the MoIM made on 31. May 2014, stating that all “displaced” persons are banned from re-entering Lebanon. On 12 August 2014, the GSO reminded Syrian refugees to indicate their status (displaced or not) when re-entering Lebanon. On 16 September 2014, the Ministerial Committee came to the conclusion that Lebanon should not accept any more refugees. On 23 October 2014, the Lebanese Council of Ministers published its decision that Lebanon will reduce the number of refugees entering and staying in Lebanon and that implementation mechanisms for this were in the process of being finalised.

<sup>12</sup> On 30 December 2014, GSO issued a Circular pertaining to entry, renewal and regularisation of residency visas for Syrian nationals. This Circular was made public on 31 December 2014 and entered into force on 5 January 2015. It was modified on 13 January, 3 February, and 23 February. Other Circulars were issued on 7 and 11 March pertaining to the entry into Lebanon or renewal of residency of certain religious groups.

<sup>13</sup> For each category, a specified set of documents must be presented at the border and, in some cases, other requirements fulfilled (such as having a certain amount of cash).

<sup>14</sup> There is a category for “displaced” requiring compliance with either: 1) one of the other entry categories (for Syrians already registered with UNHCR), or 2) a criteria (not yet finalised) for exceptional cases as determined by the Ministry of Social Affairs (MoSA) (for those not registered with UNHCR).

<sup>15</sup> Most of these renewal procedures have not been published on the GSO website but the relevant internal document was circulated to the national Protection Working Group by a MoSA representative.

<sup>16</sup> Syrian refugees registered with UNHCR: 1) USD200 fees (for one year and for minors and adults above 15 years old); 2) “Housing Pledge,” (except for those living in informal tented settlements) signed at the *Mukhtar*, is a document usually stating that a landlord or a tenant hosts a Syrian household and commits to notify the local GSO when the occupancy ends. The person signing the housing pledge should present an ID and demonstrate his/her rights in the relevant property, showing entitlement to lease the property (and, therefore, host a Syrian household). This can be demonstrated by attaching one of the following documents, stamped at the *Mukhtar*: either a property deed (or statement from the *Mukhtar* or municipality that he/she is the owner of the property); or a lease agreement if the person signing the pledge is a tenant and wishes to sublease to the Syrian household; 3) “Pledge Not to Work” signed at the Notary where the Syrian undertakes not to work in Lebanon. 4) UNHCR registration certificate; 5) Valid ID or passport, entry coupon and return card; 6) Two photographs stamped by the *Mukhtar*. NRC estimates that it costs approximately USD75 per adult (registered with UNHCR) to obtain these documents (excluding the renewal fees and transportation costs). For Syrian nationals not registered with the UNHCR, they must file the same documents, but instead of their UNHCR certificate, they need a “Pledge of Responsibility” by Lebanese national signed at the Notary and should not be required to produce a Pledge Not to Work.

<sup>17</sup> To be signed before the Notary Public.

<sup>18</sup> Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 23 of the UDHR. Lebanon itself declared in its Constitution that it “abides” by the UDHR.

<sup>19</sup> According to the Lebanon Inter-Agency Cash Working Group, the Minimum Expenditures Basket for an average refugee family of five is USD572 per month (including rent, food, health and so on but not the cost of renewing residency or obtaining civil status documentation).

- 1.7. NRC has noted that having limited legal status in Lebanon has a number of consequences for refugees, such as those set out below.
- Without legal residency, refugees are unable to finalise the birth registration process in Lebanon, which puts children at risk of statelessness.<sup>20</sup>
  - Refugees face the risk of being arrested at military checkpoints and subsequently detained. Their right to freedom of movement is severely curtailed<sup>21</sup>, compounded by curfews that have been imposed, often unlawfully, in many locations.<sup>22</sup> For instance, NRC documented a case in South Lebanon in September 2014 where a head of household without legal stay left his home for a medical emergency during curfew hours and was subsequently detained and then sent with his family to the Bekaa.
  - There is limited access to livelihoods or work opportunities.
  - There are more cases of separated families as not all are able to enter Lebanon.
  - Children are often unable to enrol in formal education or complete their final exams in Lebanese schools. In addition, NRC has noted that children are often required to work because they are less likely to be detained or arrested than adult members of the family.<sup>23</sup>
  - Access to healthcare is more challenging, often due to limited freedom of movement.

**NRC calls upon Lebanon to:**

- Ensure all policies and practices for asylum seekers and refugees are grounded in human rights.
- Allow refugees from Syria to enter Lebanon and receive humanitarian protection, recognising their particular circumstances and vulnerabilities as refugees.
- Remove the burdensome requirements for refugees from Syria to renew or regularise their residency and remove barriers to work. Practical steps include waiving fees and fines, and using the UNHCR registration document (or equivalent UNRWA document) as proof of residency.
- Cease all restrictions on freedom of movement, such as curfews.

**2. Birth registration, right to identity and nationality**

2.1. Birth registration is a compulsory administrative process in Lebanon<sup>24</sup> that records the birth of a baby, links a child to the date of birth, parents, nationality, and provides a legal identity. It is a legal right protected under international law to which Lebanon is bound.<sup>25</sup> Lebanon should provide an accessible administrative procedure for children born during displacement.<sup>26</sup> The Convention on the Rights of the Child Committee has urged Lebanon to “ensure that all children within its territory, including the children of Palestinian refugees without identity documents, are registered immediately after birth”.<sup>27</sup>

2.2. UNHCR has estimated that, since 2011, over 41,000 babies have been born to Syrian refugee parents (registered with UNHCR).<sup>28</sup> Their access to legal identity remains an ongoing challenge, making it more difficult to seek international protection, access basic services or avoid the risk of statelessness.

<sup>20</sup> See section 2. While Lebanon hosts a population of Palestinian refugees who arrived prior to Syrian crisis, this submission focuses on civil documentation for children (Syrian and Palestinian) born in Lebanon as a result of the current crisis.

<sup>21</sup> Article 12 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the UDHR.

<sup>22</sup> For instance the curfews imposed by municipalities which are illegal according to Lebanese law – see NRC, *ICLA Factsheet on Curfews, ICLA Factsheet Series for Lawyers, NRC, 2014*.

<sup>23</sup> See NRC, *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Field Assessment in Aarsal and Wadi Khaled*, Beirut, December 2013 and *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Field Assessment, Part Two: North, Bekaa and South*, Beirut, March 2014.

<sup>24</sup> Articles 1 and 14 of Decree Nr. 2851 issued on 02.01.1924.

<sup>25</sup> The Universal Declaration of Human Rights (1948) and the Convention on the Reduction of Statelessness (1961) protect an individual's right to a nationality. In addition, as stipulated by both the ICCPR and the Convention on the Rights of the Child (CRC), all children, regardless of where they were born, should be registered immediately at birth. The CRC affirms that state parties have a responsibility to register births and to “ensure the implementation of these rights” through the registration of the child “immediately after birth.” The ICCPR also establishes a right for children to have their births registered, in accordance with its Article 24.

<sup>26</sup> Article 7 of the CRC states “Children have the right to a legally registered name and nationality. Children also have the right to know their parents and, as far as possible, to be cared for by them...” Article 8 of the CRC states “Governments should respect a child's right to a name, a nationality and family ties”. Article 24 of the ICCPR.

<sup>27</sup> U.N. Committee on the Rights of the Child, Concluding Observations: Lebanon, U.N. Doc. CRC/C/LBN/CO/3 (June 8, 2006), at para. 38, available at [<http://uhri.ohchr.org/Document/File/c94b5904-173a-4bf1-9ca7-dda0a5ccd3f6/ce70a0df-1622-4bbc-a610-37d8c522568b>] last accessed on 20 March 2015.

<sup>28</sup> UNHCR Inter-agency Update on Statelessness, 19 December 2014, <http://data.unhcr.org/syrianrefugees/documents.php?page=1&view=grid&Search=%23%23&Type%5b%5d=9> last accessed on 20 March 2015.

- 2.3. In Lebanon, the full birth registration process includes five main steps for non-Lebanese of which the first three should be completed within 12 months of the baby's birth on Lebanese territory. These are (1) receiving a notification from the birth attendant (Birth Notification); (2) obtaining a Birth Certificate from the relevant *Mukhtar*<sup>29</sup>; and then (3) registering the relevant documentation at the Personal Status Department (PSD) that includes (a) the *Nofous*,<sup>30</sup> and/or (b) the Foreigners' Register.<sup>31</sup> The remaining two steps involve certifying the Birth Certificate at the Ministry of Foreign Affairs and subsequently registering it at the Syrian Embassy.
- 2.4. In its recent assessment, NRC found that 92% of refugees interviewed were not able to complete the possible<sup>32</sup> birth registration steps.<sup>33</sup> Although refugees try to follow the necessary procedures, many reasons impede the registration process for babies born as refugees in Lebanon, including those set out below.
- Parents' financial means often impact their choice of the place of birth and the birth attendant, which then has an impact on the type of Birth Notification obtained.<sup>34</sup>
  - The lack of a refugee parent's own civil documentation is one of the most important barriers to completing the birth registration procedure successfully. Although some positive steps have been taken by Lebanon to allow the use of family booklets for some of the process,<sup>35</sup> the absence of civil documentation, including identity documents and/or marriage certificates,<sup>36</sup> continues to make it difficult for parents to complete the registration process.
  - Inconsistency of application of the law by the relevant Lebanese administrative bodies has been an impediment to birth registration for refugees. *Mukhtars* and *Nofous* in different locations often demand different documents from refugees'. As reported by many refugees, *Mukhtars*<sup>37</sup> and *Nofous* employees often wrongfully ask for evidence of a valid residency visa for Lebanon even though it is not a legal requirement for any step prior to registration at the Foreigners' Register.<sup>38</sup>
  - For babies over one year old, the birth registration process requires a court procedure.<sup>39</sup> NRC cases have shown that some courts refuse to issue the decision which will permit completing the birth registration process at the *Nofous* step as some courts wrongfully apply and interpret the applicable law. Furthermore, some courts incorrectly believe that Personal Status Law

<sup>29</sup> Locally elected leader often responsible for providing official documents. For documents related to birth registration, the relevant *Mukhtar* is the one located closest to the place of birth.

<sup>30</sup> The *Nofous* is a local government registry office. This part of step three should be completed within one year of the birth or the parents will have to go to court to complete the birth registration. Parents are required to go to the *Nofous* that is nearest to the place where the baby was born. The administrator will fill out boxes 14 and 15 of the Birth Certificate and stamp it. Parents will receive a document number and a date from the *Nofous*. The document number together with the date will interrupt the deadline of one year for the birth registration.

<sup>31</sup> The Foreigners' Register at the Personal Status Department of Governorate is often in the same building as the *Nofous*. This step usually requires valid legal residency from both parents.

<sup>32</sup> 'Possible' refers to the birth registration steps that refugees are able to achieve according to their circumstances and not necessarily all birth registration steps.

<sup>33</sup> See NRC Lebanon, Information, Counselling and Legal Assistance Programme: *Birth Registration Update, The Challenges of Birth Registration in Lebanon for Refugees from Syria*, January 2015 [[http://www.nrc.no/arch/img.aspx?file\\_id=9192763&ext=.pdf](http://www.nrc.no/arch/img.aspx?file_id=9192763&ext=.pdf)] last accessed 19 March 2015, page 6.

<sup>34</sup> Refugee parents registered with UNHCR can choose between going to a hospital contracted by UNHCR, a non-contracted hospital, a medical clinic, or delivering their baby at home. Home births, especially those attended by uncertified midwives (the least expensive option for parents), increase the obstacles to getting a Birth Notification.

<sup>35</sup> On 20 May 2013, the Personal Status Department within the MoIM issued memorandum Nr. 10/2 that permits the use of family booklets in order to prove the legal identity of parents registering the birth of their baby at the Foreigners' Register. Nevertheless, Syrian couples who are married in Lebanon face challenges in completing the marriage registration procedure which includes going to the Syrian Embassy and often fail to obtain a Marriage Certificate. In addition, Syrian refugees with no relevant documentation (left in Syria or lost during displacement) are also understandably reluctant to approach the Syrian Embassy or go back to Syria to get new documents.

<sup>36</sup> In a recent assessment, NRC concluded that 14% of interview refugees did not have any type of document to prove their marriage. See NRC Lebanon, Information, Counselling and Legal Assistance Programme: *Birth Registration Update, The Challenges of Birth Registration in Lebanon for Refugees from Syria*, January 2015 [[http://www.nrc.no/arch/img.aspx?file\\_id=9192763&ext=.pdf](http://www.nrc.no/arch/img.aspx?file_id=9192763&ext=.pdf)] last accessed 19 March 2015, page 21.

<sup>37</sup> Despite the MoIM Circular (Circular No. 11, issued 11 March 2014) stating that all *Mukhtars* have to issue Birth Certificates, this is not being applied consistently by *Mukhtars*.

<sup>38</sup> The requirements, conditions and procedures for the registration of birth are regulated according to Lebanese national law. Of special importance for the issuance of Birth Certificates and the registration of the birth of a newborn is Decree Nr. 2851 issued on 2 January 1924, the Law for Registration of Personal Status issued on 7 December 1951 and the law issued on 27 November 1947. A MoIM Circular (Nr. 10/2) dated 20 May 2013 provides that refugees from Syria may provide a valid residency visa at the Foreigners' Register or a valid entry coupon. This implies that the requirement of a valid legal stay can be substituted by the proof of entry through official borders. In practice this is not being applied consistently.

<sup>39</sup> The law of the Registration of the Personal Status documents issued on 7 December 1951 and the Decree no. 2851 issued on 2 December 1924 state that births should be registered within a certain timeframe (under one year). And according to Article 1 of the Decree 2851, it is mandatory to register all personal status documents on the Lebanese territory. Article 12 of the law for Registration of the Personal Status documents states that if the baby is not registered within one year of birth, then a court decision is needed to register him/her.

does not apply to non-Lebanese as recognising such application would oblige Lebanon to bestow citizenship to non-Lebanese babies born in Lebanon (which is not accurate).<sup>40</sup>

- 2.5.** In response to these challenges, refugees use a range of coping mechanisms to try to access legal identity for their children, some of which can create serious protection issues for refugee parents and children. These include parents returning to Syria with their babies (or sometimes sending their babies back with family members) to register them there, paying brokers to obtain documents (which are often fake) or travelling to Syria to obtain missing legal documents. Crossing the border often involves a bribe or is done informally to cover up the fact that an undocumented child is travelling, greatly increasing child protection risks, including trafficking and abuse. Although refugees were previously taking the risk of travelling between Lebanon and Syria when they felt they had no other choice, the current arduous entry regulations have made this virtually impossible. In an environment of increasing insecurity, uncertainty in policy and focus on documentation, NRC has noted that **these major obstacles make it very challenging for refugees to acquire adequate documentation for their children, limiting their right to a legal identity, increasing the risk of statelessness, and creating serious protection issues for refugee families.**

**NRC calls upon Lebanon to:**

- Remove obstacles to birth registration for refugees, including accepting the UNHCR registration document (or equivalent UNRWA document) as proof of identification and waiving proof of legal stay for registration.
- Ensure law and procedures are understood and consistently applied throughout Lebanon by the relevant administrative and judicial bodies.

### 3. Housing, Land and Property Rights

#### Palestinian Refugees

- 3.1. Although Lebanon has hosted Palestinian refugees for over sixty years, their rights continue to be limited and not equal to those of other non-nationals. In 2001, Lebanon adopted the Law No. 296 2001 (2001 Law),<sup>41</sup> which the Lebanese Government interprets as the effective prohibition of Palestinian refugees from “acquiring” any kind of real rights<sup>42</sup> in Lebanon, such as real estate property.<sup>43</sup> Lebanon’s position suggests that the acquisition of real rights by Palestinians may lead to permanent settlement or *Tawteen*.<sup>44</sup>
- 3.2. With the enactment of the 2001 Law,<sup>45</sup> Palestinians are no longer able to “acquire” property. Palestinians who bought property before the enactment of the 2001 Law but failed to register the property at the Real Estate Registry in Lebanon before 5 April 2001 can no longer acquire ownership of the property they had previously purchased. The 2001 Law does not provide solutions to unregistered sales contracts concluded before its enactment and is unclear whether Palestinians can inherit real property. It neither provides alternative procedures nor adequate compensation for those who paid for a property which they cannot acquire, due to legal barriers.
- 3.3. The 2001 Law leaves Palestinians in Lebanon in a state of legal and factual limbo. Consequently, Palestinians live in very uncertain situations and are often threatened by eviction or are actually

<sup>40</sup> First instance Court decision issued in Bent Jbeil, (South of Lebanon) on 18 June 2014 and subsequent decision issued by the Appeals Court on 14.10.2014 which stated “The Lebanese Personal Status Law is strictly for Lebanese, and the foreigners who are born in Lebanon can register their births via their embassies through diplomatic channels” [unofficial English translation].

<sup>41</sup> The Law No. 296 2001 (2001 law) amended the Presidential Decree of 1969 on the Right to Real Estate Acquisition for Foreigners.

<sup>42</sup> Real rights are rights attached to an object rather than a person. Real rights include rights such as ownership, usage, pledge, mortgage, and servitude.

<sup>43</sup> Article 1(2) of the 2001 Law states, “No real right of any kind may be acquired by a person who does not have citizenship issued by a recognised state or by any person if such acquisition contradicts the provisions of the Constitution relating to the prohibition of permanent settlement [‘Tawteen’]”.

<sup>44</sup> The Lebanese constitutional council decided on 21 May 2001 (Decision No. 2) that the 2001 Law indeed may conflict with diverse international obligations. However, it stated the principle of “*Tawteen*”, widely understood as the prohibition of permanent settlement, has priority and therefore allows such a law under the Lebanese constitution. Even if justified by the Lebanese constitution, the 2001 Law violates key international provisions and standards.

<sup>45</sup> On 5 April 2001.

evicted from their homes. For instance, residents of the Al Qasmieh gathering<sup>46</sup> in South Lebanon are not able to purchase the land on which they live even when the Lebanese landowners are willing to sell it to them.

- 3.4. Palestinians who bought real property and cannot acquire it legally due to the restrictions under the 2001 Law are *de facto* expropriated of the land without any compensation. NRC has noted that Palestinian residents of the Shabriha gathering, who have lived there for decades cannot benefit from compensation as the gathering is planned for demolition to accommodate a new highway.<sup>47</sup> Once evicted from their homes, they will have few alternatives as the 2001 Law does not permit them to purchase a new home or even enter into a long term lease agreement.
- 3.5. The 2001 Law does not comply with international human rights norms in terms of property rights<sup>48</sup> or non-discrimination.<sup>49</sup> International customary law also prohibits expropriation of land of foreigners in a discriminatory manner and without adequate compensation.

#### **NRC calls upon Lebanon to:**

- Revoke the discriminatory 2001 Law and provide Palestinian refugees with at least the same real estate rights as other non-Lebanese populations.
- Assist Palestinian refugees with security of tenure arrangements so they do not face continuous threats of eviction, especially from gatherings.
- Strengthen and, in coordination with civil society, build on the work of the Lebanon-Palestinian Dialogue Committee to improve rights for Palestinian refugees while they are in Lebanon.

#### **Refugees from Syria**

- 3.6. With a no-camp policy and few shelter options, refugees from Syria mainly have to organise their own housing (with some support from Lebanon and the international community). NRC has observed that this leads to lack of legal security of tenure<sup>50</sup> and increased threats of eviction and/or forced evictions.<sup>51</sup>
- 3.7. In 2014, the Lebanese Ministry of Interior and Municipalities (MoIM) issued Circulars prohibiting the establishment of new informal tented settlements (ITS) in villages and towns. According to these Circulars, ITS can only be established outside of villages with the approval of the relevant Governor.<sup>52</sup> Documented by NRC, some municipalities are using these as reasons to evict refugees from already established ITS even though the Circulars do not provide any such legal basis.
- 3.8. NRC has also noted an escalating number of evictions by the Lebanese Armed Forces (LAF) or other law enforcement bodies who allege that the ITS concerned are close to military facilities, most recently focusing on checkpoints. In most cases, however, these forced evictions are found

<sup>46</sup> There are over 40 gatherings throughout Lebanon which are not one of the 12 official UNRWA-managed camps but are mainly inhabited by Palestinian refugees and have often existed for 40 to 60 years.

<sup>47</sup> A highway project undertaken by the Ministry of Public Works and Transport, connects Al-Zehrani and Tyre, and passes through the Shabriha area. The construction of the highway is progressing rapidly. As a result of the construction of this highway, and more specifically in the Shabriha gathering, 47 houses will be expropriated by the State, including 31 Palestinian households. When expropriation is for public utility and in cases established by law, a person may be deprived of his property in return of prior and fair compensation. The compensation resulting from the seizure of the land goes to the land owner, which in this case is the Al Abbasiyeh Municipality. Palestinians living on the land are not legally entitled to claim any compensation or alternative housing.

<sup>48</sup> Article 5 of the Convention on the Elimination of all Forms of Racial Discrimination (CERD), Article 17 of the UDHR..

<sup>49</sup> Article 26 of the ICCPR, Article 5 of the CERD and Article 2 of the UDHR.

<sup>50</sup> In the general comment no. 4 of the ICESCR, the term legal security of tenure is defined as "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups".

<sup>51</sup> In the general comment no. 7 of the ICESCR, the term forced eviction is defined "as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights".

<sup>52</sup> The MoIM issued two Circulars on 5 June 2014 and 18 June 2014 respectively (Circular No. 734 and Circular No. 786) prohibiting the establishment of ISs in villages and towns. The Circular obliges municipalities to abide by the Circulars.

to be unlawful as checkpoints are not considered as military facilities according to Lebanese law.<sup>53</sup> Other reasons given by the LAF when issuing eviction notices include proximity to military supply routes and other national security issues. There is no functioning mechanism in place to challenge such decisions and refugees from Syria are often forced to relocate to already overcrowded ITS or become homeless.

3.9. NRC has also noted that municipalities have taken other prohibitive measures. For instance some have announced that it is prohibited for landlords to host refugees, such as a municipality in the South which issued a decision forbidding the local community from hosting new refugees from Syria.<sup>54</sup> In case of non-respect of these rules, municipalities have terminated lease agreements and forcibly evicted refugees from their dwellings. NRC has also observed that municipalities have based forced evictions on “Public Interest and Safety” decisions, which are not in accordance with the Municipal Law.<sup>55</sup>

3.10. International law provides for the right of adequate housing as a basic human right.<sup>56</sup> Also, the increasing number of unlawful evictions performed by state actors is in conflict with the right of individuals to be protected against arbitrary and unlawful interference with their home.<sup>57</sup>

**NRC calls upon Lebanon to:**

- Provide or allow the provision of adequate housing to scale for refugees in Lebanon.
- Stop any forced eviction and support the provision of security of tenure for refugees so that they are not faced with the fear of forced eviction while in Lebanon.
- Stop local and national authorities from issuing unlawful decisions prohibiting communities from hosting refugees.

<sup>53</sup> The Decree Nr. 4147/1981 requires an empty space around military facilities. Military facilities are for instance Ministry of Defence buildings, army command headquarters, military bases, military institutes, military hospitals, naval bases, air bases, warehouses, administrative offices, defence centres, fighting centres or shooting fields (Article 9 of the Decree Nr. 4147/1981). Military facilities have to be mentioned either in the military map issued before 1981 or they have to be included later by a formal decision of the Ministry of Defence in which the facility and the military zone are denominated as such, Articles 8 and 11 of the Decree Nr. 4147/1981.

<sup>54</sup> One example from NRC fieldwork in the South – Municipality decision issued on 6 August 2014.

<sup>55</sup> Article 74 of the Legislative Decree No. 118/1977. Even though the Municipal Law provides a general competency for “public health, safety and security” measures, municipalities are not competent to evict refugees based on this provision. The Lebanese Law on Obligations and Contract of 1932 identifies clearly the rights and obligations of tenants and the cases where contracts can be terminated and tenants be evicted. The Municipal Law does not allow circumventing other laws, in particular the Law of Obligations and Contracts of 1932 that sets out the rules and conditions to terminate lease agreements. In Lebanon, evictions can only be undertaken lawfully through court procedures.

<sup>56</sup> Article 11 of the ICESCR.

<sup>57</sup> Article 17 of the ICCPR.