

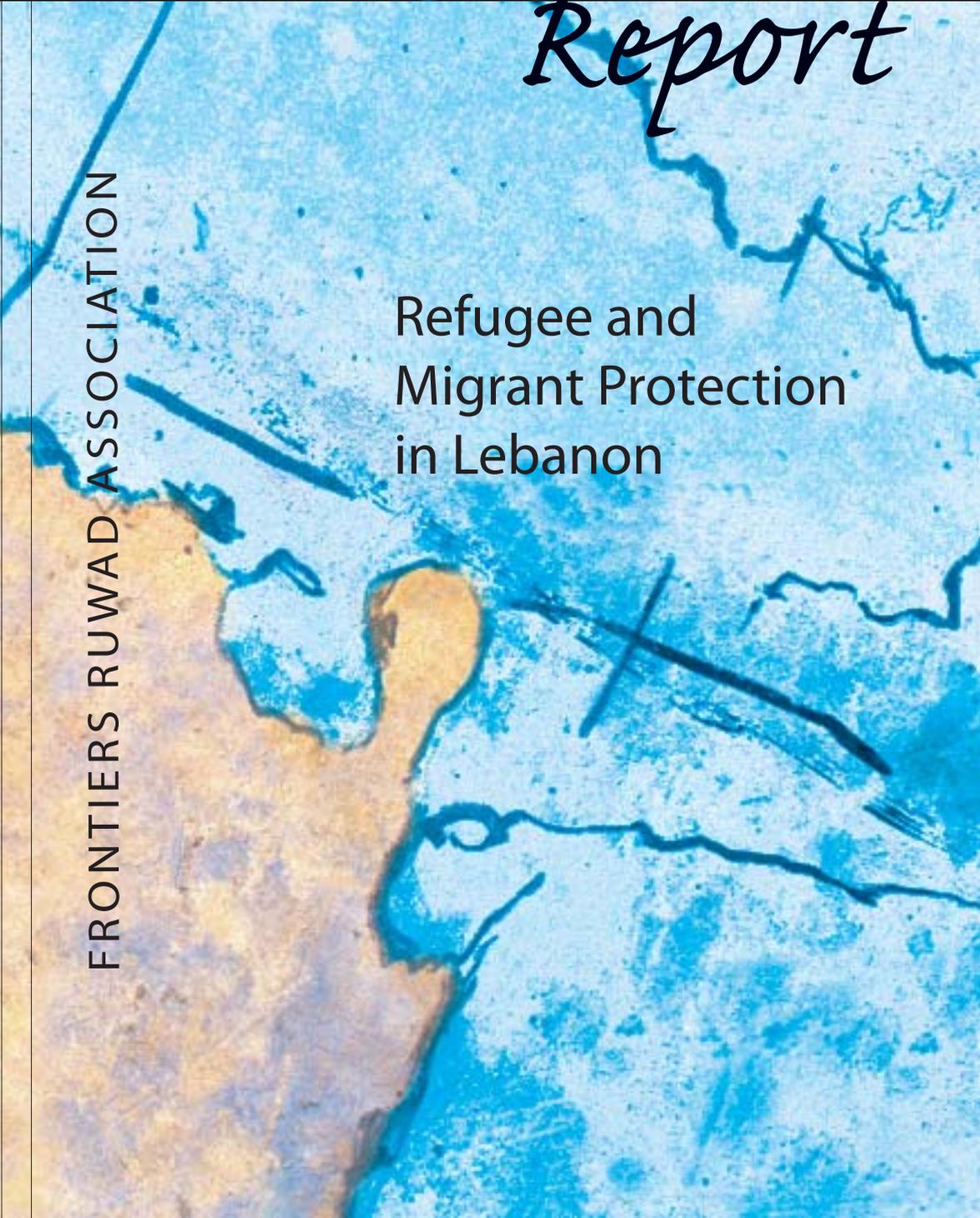
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ANNUAL

Report

FRONTIERS RUWAD ASSOCIATION

Refugee and
Migrant Protection
in Lebanon



Frontiers (Ruwad) Association

is a non-profit and apolitical non-governmental organization based in Lebanon. Frontiers aims at enhancing and consolidating the human rights culture embodied in the International Bill of Rights and in the Lebanese Constitution on both the individual and collective levels; safeguarding and defending fundamental rights and public freedom of individuals and groups without discrimination; and seeking to be a center for building capacities in order to achieve sustainable human development.



Annual Report

Refugee and Migrant Protection in Lebanon in 2006

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Contents

THE TEMPORARY PROTECTION OF IRAQI REFUGEES	2
Definition and Legal Basis of Temporary Protection	2
Rationale of the Temporary Protection Regime	6
Lebanon's Position on Temporary Protection	7
Implementation of Temporary Protection for Iraqi Refugees in Lebanon	8
Admission to Safety of Iraqi refugees	9
Respect for Basic Human Rights of Iraqi Refugees	10
Protection Against Refoulement and Safe Return to Iraq When Conditions Permit	10
Conclusion	11
Endnotes	12
IRAQI VIOLENCE HIGHLIGHTS PROTECTION GAP FOR PALESTINIAN REFUGEES	14
A Vulnerable Minority	14
No Escape	16
International Law and the Protection Gap	17
Opening a Door to Other Unrecognized Palestinians?	19
Endnotes	21
MAJOR DEVELOPMENTS IN LEBANESE REFUGEE PROTECTION IN 2006	22
THE YEAR OF BROKEN PROMISES	22
PROTECTION OF NON-PALESTINIAN REFUGEES	27
Legal Context	27
Civil and Political Rights	31
Economic and Social Rights	36
PROTECTION OF PALESTINIAN REFUGEES	40
Legal Context	41
Civil and Political Rights	43
Economic Rights	43
Undocumented (Non-ID) Palestinian Refugees	47
Weapons and Military Activity in Refugee Camps	48
PROTECTION OF MIGRANT WORKERS	49
Legal Context	50
Summer 2006 Mass Evacuations	52
National Steering Committee on Women Domestic Migrant Workers	53
National Committee on Anti-Trafficking	53
Endnotes	55
SUMMARY OF FRONTIERS' ACTIVITIES	61
LEGAL AID AND COUNSELING	61

Individual Counseling	61	
Group Counseling	63	
Legal Defense	63	
DETENTION MONITORING	64	
Detention Networking at National Level		65
RESEARCH AND PUBLICATIONS	65	
Legality vs. legitimacy	65	
Falling through the Cracks	66	
Refugee and Migrant Protection in Lebanon		66
Quarterly Monitoring Newsletter	66	
TRAINING	67	
Production of Training Manuals	67	
Training Sessions	68	
ADVOCACY	69	
International Meetings with Stakeholders		69
Meetings with International Human Rights Organizations		70
Participating in UNHCR Pre-EXCOM Annual Consultations with NGOs		70
Raising Awareness Activities	70	
Public Appeals/Submissions	71	
Networking/Memberships in National and International Migration Networks		71
FRONTIERS 2006 FINANCIAL STATEMENTS	73	
ABOUT FRONTIERS RUWAD ASSOCIATION	75	

ABOUT THIS REPORT

This report is about the major developments in migrants' protection in Lebanon in 2006 (including refugees, asylum-seekers, rejected asylum-seekers and economic migrants). In addition, the report includes two articles of pertinence to refugee protection that the Association believes need more attention: Temporary Protection of Iraqis Refugees and the Protection of Palestinian refugees from Iraq.

In general, the report attempts to give a comprehensive view of the protection situation and the protection gaps facing migrants in the country. As such, it highlights the actual situation, the patterns and trends, the policies of the different stakeholders and of the active NGOs in this field.

The report is addressed to policy makers, NGOs and IGOs working with migrants as well as the general interested readers.

The source of the information in this report is both primary and secondary. The main information is obtained from direct interviews and meetings with individual refugees and from regular contact with groups within the refugee community, as well as from interviews and meetings with local NGOs, IGOs, and related embassies. This year, Frontiers also sent letters and a questionnaire to a number of governmental bodies asking them for data and information. The Ministry of Social Affairs and Ministry of Labor responded to our questionnaire and provided supporting documents. Other ministries limited their response to answering some of our questions by telephone or in informal meetings. However, by the date of the writing of this report, no reply was received from the Prosecutor-General and the General Security Offices.

This report concludes that the overall protection of migrants and particularly refugees and asylum seekers remains precarious in Lebanon. We strongly believe that there is a need to continue the advocacy and intensify the dialogue with the Lebanese state and other stakeholders in order to reach acceptable solutions that will allow the migrants to live in dignity and to be considered as persons before the law while in the country. On the other hand, fears by the Lebanese government of having to bear the full burden of refugees plights ought to be seriously addressed as part of the international community's responsibility.

ACRONYMS and ABBREVIATIONS

AJEM	Association Justice et Miséricorde
BBA	Beirut Bar Association
CAT	Convention against Torture and other cruel, inhuman or degrading treatment or punishment
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
EC	European Commission
EMHRN	Euro Mediterranean Human Rights Network
EU	European Union
FIDH	Federation Internationale des ligues des Droits de l'Homme
FR	Frontiers, Ruwad Association
GA	General Assembly
GDP	Gross Domestic Product
GSO	General Security Office
GUPW	General Union of Palestinian Women
HDC	Human Development Center
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMC	International Catholic Migration Commission
ICVA	International Council of Voluntary Agencies
IDC	International Coalition on the Detention of Refugees and Asylum Seekers
IDP	Internally Displaced Persons
ILO	International Labor Organization
IOM	International Organization for Migration
IPEC	International Program on the Elimination of Child Labor
ISF	Internal Security Forces
MDM	Médecins du Monde
MECC	Middle East Council of Churches
MOU	Memorandum of Understanding
NGO	Non Governmental Organizations
NPA	Norwegian People's Aid
PLO	Palestine Liberation Organization
RSD	Refugee Status Determination
TP	Temporary Protection
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNHCHR	United Nations High Commissioner for Human Rights

UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Forces In Lebanon
UNODC	United Nations Office on Drugs and Crime
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
UNSC	United Nations Security Council

THE TEMPORARY PROTECTION OF IRAQI REFUGEES

The US led Coalition’s invasion of Iraq destroyed the centralized regime of Saddam Hussein and left the country in total chaos. While the international community was reluctant to acknowledge that many Iraqis fled their country before and during the first years of the US invasion, it was forced to admit the magnitude of their displacement after the bombing of the holy Shi’te shrine in Samarra on 22 February 2006 that marked the rise of sectarian violence inside Iraq.

By the end of 2006, it was estimated that there were more than 1.8 million internally displaced Iraqis and 1.5 million refugees who fled from Iraq to neighboring countries. According to UNHCR there are up to 700,000 refugees in Syria, 500,000 in Jordan, 54,000 in Iran, and 20,000 in Lebanon.¹

In March 2003, UNHCR called for the implementation of a “temporary protection” regime for all Iraqi refugees. According to this regime often applied in situations of mass influx of refugees, asylum States and UNHCR should halt the forced returns to Iraq and suspend the individual assessment of their claims.²

The temporary protection for Iraqis was initially planned for a period of three months.³ However, by the end of 2006, Iraqis in the Middle East were still under the temporary protection regime.

Definition and Legal Basis of Temporary Protection

The growing number of large-scale refugee displacement fleeing from a context of generalized violence in the 1980’s and 1990’s highlighted the limitations of the international legal framework in responding to the protection needs in a situation of mass influx.

Concerned that asylum seekers were unable to obtain refuge in situations of mass influx,⁴ UNHCR’s Executive Committee adopted in 1981 the Conclusion No. 22 on the Protection of Asylum-Seekers in Situations of Large-Scale Influx in which it stated that refugees should be admitted without discrimination to asylum countries on a temporary basis, that the principle of non-refoulement should be scrupulously respected and that refugees should be treated with the minimum basic human standards.⁵

- II. "" Measures of protection
 - A. "" Admission and non-refoulement

1. In situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them at least on a temporary basis and provide them with protection according to the principles set out below. They should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.

2. In all cases the fundamental principle of non-refoulement including non-rejection at the frontier must be scrupulously observed.

B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

1. Article 31 of the 1951 United Nations Convention relating to the Status of Refugees contains provisions regarding the treatment of refugees who have entered a country without authorization and whose situation in that country has not yet been regularized. The standards defined in this Article do not, however, cover all aspects of the treatment of asylum seekers in large-scale influx situations.

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(a) They should not be penalized or exposed to any unfavorable treatment solely on the grounds that their presence in the country is considered unlawful; they should not be subjected to restrictions on their movements other than those which are necessary in the interest of public health and public order;

(b) They should enjoy the fundamental civil rights internationally recognized, in particular those set out in the Universal Declaration of Human Rights;

(c) They should receive all necessary assistance and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform to the principles of international solidarity and burden-sharing;

(d) They should be treated as persons whose tragic plight requires special understanding and sympathy. They should not be subjected to cruel, inhuman or degrading treatment;

(e) There should be no discrimination on the grounds of race, religion, political opinion, nationality, country of origin or physical incapacity;

(f) They are to be considered as persons before the law, enjoying free access to courts of law and other competent administrative authorities;

(g) The location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin. They should not become involved in subversive activities against their country of origin or any other State;

(h) Family unity should be respected;

(i) All possible assistance should be given for tracing relatives;

(j) Adequate provision should be made for the protection of minors and

unaccompanied children;

(k) They should be allowed to send and receive mail;

(l) Material assistance from friends or relatives should be permitted;

(m) Appropriate arrangements should be made, where possible, for the registration of births, deaths and marriages;

(n) They should be granted all the necessary facilities to enable them to obtain a satisfactory durable solution;

(o) They should be permitted to transfer assets which they have brought into a territory to the country where the durable solution is obtained;

(p) All steps should be taken to facilitate voluntary repatriation.

These principles were implemented by Western European States for the mass influx of refugees from Bosnia Herzegovina in 1992. The responses to the Yugoslavian conflict involved a compromise between, on the one hand, the states' desire to limit the access to asylum and, on the other hand, responding to the pressure by the international public opinion and organizations to offer protection for Yugoslavian refugees.⁶

In the following years, the international community developed more elaborate and harmonized standards for the protection of refugees in situations of large-scale influx. In 1994, UNHCR analyzed the legal gaps in the protection of refugees and proposed the use of temporary protection as a pragmatic tool for meeting the needs of refugees, and specifically refugees who fall outside the scope of the 1951 Convention. The 1994 UNHCR Note on International Protection raised some limitations:

1. The various interpretations of the refugee definition: for instance, some states interpret the refugee definition as requiring persecution solely by a state actor; others require that the refugee proves a personal fear of persecution that distinguishes him or her from others. Both conditions are often not met by refugees fleeing from civil strifes.⁷ The concept of persecution is not limited to a few individuals but could be applied to a large group of victims.

2. The limited applicability of the 1951 Refugee Convention: some states consider that the 1951 Convention can only be implemented through individual status determination,⁸ a procedure that can be difficult to follow in a situation of large-scale influx. However, as the Convention does not tackle procedural issues, nothing leads us to believe that it cannot apply to large-scale refugee flights.⁹ On the contrary, the Convention was initially drafted to respond to the mass influx of refugees during World War II. Therefore, the Convention should apply to people arriving in large numbers to a host State. In this regard, NGOs have repeatedly emphasized the fact that the 1951 Convention applies to all refugees whether or not they arrive in large numbers on the territory of a State.¹⁰

3. The gaps in the existing legal tools: some refugees fall outside the scope

of the 1951 Convention. For instance, refugees fleeing from an armed conflict and its consequences but not from persecution on the basis of their religion, race, political opinion, nationality or membership of a particular social group – as required by the refugee definition – are not covered by the refugee definition although they are in need of international protection.¹¹

Hence, refugees fleeing from a situation of mass-influx are often not declared refugees – and are thus unable to benefit from the rights enshrined in the Convention – as a result of gaps in the legal instruments or their wrongful implementation.

According to UNHCR note the basic elements of temporary protection are the following:

- Admission to safety in the country of refuge.
- Respect for basic human rights, with treatment in accordance with internationally recognized humanitarian standards such as those outlined in Conclusion 22 (XXXII) of the Executive Committee.
- Protection against refoulement.
- Repatriation when conditions in the country of origin allow it.¹²

In the General Conclusion No. 74 adopted in 1994, the Executive Committee summarized the findings of the 1994 Note on International Protection by stating that it:¹³

(r) Considers that temporary protection which has been described by the High Commissioner in the context of the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia as including admission to safety, respect for basic human rights, protection against refoulement, and safe return when conditions permit to the country of origin, can be of value as a pragmatic and flexible method of affording international protection of a temporary nature in situations of conflict or persecution involving large scale outflows.

(s) Welcomes the further exploration by the High Commissioner, pursuant to Protection Conclusion (m) (1993), of temporary protection as an asylum strategy, in the context of addressing prevention, protection and solutions on a comprehensive regional basis, and looks forward to further discussions among interested Governments on this subject, including the duration of temporary protection.

(t) Notes that the beneficiaries of temporary protection may include both persons who qualify as refugees under the terms of the 1951 Convention and the 1967 Protocol and others who may not so qualify, and that in providing temporary protection, States and UNHCR should not diminish the protection afforded to refugees under those instruments.

In July 2001, the Council of the European Union adopted the Directive on minimum standards for giving temporary protection, which

included the following definition of temporary protection focusing on the exceptional character of the temporary protection and the need to avoid the overwhelming asylum procedures:

....a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.¹⁴

Rationale of the Temporary Protection Regime

The regime is intended to fill the gaps in international protection of large-scale displacement highlighted above. While states in Africa and Latin America have adopted regional instruments that provide protection to refugees fleeing from armed conflict, civil strife and generalized violence,¹⁵ there were no adequate instruments on the international or other regional levels such as the Middle East.

The rationale of the temporary protection regime is to avoid the overwhelming refugee status procedures and to maintain the possibility of return once there is a political settlement of the conflict in the country of origin.¹⁶ It lies in the belief that the conflict which has caused the mass displacement is soon to be resolved and focuses on return as “the most appropriate solution”.¹⁷ Therefore, providing temporary protection is not only providing a response to a humanitarian crisis but is also a political statement that a conflict will not last for a long period of time.

Moreover, temporary protection as conceived by UNHCR is not limited in time while the EU Directive limits the implementation of this procedure for a maximum period of three years.¹⁸ The absence of a time-frame augments the uncertainty of this temporary status and the politicization of the protection of massively displaced persons.

Like the *prima facie* refugee status determination, the temporary protection regime is based on the idea that a group of people - who share common criteria such as the country of origin or date of flight - should be provided with international protection. However, group determination on a *prima facie* basis grants refugee status to all members of the group. As long as there are objective circumstances to believe that a member of this group fears persecution in the country of origin, the personal and subjective fear of persecution can be presumed.¹⁹ As the NGO Statement

on Mass Influx stressed:

The 1951 Convention applies to all refugees, whether they arrive on a territory in mass numbers or not. Prima facie recognition in this regard is an alternative method to individual status determination. Both methods, however, equally ensure the full application of the Convention.²⁰

Therefore, a refugee recognized on a prima facie basis should benefit from the rights enshrined in the 1951 Convention unlike a refugee under temporary protection. The main flaw of the temporary protection regime is that it maintains the persons fleeing from a conflict in a situation of legal uncertainty pending a political settlement of the conflict that is often unpredictable when the conflict erupts. Hence, refugees are maintained in a state of limbo whereby they are neither refugees nor non-refugees and whereby their rights are not clearly defined and guaranteed.

Another flaw of this regime, as highlighted by Thorburn, is that it focuses on the return of refugees as the only objective and that by "temporary" it refers to the duration of the period of stay in the country of asylum rather than to the period of the protection.²¹ Hence, refugees are maintained in a state of limbo whereby the only possible durable solution is voluntary repatriation and whereby settlement in the country of asylum or in a third country is not foreseen. Thorburn also suggests that the regime should aim to provide an interim period of protection before the search of durable solutions and during which the international community participates in finding a solution to the conflict that caused the flight of the refugees.²²

Lebanon's Position on Temporary Protection

Lebanon is not a party to the 1951 Refugee Convention nor does it have an effective legislation related to asylum. Lebanon has also repeatedly stated that it is not a country of asylum due to its demographic and social composition and to the fact that it hosts more than 400.000 Palestinian refugees for which no durable solution has been found.²³ Nonetheless, as a member of the UNHCR Executive Committee, Lebanon is supposed to be bound by its conclusions, specifically Conclusions No. 22 of 1981 and No. 74 of 1994 which set the standards of temporary protection.

Moreover, Lebanon has ratified the Convention against Torture²⁴(CAT) by Law no. 185 of 24 May 2000. It is therefore bound by its Article 3, which prohibits the refoulement of a person to a country where "there are substantial grounds in believing that he will be in danger of

being subjected to torture"²⁵ i.e. "where there is a consistent pattern of gross, flagrant or mass violations of human rights"²⁶ On 24 June 2006, the Ministry of Justice issued the Advisory No. 405/2006 in which it stated that refugees should not be deported, according to Art. 3 of the CAT.²⁷

Hence, in the context of the mass influx of Iraqi refugees and generalized violence in Iraq, Lebanon's international commitments appear to oblige the government to provide temporary protection to Iraqi refugees and prohibit the forced returns of Iraqis.

However, the Lebanese State did not respond to the calls of UNHCR urging States to implement temporary protection for Iraqis. Indeed, the temporary protection regime was not formally acknowledged by the Lebanese government.²⁸ Hence, no measures were taken to ensure the safe admission and non-refoulement of Iraqis and no measures were taken to guarantee that Iraqi refugees were treated with the minimum basic human standards.²⁹

Implementation of Temporary Protection for Iraqi Refugees in Lebanon

In 2006, there were 538 recognized Iraqi refugees (most of them were recognized prior to 2003) and 1374 Iraqis who registered with UNHCR as asylum-seekers.³⁰ Some of the Iraqi refugees and asylum-seekers have been in Lebanon prior to 2003 and others arrived due to the US-led invasion of Iraq in March 2003.

In early 2003, UNHCR implemented the temporary protection regime for Iraqis³¹ and later issued a Return Advisory recommending the suspension of forced returns.³² The regime was applied to those fleeing from Iraq but also to Iraqis who were already in Lebanon, whether they were waiting for a refugee status determination or rejected in the past - probably in the hope that the refugees who fled Saddam's regime would return once the regime was ousted and those who fled from the US-led invasion would return once the situation was stable.

However, this regime was implemented by UNHCR without their being any agreement or acceptance by the Lebanese state. Hence, there were no guarantees that the principles of the regime would be respected, especially the safe admission of Iraqis and their non-refoulement.

In early 2003, UNHCR suspended the procedures for refugee status determination for pending cases (Iraqis previously registered with UNHCR and waiting for a final decision on their case) and new arrivals.³³ Thus, the

claims of Iraqis were not assessed by UNHCR in order to determine whether not they meet the refugee definition.

Iraqi refugees registered with UNHCR were given certificates of registration. These certificates were also extended to those whose claims were rejected in the past. However, they do not provide protection against arrest, detention and deportation as will be shown below.

A small minority of Iraqis saw their claim individually assessed under individual refugee status determination procedures. As a result, only 153 individuals were declared as refugees under UNHCR's mandate in 2006. The criteria followed by UNHCR to individually examine the claim of Iraqis under temporary protection were the following: vulnerable cases (individuals who face serious protection problems in Lebanon, including detention cases; individuals who are in an uncertain, precarious situation and deemed to be especially vulnerable e.g. single female heads of households without support, medical cases or victims of severe past persecution); exclusion cases; individuals who fall under one of the categories listed in UNHCR Eligibility Guidelines of 13 September 2005 (members of ethnic and religious minorities, imputed political opinion, membership of a particular social group and victims of past persecution).³⁴

Many Iraqis did not fall under these criteria: some fled Iraq due to the generalized violence and not because of a personal fear of persecution; others were not considered vulnerable by UNHCR. For example, single males who were in continuous risk of arrest; families and individuals who – in order to provide for themselves – were working illegally and were exposed to exploitation and abuse from their employers.

Admission to Safety of Iraqi refugees

Although the first principle of temporary protection is to allow the safe admission of refugees in situation of large-scale influx, the Lebanese state did not facilitate the entry of Iraqi refugees to Lebanon.

As Lebanon does not share borders with Iraq, there was no massive rush of Iraqis on the Lebanese borders. Most Iraqis pass through Syria before arriving to Lebanon but refuse to remain in Syria either because they fear its Baathist regime or because they have relatives in Lebanon. Moreover, Iraqi Christians prefer to find refuge in Lebanon where they feel safe among Lebanon's Christian communities.

Iraqis were only allowed to enter Lebanon if they held a visa issued by the Lebanese Embassy in Baghdad. However, most Iraqis were unable to obtain visas for various reasons such the inability to reach the Lebanese

Embassy in Baghdad due to security reasons or a rushed departure from Iraq, inability to afford the visa fees, inability to qualify for an entry visa.

At the end of 2005, the Lebanese General Security granted visas for Iraqis at all border points if Iraqis could provide the following: a return non-refundable ticket, a hotel reservation or the address and phone number of a person in Lebanon and 2000 US\$ in cash or in a bank account.³⁵ Hence, Iraqis who fulfilled these conditions were admitted to Lebanon on a temporary basis.³⁶ Many Iraqis were unable to meet these conditions mostly because of financial reasons. As a result, most Iraqis are forced to enter Lebanon illegally in unsafe smuggling conditions and remain in illegality for the period of their stay.

Even those who were granted an entry visa face difficulties when they wish to prolong their stay in Lebanon. Visas are often granted for three months and can be extended for a further three months. After that, Iraqis could apply for a residency if they meet one of residency requirements and conditions (e.g. work permit, enrolled in a university). As many of them were unable to meet these neither requirements nor afford the high residency fees or were unable to find an employer to sponsor their work permit, they enter into illegality and remain in Lebanon in an insecure and precarious status.

Respect for Basic Human Rights of Iraqi Refugees

The Lebanese government did not adopt specific measures to ensure the treatment of Iraqi refugees according to basic human rights standards. Therefore, Iraqi refugees received the same treatment as other refugees: they are considered as illegal immigrants and are thus penalized for their illegal entry and stay in Lebanon; they are not granted access to education or health care; their right to work is not guaranteed...

Under temporary protection, Iraqis did not qualify for the financial assistance provided by UNHCR to refugees in terms of subsistence, allowance, education and health.³⁷ However, the Agency provided educational grants and non-food items to a few Iraqi children and families.³⁸

Protection Against Refoulement and Safe Return to Iraq When Conditions Permit

The Lebanese state did not respect the principle of non-refoulement of Iraqi refugees included in the temporary protection

regime. As mentioned above, detained Iraqis were submitted to individual RSD by UNHCR. However, when UNHCR assesses the individual claim of Iraqi detainees, it applies the 1951 Refugee Convention. Those who did not meet the refugee definition were rejected and remain under the temporary protection of UNHCR. Considering that temporary protection regime was never acknowledged by the Lebanese authorities, Iraqis were kept in prolonged arbitrary detention until they agreed to be “repatriated” to Iraq.

According to the Iraqi Embassy, “voluntary returns” were taking place from detention centers. The Iraqi Embassy issued the necessary documentation for Iraqis who “expressed their will to return” to Iraq and covered the fees of the plane ticket. This was carried out in coordination with the International Organization for Migration. In 2006, around 60 persons were sent back to Iraq on a monthly basis.³⁹

Conclusion

In 2006 and during the four years of temporary protection, the temporary protection regime failed to prohibit the forced returns of Iraqis by the Lebanese government, and did not allow Iraqis to effectively benefit from basic human rights such as access to health care and education. It resulted in keeping most Iraqis in a state of limbo for the past years whereby they were not recognized as refugees and at the same time their claim for refugee status was not assessed.

In the UNHCR Executive Committee meeting in October 2006, NGOs expressed their concern for the indefinite use of the temporary protection and called for the recognition of Iraqi refugees on a prima facie basis in order to end the state of limbo and ensure an effective protection for Iraqi refugees in the Middle East.⁴⁰

On 18 December 2006, UNHCR issued an advisory return for Iraqis⁴¹ in which it recommended that states and UNHCR should declare Iraqis as refugees on a prima facie basis except for those who were residing in Iraqi Kurdistan and those who fall under the exclusion clauses of the 1951 Convention.

Nonetheless, no protection regime – whether it is individual status determination, temporary protection or prima facie recognition - can be effective when it is solely implemented by UNHCR without the involvement of the Lebanese authorities, and in the absence of national legal framework for the protection of refugees in Lebanon.

Endnotes

¹ UNHCR, *2006 Global Trends: Refugees, Asylum Seekers, Returnees, Internally Displaced and Stateless persons*, June 2007 Annexes, Table 5.

² *UNHCR urges states to grant temporary protection to Iraqis*, UNHCR Press Release, 26 March 2003, available at <http://www.unhcr.org/news/NEWS/3e81e0d84.html>

³ *Ibid.*

⁴ UNHCR EXCOM Conclusion no 5 (XXVIII), 1977 and Conclusion no. 15 (XXXX), 1979 and Conclusion no.19 (XXXI), 1980

⁵ Protection of Asylum-Seekers in Situations of Large-Scale Influx, UNHCR Executive Committee, Conclusion No. 22 (XXXII), 1981.

⁶ Koser, Khalid and Black, Richard, *Limits to Harmonization: The “Temporary Protection” of Refugees in the European Union*, International Migration, volume 37, number 3, September 1999, available at <http://www.ingentaconnect.com/content/bpl/imig/1999/00000037/00000003/art00001>

⁷ Note on International Protection, submitted by the UN High Commissioner for refugees to the UN General Assembly, 7 September 1994, A/AC.96/830, para 22

⁸ *Ibid.* Para. 26-27.

⁹ *Ibid.*

¹⁰ NGO Statement on Mass Influx, Standing Committee of the Executive Committee of UNHCR, 30th meeting, 29 June – 1 July 2004, available at <http://www.icva.ch/doc00001198.html>

¹¹ Note on International Protection, submitted by the UN High Commissioner for refugees to the UN General Assembly, 7 September 1994, A/AC.96/830, Para. 30.

¹² Note on International Protection, submitted by the UN High Commissioner for refugees to the UN General Assembly, 7 September 1994, A/AC.96/830, Para. 48.

¹³ General Conclusion on International Protection No. 74 (XLV – 1994), UNHCR Executive Committee, 1994.

¹⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Art 2-a.

¹⁵ Convention governing the specific aspects of refugee problems in Africa, adopted by the Organization of African Unity, September 1969 (specifically Art 1-2); Cartagena Declaration on Refugees, Adopted by the Colloquium on the International Protection of Refugees in Central America, November 1984 (specifically conclusion No. 3)

¹⁶ Lucas, Donatella, *Questioning Temporary Protection*, International Journal of Refugee Law, volume 6, number 4, available at <http://ijrl.oxfordjournals.org/cgi/content/abstract/6/4/535>

¹⁷ Note on International Protection, submitted by the UN High Commissioner for refugees to the UN General Assembly, 7 September 1994, A/AC.96/830, Para. 45

¹⁸ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Art. 4

¹⁹ Note on International Protection, submitted by the UN High Commissioner for refugees to the UN General Assembly, 7 September 1994, A/AC.96/830, Para. 27

²⁰ NGO Statement on Mass Influx, Standing Committee of the Executive Committee of UNHCR, 30th meeting, 29 June – 1 July 2004.

²¹ Thorburn, Joanne, *Transcending Boundaries: Temporary Protection and Burden-sharing in Europe*, International Journal of Refugee Law, 1995, volume 7, number 3, available at <http://ijrl.oxfordjournals.org/cgi/content/abstract/7/3/459>

²² *Ibid.*

²³ Gebran Soufan, Permanent Representative of Lebanon to the UN in Geneva, 5 Oct 2004, 55th session of UNHCR Executive Committee, on file with Frontiers, Ruwad Association (FR).

²⁴ Convention against torture and other cruel, inhumane or degrading treatment or punishment, adopted by the General Assembly on 10 December 1984, entry into force on 26 June 1987

²⁵ *Ibid.*, Art 3-1

²⁶ *Ibid.*, Art.3-2

²⁷ Advisory No. 405/2006, 24 June 2006, Ministry of Justice, document on file with Frontiers, Ruwad Association (FR).

²⁸ Interview with UNHCR, 12 March 2007

²⁹ Ibid.

³⁰ *Statistics 2006*, Email from UNHCR to Frontiers Ruwad Association, 26 March 2007

³¹ *UNHCR urges states to grant temporary protection to Iraqis*, UNHCR press release 26 March 2003, available at <http://www.unhcr.org/news/NEWS/3e81e0d84.html>

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³⁵ *GSO allows Iraqis to enter Lebanon without prior authorization*, Ad-Diyar, 9 Nov. 2005

³⁶ As stated by UNHCR in a correspondence on 19 February 2007, the Lebanese authorities granted 28.000 entry visas to Iraqis in 2006.

³⁷ *Lebanon Country Operation Plan 2007*, Executive Committee Summary, UNHCR, 1 September. 2006

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IRAQI VIOLENCE HIGHLIGHTS PROTECTION GAP FOR PALESTINIAN REFUGEES

Violence in Iraq following the US & Allies invasion is adding yet another crisis to the long list of tragedies that have fallen on Palestinian refugees since UN resolution 184 that divided Palestine into two states that was followed by their expulsion by Israel in 1948.

Palestinian refugees in Iraq who had been relatively privileged during the Saddam Hussein era are now targets of sectarian violence, discrimination fed by built up popular resentment, and bureaucratic hostility from the new Iraqi government. When they flee, Palestinians from Iraq have found borders closed. Human rights groups, the United Nations, the Palestinian Liberation Organization and the Syrian and Jordanian governments have been divided over how to resolve their plight. In the process, refugees have been left in limbo, some unable to escape from danger.

Frontiers, Ruwad Association (FR), has worked over recent years to highlight the protection gaps that often leave Palestinian refugees disadvantaged and insecure. In 2005 Frontiers published a ground breaking report called *Falling through the Cracks*, identifying the UN and Lebanese policy gaps that have left thousands of Palestinians in Lebanon unregistered and unable to access basic human rights.

Since 2005, the Lebanese Government and the United Nations have shown a willingness to reconsider long-standing policies so as to relieve the situation of unrecognized Palestinian refugees in Lebanon. In the meantime, some 1000 Palestinians fleeing violence in Iraq are said to have already sought shelter in Lebanon. The new Palestinian exodus thus poses an early test of whether protection gaps can in fact be closed.

A Vulnerable Minority

According to reports, the roughly 34,000 Palestinian refugees in Iraq have been threatened and subjected to violence and discrimination since April 2003. Most of the violence against them has been perpetrated by mainly Shi'a militias, in part because of suspicion that the largely Sunni Palestinian population would support the insurgency. But this sectarian suspicion has been fed by resentment that built up during the Baathist regime.

Before 2003, Palestinians had been granted special privileges,¹ in particular low rent apartments, at the expense of Iraqis. Rent control in some ways compensated for restrictions on Palestinians being able to own their own property in Iraq, but it came at the expense of mainly Shi'a landlords.

Nearly immediately after the US/UK occupation of Iraq, landlords and in some cases armed men forcibly evicted Palestinians from their homes. In some cases the evictions were by landlords seeking to raise rents, but in other cases armed groups forced Palestinians from government-subsidized apartments in order to take them for themselves.

Violence against Palestinians appear to have escalated after the February 22, 2006 bombing of the Askariyya Mosque in Samarra, a Shi'a holy site. On the following day, a militia attacked the al-Baladiyyat neighborhood, the largest concentration of Palestinian homes in Baghdad. The Palestinians were rescued by American troops, but mortar attacks continued. Human Rights Watch documented four brutal murders of Palestinians that occurred within a week of the Samarra bombing. On the day of the bombing, assailants killed a 50-year-old man with a prosthetic leg, striking him on the head with a sword and then shooting him. The next day, two brothers of a Palestinian diplomat were abducted; two days later they were found dead and their bodies mutilated. A few days later a Palestinian imam was abducted from his mosque and murdered.²

Human Rights Watch reported that a group calling itself the "Judgment Day Brigades" distributed threats to Palestinians by paper flyers and by mobile phones. The flyers warned Palestinians to leave their neighborhoods within ten days or "we will eliminate you all."³

The United Nations High Commissioner for Refugees reported that six Palestinians had been murdered in Baghdad in the last two weeks of May 2006.⁴ According to UNHCR, "around 20 armed assailants entered a house in Baghdad and took a Palestinian man into the garden before shooting him dead in front of his family." In December 2006, UNHCR reported a new attack on the al-Baladiyyat neighborhood had left at least nine dead, including several children. According to UNHCR, neither the Iraqi police nor American or other foreign forces intervened during a three hour attack in which "the militia also blocked ambulances from taking the dead and wounded to hospital."⁵

Beyond bloodshed and violence, Palestinian hardships in Iraq have been compounded by the new Iraqi Ministry of the Interior decisions to degrade their legal status. Before the invasion and occupation of Iraq in 2003, Palestinians were considered long-term residents because they were

refugees unable to return to Palestine, their country of origin. But since the responsibility of Palestinians has been transferred from the Ministry of Social Affairs and Employment to the Ministry of Immigration and Displacement, which means they are now denied a permanent residency and treated like any foreigner in Iraq who has to report regularly to the authorities. The conditions to obtain a travel document are now stricter, which lead many Palestinians to be denied a travel document. The government also stopped issuing IDs for Palestinians born after 2003 and refuses to issue new ID replacing those that are lost or destroyed. Also, their right of movement is restricted as they are not allowed to leave the country and are often arrested or killed by the Iraqi police, the Iraqi army, the militias and the US forces merely because they hold Palestinian documentation.⁶

No Escape

In March 2006, Jordan closed its border with Iraq for four days to prevent 89 Palestinians who were fleeing violence from entering the country. Iraqi soldiers eventually forced the would-be refugees to stay in a former horse stable on the Iraqi side of the border. More escapees from Baghdad joined them, while the Iraqi Red Crescent Society brought humanitarian supplies. By April 23, there were more than 200 Palestinians stranded at the Iraqi-Jordanian border.⁷ According to Human Rights Watch, Jordanian officials have explained that Jordan already is over-burdened with Palestinian refugees, but also expressed concern that escapees from Iraq would never be re-admitted. Indeed, the Iraqi authorities issued Palestinians with travel documents bearing the statement “right to exit, no right to return.”⁸

Similar problems have occurred on the Syrian-Iraqi border, although Syria has in a few instances shown limited willingness to admit Palestinians fleeing Iraq. The Palestinian Authority’s Foreign Minister, Mahmoud Zahar, announced in April 2006 that the Syrian government had promised to accept Palestinians who were stranded at the border. In November 2005, Syria had allowed in 19 Palestinians who had been stranded for more than a month. In May 2006, 250 Palestinians were allowed to cross into Syria, followed by a group of 37 who came directly from Baghdad.⁹ Yet after May Syria stopped allowing Palestinians to enter. In December, UNHCR reported that 350 Palestinians had been stranded at the border since for more than six months, and that another group of 41 had joined them.¹⁰ On December 27, UNHCR said, “The number of Palestinians stuck on the Iraq-Syria border

after fleeing violence in Baghdad has risen to 80, with more reported on the way.”¹¹

By the end of the year, UNHCR estimated that more than half of the original 34,000 Palestinians in Iraq had fled, reducing the Palestinian population of Iraq to around 15,000.¹² But UNHCR said, “Hundreds who have tried to flee are stuck at the Syrian border or in an isolated camp inside Jordan. And those who have succeeded in leaving Iraq often did so illegally.”¹³ Around 355 Palestinians are stuck in Al-Tanf camp in the No-Man’s-Land between Iraq and Syria, 400 in Al-Waleed camp in Iraq near the Syrian border,¹⁴ 260 are in Al-Hol camp in Syria near the Iraqi border and 97 in Ruweished camp in Jordan near the borders with Iraq.¹⁵

The resistance of both Jordan and Syria to admit Palestinians from Iraq, despite the dangers they fled, illustrate the unique problems facing Palestinians. Because Israel refuses their right to return and because of the continuing Israeli-Palestinian conflict, millions of Palestinians remain in exile, most of them in Arab states and the occupied Palestinian territories. Their status remains one of the most politically volatile issues in the region, and feeds resistance to admitting additional Palestinians, even when they are fleeing immediate threats to their lives.

The problem has created divisions between Palestinians. The Hamas-led government of the Palestinian Authority has called on Arab states to take in Palestinians fleeing Iraq.¹⁶ But the Palestinian Authority technically only can govern parts of the West Bank and Gaza Strip in accordance with the Oslo Accords. Instead, the Palestine Liberation Organization is recognized by both the UN General Assembly and the Arab League as the representative of the Palestinian people as a whole, including the refugees. The PLO has traditionally opposed any third country resettlement of Palestinians. In a letter to Human Rights Watch, the PLO stated that the refugees fleeing Iraq should either be moved to the West Bank or Gaza Strip “or stay near the border and return to Baghdad.”¹⁷ The PLO position is consistent with Jordanian and Syrian border closures, but since Israel controls the borders of the occupied Palestinian territories it effectively leaves the Palestinians no place to which they can escape.

International Law and the Protection Gap

Syria, Jordan and the PLO have opposed allowing Palestinians in Iraq to cross borders in order to escape because of the longstanding fear that relocation of Palestinians to third countries will undermine the right

of return. The right of return is without question sacrosanct and essential to a resolution of the Israeli-Palestinian conflict. But Palestinians in Iraq are fleeing immediate dangers and cannot be prevented from escaping to save their lives in order to defend what seems so far to be an abstract principle.

The principle of non-refoulement is a “fundamental humanitarian principle”¹⁸ and has been recognized as a principle of customary international law binding on all states.¹⁹ This principle binds Jordan and Syria to at least allow Palestinians to cross their frontiers from Iraq to find immediate safety,²⁰ and to allow a later examination of where they should find asylum.

The more trying question is what should happen to the refugees once they find immediate safety. The ultimate solution to their situation should remain the implementation of Resolution 194, which called for Israel to permit refugees to choose to return to their pre-1948 homes. But until that becomes possible they pose a significant dilemma. UNHCR has indicated a willingness to promote relocation to the occupied territories or third country resettlement as “an option of last resort.”²¹ But UNHCR also called on states bordering Iraq

To keep their borders open to Palestinians fleeing Iraq, to treat them in accordance with international standards and to ensure that no Palestinian is subjected to refoulement or forced return to Iraq....it is important to de-link the immediate protection and humanitarian needs of the Palestinian refugees in Iraq or outside Iraq in neighboring States, from the wider political question of Palestinian refugees in the Middle-East.²²

UNRWA and UNHCR are administering the Al-Tanf and Al-Hol camps in Syria and Iraq in coordination. UNRWA has issued temporary registration cards valid for one-year for the refugees in both camps. However, these refugees are not counted among the refugees registered with the Syrian general authority for Arab Palestinian Refugees. On the other hand, Al-Waleed and Ruweished camps are administered by UNHCR which has resettled a number of Palestinian and Non-Palestinian refugees from Ruweished camp.²³

Opening a Door to Other Unrecognized Palestinians?

In theory, most of the Palestinians from Iraq will likely fall under the “working definition”²⁴ of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which operates in Jordan, Syria and Lebanon, West Bank and Gaza. But fulfilling the criteria of the working definition may not be enough to allow Palestinians from Iraq to simply join one of the many UNRWA-assisted refugee communities in another country. According to the Badil Resource Center for Palestinian and Refugee Rights

Since 1993, UNRWA has accepted registration of previously unregistered refugees if they fulfill the criteria. ... It is UNRWA’s practice to ascertain that refugees applying for new registration are legally residing in the country where they wish to be registered. This is in order to avoid conflict with host governments.²⁵

UNRWA’s deference to host government remains a major distinction between UNRWA and UNHCR in protecting refugees. UNHCR will assert protection over refugees under its mandate even if governments object. In Lebanon, Frontiers Association’s *Falling through the Cracks* report found that government resistance to registering new Palestinians has been a major cause of the “non-ID” problem.

If UNRWA is not willing or able to assist the Palestinians from Iraq, then they should be eligible to apply for protection from UNHCR like any other Iraqi. UNHCR’s mandate does not exclude Palestinian refugee per se. It excludes only “persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.” Since UNRWA does not operate in Iraq, this exclusion will not apply if UNRWA does not extend assistance to a new Palestinian arrival. The potential mandate of UNHCR illustrates that Palestinian refugees cannot depend solely on UNRWA, especially when new violence in the Middle East forces new migrations from first countries of asylum.

Inside Iraq, UNHCR provides minimal care and maintenance assistance to Palestinians, but no longer considers local integration to be possible there.²⁶

Most notably, UNHCR has departed from its longstanding practice of not protecting Palestinians in countries where UNRWA operates. Traditionally UNHCR and UNRWA had divided their activities with

Palestinians geographically, with UNHCR refusing to assist Palestinians in Lebanon, Jordan or Syria because of UNRWA's operations there. But in a position statement issued to Arab governments, UNHCR stated:

Syria and Jordan are countries which fall within UNRWA's area of operations and Palestinians registered by UNRWA would fall outside UNHCR's competence by virtue of paragraph 1 of Art. 1D of the 1951 Convention relating to the Status of Refugees. However, Palestinians in these three camps, as outlined, are not registered nor assisted by UNRWA and, therefore, fall within UNHCR's competence, in particular, given that the individuals concerned have been within UNHCR's competence while inside Iraq. The Syrian and Jordanian authorities have respectively welcomed UNHCR's assistance to these persons.²⁷

UNHCR issued this statement in reference to Palestinians from Iraq who had been temporarily housed in Ruwashed Camp in Jordan, El Hol Camp in Syria, and on both sides of the Iraqi-Syrian border. UNHCR implied that this case might be unique since UNHCR had a previous protection mandate over these Palestinians in Iraq, but this has little legal relevance in determining UNHCR's mandate in another country. UNHCR's willingness to extend its protection to Palestinians in Syria and Jordan – and the governments' willingness to accept this action – thus sets an important precedent. It opens the possibility that UNHCR could potentially also protect Palestinians in Lebanon who are not registered with UNRWA, and illustrates that UNHCR can have a mandate over some Palestinians in UNRWA countries of operation.

Endnotes

- ¹ Interview with the Embassy of Iraq, 29 March 2007
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- ³ The text of the flyer is reproduced in English in the Human Rights Watch report at page 26.
- ⁴ UNHCR, *Killings, abductions in Baghdad leave Palestinians in Iraq scared and angry*, 1 June 2003, available at <http://www.unhcr.org/news/NEWS/447f06314.html>
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- ⁸ Described in Human Rights Watch report, at page 39.
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- ¹⁰ UNHCR, *More Palestinians arrive at Iraq-Syria border to escape violence in Baghdad*, December 22, 2006, available at <http://www.unhcr.org/news/NEWS/458c0a444.html>
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- ¹⁷ PLO Director-General of Department of Refugee Affairs, quoted in Human Rights Watch Report at page 36.
- ¹⁸ UNHCR Executive Committee, Conclusion No. 6 (XXVIII), "Non-Refoulement," at para. (a) (1977) available at <http://www.unhcr.org/excom/EXCOM/3ae68c43ac.html>
- ¹⁹ See Elihu Lauterpacht and Daniel Bethlehem, *The scope and content of the principle of non-refoulement: Opinion, in REFUGEE PROTECTION IN INTERNATIONAL LAW: UNHCR'S GLOBAL CONSULTATIONS ON INTERNATIONAL PROTECTION* (Feller, Türk and Nicholson eds.), at 140-164 (2003); Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, UN Doc. HCR/MMSP/2001/09 (16 January 2002), at para. 4 available at <http://www.unhcr.org/publ/PUBL/419c75ce4.pdf>
- ²⁰ JAMES C. HATHAWAY, *THE RIGHTS OF REFUGEES UNDER INTERNATIONAL LAW* 315 (2005) ("In particular, the duty of non-refoulement has ordinarily been understood to constrain not simply ejection from within a state's territory, but also non-admittance at its frontiers.").
- ²¹ UNHCR, Aide-Memoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country at pp. 5-6 (December 2006) (available at <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=SUBSITES&id=45b9c1672>).
- ²² *ibid* at pp. 6-7
- ²³ *Palestinian Refugees in Iraq: the Lost Protection*, Report and Recommendation of the Workshop organized by 'A'idun Group, Damascus, 5 March 2007
- ²⁴ "[Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." UNRWA Consolidated Registration Instructions (1 January 1993) para. 2.13.
- ²⁵ BADIL RESOURCE CENTER FOR PALESTINIAN RESIDENCY AND REFUGEE RIGHTS, *CLOSING THE GAPS: HANDBOOK ON PROTECTION OF PALESTINIAN REFUGEES* 57(2005).
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MAJOR DEVELOPMENTS IN LEBANESE REFUGEE PROTECTION IN 2006

THE YEAR OF BROKEN PROMISES

The year 2006 was an exceptionally dark one in recent Lebanese history as a result of the catastrophic 33-day long Israeli bombing campaign in July and August, which caused a paralyzing internal political crisis that started in November. According to the Lebanese government, the war resulted in more than one thousand people killed – mostly civilians – over four thousand injured and close to one million internally displaced.¹ Among those who were displaced as a result of the war were refugees and migrant workers. Despite the destruction, shortages of water and electricity, reduced access to health care and education, and thousands of cluster bomb-littered fields in the South, a great number returned to their homes after the end of the conflict on 14 August. However, according to the United Nations High Commissioner for Refugees (UNHCR), there could have been between 150,000 and 200,000 internally displaced persons who did not return to their homes at the end of the year due to the presence of unexploded ordnance and damages to infrastructure and housing.²

These newly displaced joined thousands of people still displaced as a result of the 1975-1990 civil war. While in the South, direct aid from Gulf countries set the reconstruction of some damaged villages apace, in the southern suburbs of Beirut - the Dahiyeh - the central government disputed ownership of the land and no building permits were issued by the end of the year. The damage to the economy was immense, further aggravating an already dire situation: at 40.5 billion USD, or 158% of GDP,³ the Lebanese debt is one of the worlds highest in per capita terms.

Migrants and refugees were not immune from the devastating effects of the conflict. While some refugees, including Palestinians, suffered displacement for a second time, thousands of migrant workers fled the country, many without their salaries and possessions.⁴ Civil society at large – including Non-Governmental Organizations (NGOs) that serve refugees and migrant workers – devoted huge efforts to the internally displaced; some of which deviated from their original mandates to fill the gap in emergency relief. This was also the case, to a certain extent, with

international agencies, such as UNHCR, which devoted important resources to the internally displaced.

In the implementation of Security Council resolution 1701 (11 August 2006),⁵ a markedly stronger United Nations Interim Forces in Lebanon (UNIFIL) deployed throughout the southern part of the country alongside, and for the first time in decades, the Lebanese army to provide a buffer zone between Hezbollah and Israel.⁶

These developments, among other things, resulted in a domestic political crisis. Six government ministers (five Shiites and one Greek Orthodox) resigned in November after the opposition's call for a greater role in government was rejected, causing a quasi-paralysis of state institutions, particularly the Parliament.

Paradoxically, the year began relatively well, with a number of promising initiatives concerning refugees and general human rights issues. Regarding non-Palestinian refugees, one should mention the 24 June Ministry of Justice Advisory on the non deportation of refugees. A working group between the government and the UNHCR started to look at the global situation of Iraqi refugees, with particular emphasis on their employability. Following Lebanon's report to the UN Committee on the Rights of the Child and the Committee's concluding observations in May, the government established several special committees tasked with drafting a national action plan for childhood that covered Palestinian and non-Palestinian refugee children.⁷

Other breakthroughs included the re-opening of a Palestine Liberation Organization (PLO) Representative Office in Beirut following a closure that lasted for 24 years; the European Community's (EC) adoption of the European Commission «(EU)-Lebanon Action Plan»,⁸ which comprised important human and refugee rights components; the National Plan of Action on Human Rights launched by the Parliamentary Committee on Human Rights in December 2005, with United Nations (UN) support included Palestinian and non-Palestinian refugees, and migrant workers' rights. The access of the International Committee of the Red Cross (ICRC) to the detention facilities was under discussion with the relevant authorities to implement procedures of decree 8800/2002 related to prison visits to check on the humanitarian and health conditions of the detainees.⁹

However, few of these initiatives bore fruit, as they were curtailed by the war and the ensuing national political rift.

The year 2006 also saw the increase of the number of NGOs working with the internally displaced and migrants. While the role of civil society in the most advanced countries is irreplaceable in supporting the disadvantaged within the state policy, the absence of such a policy

in Lebanon made their work look like patching up a ripped social fabric. Implicitly, they relieved the state of many of its responsibilities.

The areas of concern relating to the protection of refugees and migrants remained by and large unchanged. Like previous years, 2006 was characterized by the lack of progress on the legislative level, and migrants were short of any significant protection. In particular, there were between 3,000 and 5,000 “non-ID” Palestinians who continued to be denied any basic rights. The detention and prolonged detention after the expiry of the prison terms of refugees on the simple grounds of their illegal entry or stay in Lebanon -including those who held a refugee certificate issued by the UNHCR- continued to be the rule. “Voluntary returns” of detained refugees, including Iraqis – despite the fact they were under the temporary protection regime -, were taking place by the International Organization for Migration (IOM).

PROTECTION OF NON-PALESTINIAN REFUGEES

Two significant legal breakthroughs took place during the period under review. The first was regional in scope. In December, the headquarters of the UNHCR announced that, as of January 2007, Iraqi asylum-seekers who originated from central and southern Iraq would be considered prima facie refugees.¹⁰ This decision was taken in view of the dramatic deterioration of the security situation in Iraq, which led to a significant increase in the number of refugees. By the end of the year, UNHCR estimated that up to two million people had fled Iraq since the US-led invasion, mainly to Syria and Jordan, but also to Lebanon.¹¹

The second significant development was the Advisory 405/2006 issued by the Ministry of Justice on 24 June¹² in response to UNHCR legal memorandum on the arrest, detention, and deportation of refugees in Lebanon.¹³ The Advisory confirmed that refugees should not be deported, on the basis of Article 3 of the Convention against Torture (CAT), to which Lebanon is a party.¹⁴ This Advisory appeared, for the first time, to imply Lebanon's obligation to respect the internationally recognized principle of non-refoulement.

UNHCR had hoped that the Ministry's Advisory would be followed by Lebanon respecting international human rights obligations, particularly the non-criminalization of illegal entry in the case of refugees and asylum-seekers. Lebanon had long resisted adopting this position, claiming that it would result in a "pull factor". Nonetheless, such hopes were curtailed by the Israeli aggression against Lebanon and the ensuing domestic political crisis.

Legal Context

Profile of Refugees and Asylum-Seekers

Most refugees enter Lebanon illegally and are treated like any illegal migrant. During their stay in Lebanon, they live in fear of arrest, prolonged detention, and deportation. They do not have the basic rights such as right to education, access to health, work, and security. The majority, if not all, are left to struggle on their own for their daily survival.

Iraqis constituted the overwhelming majority of non-Palestinian refugees and asylum-seekers in Lebanon. Their massive arrival in 2006

– joining thousands who had already sought refuge in the country in previous years – directly reflected the growing violence in Iraq. Far behind the Iraqis, the Sudanese refugees constituted the second group followed by a few of various other nationalities.

According to UNHCR, there were by the end of 2006, 726 recognized refugees, of whom 538 were Iraqis, 72 were Sudanese and 23 were Somalis. Only 193 were recognized in 2006, 153 of whom were Iraqis. The total number of asylum-seekers registered at the end of 2006 was 1942 individuals, of whom 1374 were Iraqis and 154 Sudanese.¹⁵ However, UNHCR data accounted only for those registered with the organization, and excluded asylum-seekers who had received a final rejection and were still in Lebanon and/or refugees who never approached the agency.

Right to Seek Asylum

Lebanon has been a permanent member of UNHCR's Executive Committee (EXCOM) since 1963 but is neither party to the 1951 Convention relating to the status of Refugees, nor to its 1967 Protocol. Lebanon argues that with the presence of some 400,000 Palestinian refugees- that is around 10% of its total population - its burden sharing is higher than its means and capacity.

Lebanon does not have a specific legal framework to deal with refugees and asylum-seekers. The right to seek asylum is embodied in the preamble of the Lebanese Constitution. Yet, this right remains today a dead letter.

A few provisions of the Law of 1962 Regulating the Entry and Stay of Foreigners in Lebanon and their exist from the county (Law of Entry and Exit) grants the right to apply for asylum solely on political grounds.¹⁶ An inter-ministerial ad-hoc committee adjudicates asylum applications and grants refugee status.¹⁷ However, the law lacks the definition of a refugee and does not have any implementation mechanism. Furthermore, these provisions are unknown among legal practitioners, not to mention the public, and no information is available on how often they have been invoked.

The only text currently regulating the situation of refugees and asylum-seekers is the 2003 Memorandum of Understanding (MOU) between the UNHCR and the General Security Office (GSO), ratified by the Lebanese government in October 2003.¹⁸ This MOU emphasized that "Lebanon does not consider itself as an asylum country due to several social, economic

and demographic considerations, in addition to the problem posed by the presence of the Palestinian refugee population on its territory".¹⁹ The MOU added that "the term "asylum-seeker" shall mean, [...] "a person seeking asylum in a country other than Lebanon".²⁰

Furthermore the MOU stipulated other limitations that fell short of basic protection. For example, it stated that refugees who enter the country illegally after September 2003 must apply to UNHCR within two months of their arrival in the country. The GSO would issue them with three-months circulation permits, renewable once, during which period the UNHCR should process their applications, including possible appeals. Upon recognition by UNHCR, the circulation permit would be extended for a further 6-9 months, allowing the agency to find a durable solution, which in practice meant resettlement to a third country.²¹ After the expiry of this period, refugees were threatened with arrest and deportation.

By signing the MOU, the Lebanese authorities officially acknowledged, for the first time, that refugees and asylum-seekers had a temporary right to remain in Lebanon.

In 2006, UNHCR attempted to renegotiate the MOU with the GSO with the aim of amending the provisions which were incompatible with the fundamental rights of refugees and asylum seekers, in particular the time limit imposed on individuals to apply for asylum and the one year maximum stay in Lebanon.²² The need to review the MOU became obvious after Iraqi refugees were given "Temporary Protection" (TP).²³ This further highlighted the inherent limitations of the MOU. Such renegotiations did not appear to have been concluded by the end of the year.

The Principle of Non-Refoulement

The fact that the MOU does not mention the principle of non-refoulement, does not mean that Lebanon is not bound to respect this principle. Refugees' security depends primarily on how much Lebanon abides by the customary principle of non-refoulement, which prohibits returning any person to any territory where her or his life would be in jeopardy. This constitutes the foundation of all other rights granted to refugees. Lebanon is also bound to respect this principle that is stipulated in the CAT, a treaty Lebanon has ratified. This should have become a rule after the June Advisory by the Ministry of Justice.

But there was a fear that some of the refugees and asylum-seekers could have been deported from detention as well as from the frontiers. There

is no governmental mechanism at the border to guarantee the respect of the principle of non-refoulement,. Neither the UNHCR nor any NGO are present at the borders. Although precise figures about refoulement at the borders are not available, there were informal reports of Iraqis refouled at the airport during the year.

Refugee Status Determination

According to the terms of the MOU, UNHCR had the role of examining refugee claims in Lebanon. Therefore, the limited protection available to most non-Palestinian refugees depended on the quality of the UNHCR's Refugee Status Determination (RSD) procedures. In the past, Frontiers Association advocating for the right to legal representation, raised concerns about UNHCR's failure to meet its own standards and guidelines in terms of the fairness and due process of RSD procedures. The UN Agency may have even incorrectly rejected claims of a refugee in danger of persecution if returned to his/her country of origin or habitual residence. In 2006, UNHCR Beirut office, for the first time, recognized the refugees' rights to legal representation during the RSD procedures.

Resettlement

Processing asylum applications and finding a resettlement country within this one-year period was a major challenge even with small numbers of refugees and asylum-seekers. It became visible towards the end of 2006 that the terms of the MOU would soon be stripped of significance by the large numbers of Iraqi applicants. Indeed, UNHCR submitted files of refugees for resettlement on a case-by-case basis, depending largely on their vulnerability. Third countries were entirely free to accept or reject them. In the best of cases, it was a lengthy process that took months. In case of rejection, the agency usually submitted the file to several countries, which was a lengthy course of action, and could not realistically be completed within one year, even with a small number of refugees. The new refugee waves from made resettlement of all refugees just out of the realm of the possible.

During 2006, a total of 293 refugees – including 193 from Iraq and 40 from Sudan - were resettled through UNHCR, compared to 566 in 2005.²⁴

In sum, refugees could not legally stay for more than one year in Lebanon under the terms of the MOU, which rendered any settlement

in the country impossible. Voluntary repatriation in the case of Iraq was out of the question given the prevailing violence there. The only durable solution left was resettlement. But the needs exceeded the openings in resettlement countries.

Civil and Political Rights

Arrests

Arrests on grounds of illegal entry and/or illegal stay, prolonged detention after the expiry of judicially imposed sentences, and deportation had long been, and continue to be the most severe protection problems confronting refugees and asylum-seekers in Lebanon. They continue to be treated by the Lebanese authorities as illegal migrants without any consideration to the international refugee protection standards.

There were 4066 migrants detainees in 2006 compared to 5646 in 2005. The total number of foreigners detained for illegal entry and residence substantially decreased as well, going from 3597 in 2005 to 2068 in 2006. Furthermore, only 462 foreigners were in detention on grounds of illegal entry and illegal residence by the end of 2006, compared to 1097 in 2005.²⁵ Part of this decrease is explained by the fact that the hundreds who were in detention for long periods after the expiry of their sentences were released during the war. Foreign migrants, including refugees, asylum-seekers with pending cases and unrecognized refugees continued to make up a high percentage of the total prison population in Lebanon, in spite of the significant decrease in numbers and the increased prisons visits by UNHCR during the period under review.

With the increase of the border control in 2006, there were reports of arrests of illegal migrants immediately after crossing the Lebanese-Syrian borders. FR does not contest Lebanon's right to control its borders. However, FR is concerned that no measures have been put in place to ensure that people fleeing violence or persecution are allowed to enter the country to find safety.

Trials

Trials of refugees and asylum seekers charged with illegal entry or stay continue to be of concern. Further their trials fall short of nationally and internationally recognized standards for fair trials: They are tried in masses; court proceedings are summary and limited to the judge

pronouncing the sentences in public (usually, one month imprisonment, a fine, and deportation).²⁶ Occasionally, the judge asks the defendant basic questions such as his/her name and whether s/he had entered the country illegally;²⁷ at no time during the trial, the defendants are asked whether they want a lawyer or whether they have anything to add. Hence, they are not given the opportunity to declare themselves as refugees and/or asylum seekers and to state their reasons for not wanting to be returned to their country of origin.

Legal defence of refugees and asylum seekers charged with illegal entry is extremely limited. The Legal Aid Commission of the Beirut Bar Association (BBA) – which is, remarkably, financed solely by the voluntary contributions of the lawyers themselves – directly assisted only one Iraqi during the period under review, and even this case appeared in court for a reason other than illegal entry or illegal stay.²⁸ A few new initiatives were started in 2006²⁹ to provide legal aid for refugees and asylum seekers. It appears that these services were mainly limited to related administrative proceedings.³⁰ In all cases, there have been no statistics as to the number of the beneficiaries and the type of issues that were followed up as well as the extent to which legal aid is improving refugee protection in the country.

Prolonged Arbitrary Detention

Prolonged arbitrary detention of refugees and asylum seekers after the expiry of their prison terms continues to be a common practice. The Lebanese authorities appear to use detention to discourage refugees from coming and staying in the country. Moreover, this policy both pressures the UNHCR into resettling people in third countries and forces desperate detainees, who see no alternative, into signing for “voluntary return” to their countries of origin.

The majority of refugees and asylum-seekers are held in Roumieh prison. In principle, upon the expiry of their prison sentences, they should be transferred to the underground GSO detention center, located under a highway overpass. There, they would be either released or deported. However, most of the time, they are kept in the detention long after the expiry of their prison terms. A number of ex-detainees made statements to that effect:³¹

“I am an Iraqi citizen but I had to leave Iraq because of the war. Still, I was detained and sentenced without even attending the trial. My teenage son was also arrested and sentenced for 1 month, but was imprisoned for 3 months and 11 days. In Iraq, we lost our house, friends and parents

because of the war; but in Lebanon, we lost our dignity. I had two choices: stay in prison or be deported to Iraq. I chose deportation. However, since living in Iraq is suicidal, I came back to Lebanon. Better spend five years in prison and near my family rather than die alone the next day in Iraq” said 52 year old former detainee Karandel.

“They arrested me, hit me and sent me to Roumieh prison. I spent 9 months in jail although I was sentenced for only 1 month. I tried to bail myself out, but they refused. Finally I sat in that dirty small room with 6 other detainees, praying for God to help me because he became my only resort” said 46 year old Jason, a former Sudanese detainee.

“I was in prison for 3 months and 20 days although I was sentenced for 1 month. My wife along with my four little girls came to visit me and bought me food because prison food is disgusting. My wife tried to find help, but no one is listening” said former prisoner Amar, father of 3 young girls and a new born baby.

The Lebanese Constitution provides the most explicit guarantee of personal freedom, and hence by extension protects against arbitrary detention.³² In addition, human rights treaties governing detention, such as the International Covenant on Civil and Political Rights (ICCPR) and the CAT ratified by Lebanon are directly integrated into Lebanese law and can be used in court to defend against cases of arbitrary detention.³³ However, Frontiers is not aware of any case of arbitrary detention challenged in court.

Prison Conditions

Roumieh Central Prison is both the largest prison in the country and the one holding the largest percentage of migrants. The prison’s conditions fall below acceptable standards. One can cite overcrowding cells; lack of adequate sanitary installations; lack of proper facilities for hygiene, inadequate medical treatment, lack of recreational facilities.

In 2006, some improvements occurred, due to the intervention of several NGOs, in particular that of the international organization Medecins du Monde (MDM) in partnership with the Lebanese association, Association Justice et Misericorde (AJEM).³⁴ The needs of migrant detainees were bigger since, unlike the Lebanese, they could not usually rely on assistance provided by their families. In addition to medical services, AJEM-MDM services included providing washing machines for the prisoners and repairing lavatories and water filters. As a result hygiene-related

diseases greatly decreased at Roumieh during 2006. During July Israel bombardment, the two organizations provided food (to complement the poor prison diet), to migrants as well as to the Lebanese detainees and prisoners. The families of the latter usually brought them food when they visited them. But because of the Israeli bombardment³⁵ they were too frightened to leave their homes.

Releases

In the absence of any refugee legal framework, only ad hoc improvements could take place. Though commendable, such practical improvements were nonetheless fragile because they could be suddenly reversed by a change of policy. For instance, the release from detention of hundreds of migrants and other detainees who had completed their sentences in July came as a result of the authorities' reported 'concerns for their safety amid the Israeli bombardments. However, prior to this decision, there were reports of unrest among the imprisoned detainees: they went on hunger strike, and prayed that the prison would be bombarded to "put an end to their suffering". Furthermore, as many detainees were transferred from the prisons in the South to Roumieh Central Prison, it aggravated the overcrowded conditions of the prison. As a result, the authorities released 350 foreign detainees with the aim of deporting them to their countries of origin. Many of them had been in detention long after the expiry of their prison term.³⁶

When Israeli war jets started bombarding most of the bridges, the foreigners detained at the General Security Detention center were taken to other safe places in order to be protected from the shelling. The movement of the detainees (mainly the women and those who were in the prisons of the South) was undertaken by a joint effort between Caritas and the GSO. The prisoners who were evacuated were placed in monasteries.³⁷ Those, on the other hand, whose sentences expired, were released. They were given 15 days to leave the country and had to pay for their air tickets either through their embassies or by private means. Their passports were stamped by a seal indicating that they were prohibited from re-entering. Those who entered illegally and were evacuated by their embassies endured the same consequences.³⁸

“Voluntary Return” – The Role of the IOM

One of the mandates of the International Organization for Migration (IOM) is to return to their country of origin people who are willing to do so (they must sign a form of “voluntary return”), in coordination with both their respective embassies and the sending countries.³⁹ Before the summer 2006 war, IOM in Lebanon mainly assisted UNHCR for resettlement of refugees. It operated from Amman, with one staff in Lebanon for travel coordination between the Lebanese GSO, the UNHCR and the receiving country of resettlement. During the Israeli war on Lebanon, the agency opened a full-time office, which helped with mass evacuations of foreigners.

In 2006, and independently of the war, IOM assisted the Lebanese authorities in organizing five group returns to Iraq, totaling 182 persons, all from detention.⁴⁰ A sixth trip was organized by the Iraqi Embassy early in the year, with 175 on board.⁴¹ In each of these cases, UNHCR was notified and its staff was allowed to interview each potential returnee. The agency visited 557 detainees, and identified among them 135 persons “of concern,” while 70 others were found to have already been registered with the UNHCR. Temporary protection was to be granted by the refugee agency to every person afraid of returning, although their subsequent release from detention was by no means automatic. Only 12 were released following UNHCR’s intervention.⁴²

Nonetheless, the very fact that IOM carried on returning people to Iraq, in spite of UNHCR advising against it since 2005, was problematic, as was the lack of real follow-up on people who had returned to Baghdad.

IOM further returned 453 Sudanese from detention, after the August ceasefire.⁴³ The procedure was different: IOM would only refer to UNHCR those cases of Sudanese who had declined to sign the form of voluntary return. Therefore there were serious risks that potential asylum-seekers, with well-founded fear of persecution, were returned to Sudan.

By acting contrary to UNHCR guidelines and without its prior consultation, IOM seriously undermined the protection role and responsibility of the UN agency

Economic and Social Rights

Public Relief and Assistance

The MOU made UNHCR responsible for providing assistance to refugees and asylum seekers. However, the Agency's assistance is far from adequate and in principle covers only recognized refugees.⁴⁴ In reality, it assists only vulnerable groups on ad hoc basis. UNHCR 2006 total yearly assistance budget covering health, education, monthly allowance, and operational cost amounted to US\$ 629,000.⁴⁵

Right to Work

Lebanese law continued to severely restrict the right of all foreigners, including refugees and asylum-seekers, to work in Lebanon. Under the legislative decree, which regularizes the work of foreigners in Lebanon, all foreigners must receive the prior authorization of the Ministry of Labor in order to legally work in Lebanon, or to practice a profession.⁴⁶ Moreover, the same legislative decree requires that a foreigner maintain his status as a legal resident in order to keep the work permit.⁴⁷ The Lebanese labor law does not explicitly exclude refugees or asylum-seekers, but other restrictions on foreigners, results in their de facto exclusion from the law's protection.

The MOU did not include the right to work. The text made it the responsibility of UNHCR to provide assistance and protection. Since UNHCR material assistance was quite limited, refugees had no option in most cases but to work illegally on the black market, with low wages, long working hours, and a lack of legal protection. They could not complain to the police or other relevant official bodies if they were exploited or mistreated at work for fear of being arrested and deported on grounds of violating the labor regulations and of illegal entry.

As the refugee or asylum seeker status have no legal value, hence guarantee no protection, refugees and asylum seekers attempt sometimes to benefit from the period of "grace" granted occasionally by GSO to all illegal migrants to apply to regularize their status in the country, in order to end their insecure situation and be able to live in dignity. Such regularization is tied to obtain work permit and then residency. Hence, the refugee is "forced" to give up his "refugee status." Despite that, some

refugees and asylum seekers, including Iraqis, applied in 2006 to GSO to regularize their legal status based on a work permit. As such, regularization requires having an employer/sponsor.

According to the Ministry of Labor, 789 work permits for Iraqis were issued in 2006. UNHCR assisted around 80 refugees to regularize their legal status.

However, there were no available GSO statistics on the number of people who applied for regularization and the number of those who were granted the residency on these grounds were not available it is not known how many were able to obtain their residency on these grounds. There were reports that some refugees were refused regularization by GSO despite the fact that they seemed to meet the regularization conditions. Also, it appears that some refugees obtained their work permit and residence but later they were arrested and detained for breaching the Labour and residency regulation. Apparently, for “practical reasons” these have made false declarations about their employers: on paper, they declared one employer while in reality they were working for another.^{4 8}

A Working Group, which included UNHCR, the Ministry of the Interior, the GSO and the Ministry of Labor, was established in 2006 by the office of the Prime Minister. The purpose of the Working Group was to provide recommendations for improving the situation of Iraqis in Lebanon. UNHCR recommended extending the protection space temporarily to all Iraqis living in Lebanon by providing them with renewable residence permits valid for 3 or 6 months, and work permits for those who fulfilled the requirements. The other members of the Working Group found that under the current legal regime, the situation of Iraqis could not be improved because regularizing their situation would encourage others to come. They also recommended that any regularization should not be undertaken before a strict border control was in force.⁴⁹ By the end of the year, no concrete results came out of these discussions.⁵⁰

Right to Health Care

Despite having signed and ratified numerous international human rights instruments,⁵¹ which protect the right of everyone to health and decent standards of living without distinction based on nationality, race or residency, foreigners in Lebanon did not have full access to the public health services. In general, needy foreigners residing legally in Lebanon had the right to access public health care, including hospitalization, on

condition of reciprocity with the country of origin, unless they fell under the mandate of an international organization.⁵² However, these restrictions of legality and reciprocity did not apply when a foreigner suffered from contagious illnesses, or for vaccination,⁵³ or during emergencies like the July war, when the Ministry of Public Health affirmed its services and centers were open to all people on Lebanese territory, regardless of their nationality or status.⁵⁴

The MOU required the UNHCR to provide assistance to refugees. The Agency covered 85 percent of the health fees of recognized refugees, and 100 percent for extremely vulnerable cases⁵⁵ and in exceptional situations. Thus, some individuals under TP received medical assistance on a case by case basis. Out of a population of 2,668 refugees and asylum-seekers in 2006, the UNHCR assisted 43 inpatients⁵⁶ and 465 outpatients (medicines and doctor's fees). Between 90 and 95% of beneficiaries were Iraqis.⁵⁷

However, there seemed to be a lack of proper mechanism to respond to emergencies. FR had an Iraqi case – under TP– where the wife delivered a baby after a complicated pregnancy. The delivery took place in a hospital without an intensive care unit. Because of complications, the baby had to be transferred to a different hospital to receive intensive care. The hospital allowed the father to take the newly born baby by taxi despite his critical medical situation. The second hospital refused to admit the baby, in spite of his serious condition, before a down payment was made. After admission the baby died.⁵⁸

Otherwise, asylum seekers and unrecognized refugees were not covered by UNHCR. They occasionally received limited assistance from a few-charitable non-governmental organizations working with migrants. But, in general, they were left on their own to find a way to cover for their health treatment. Additionally, refugees without any legal status often feared to approach hospitals for fear of being arrested on grounds of illegal entry. Consequently, some may have serious health problems but are not receiving adequate medical treatment.

Right to Education

Lebanon has similarly ratified a number of international instruments that guarantee the right of everyone to education.⁵⁹ Some of these texts provide explicitly for the right of foreign national residents within the territory of states parties to “the same access to education as that given to nationals”.⁶⁰ In addition, Arab States adopted the “principle of equity in

education",⁶¹ which consists of

“Integrating in the educational plans and processes the various excluded groups, such as the impoverished, rural populations, the marginalized, the displaced, refugees, nomads, immigrants, street and working children, and others in difficult circumstances.”

Non-Lebanese children had the right to access primary and intermediary public schools, provided that there were vacant places.⁶² In general, no distinction was made between those who held UNHCR cards and nationals. But refugees without UNHCR identity cards could not register because the state required some proof of residency. Private schools accepted refugee children into their system, as long as they could pay the fees. However, being accepted in private schools did not give them the right to sit for the official exams as they lacked legal status.

Out of a population of 2,668 refugees and asylum-seekers in 2006, UNHCR in partnership with Middle East Council of Churches (MECC), Caritas Migrants Center, and the Chaldean Charity Association assisted 282 children in schools with grants ranging between US\$ 250 and 350 per child. Between 90 and 95% of beneficiaries were Iraqis.

There were reports within the refugee community about many children who dropped out of school to help their parents make a living for the family. In most of the cases, girls worked more than boys because the latter were more at risk of being arrested.

It should be highlighted that except for the UNHCR, other United Nations children and education agencies did not include non-Palestinian refugees on their agendas.⁶³

To sum up, refugees and asylum seekers have no rights in Lebanon and have no prospect of local integration. Their social situation remains extremely precarious with the UNHCR, and the few NGOs involved are unable, in spite of their best efforts, to cover even basic needs. The only long term options for these refugees are to return to their country of origin or to be resettled in a third country.

PROTECTION OF PALESTINIAN REFUGEES

The year 2006 did not bring any change in the situation of the Palestinian refugees in Lebanon. The noticeable developments during the year were the reopening of the PLO office; the continuation of Lebanese-Palestinian dialogue; the first field visit by Lebanese officials to the refugee camps in decades; and the launching by United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) of the ambitious "Camp Improvement Initiative," aimed at the infrastructure and services in the camps.

The PLO office, which was closed in 1982 following the Israeli invasion, was reopened in 2006. This was seen as a positive step towards the establishment of a diplomatic mission to represent the interest of the Palestinians in Lebanon. On PLO's agenda was inter alia: the recognition of the Palestinian Authority Passport by the Lebanese authorities; the improvement of the refugees' civil, social and economic rights; and ensuring the reinstatement of those who had been stroked off from the Lebanese Register of the Directorate of Palestinian Affairs once they had obtained another nationality.⁶⁴

The Lebanese Working Group on Palestinian Refugees was established by the Council of Ministers.⁶⁵ Its members included representatives from inter alia the Ministries of Justice, Foreign Affairs, National Defense, Social Affairs, Labor, Public Health and Interior. The Working Group's main function was to look at ways to improve the living conditions of Palestinian refugees both inside and outside the camps. It also had the mandate to look at the question of arms inside the camps and the Lebanese diplomatic relations with the Palestinian Authority. Through the Lebanese-Palestinian dialogue, the PLO was also attempting to discuss with the Lebanese authorities the pressing social and economic needs of the Palestinian refugees.⁶⁶ However, the July Israeli war on Lebanon and the ensuing Lebanese political crisis that continued till the end of the year slowed down the process of the Lebanese-Palestinian dialogue and decisions regarding the improvement of their living conditions. The inability to form a unified delegation representing the PLO and non-PLO Palestinian factions was another negative factor.⁶⁷

For the first time in decades, a high profile ministerial visit to three Palestinian refugee camps took place in March to assess the needs of the refugees. This was seen as a political good will gesture by the Lebanese

authorities to address the inhuman living conditions of the refugees.

Following the ministerial camp visit, the Lebanese government urged all foreign embassies and international donors to support UNRWA's initiative to improve living conditions in the camps.⁶⁸ Later in the year, the government included an appeal for Palestinian refugees in the Early Recovery Appeal at the donor Stockholm conference.⁶⁹ In all, some 22 million US\$ (out of 50 million UNRWA had appealed for) had been pledged in 2006. As of 2007, the money was to be spent on rebuilding the infrastructure – in particular, water and sewage networks - in several camps, starting with the most run-down, reconstructing houses damaged during the 2006 war and restoring others, whose inhabitants lived in particularly appalling conditions.

On the negative side, the ensuing economic crisis from the July war was a blow. Some Palestinians were able to replace the departed Syrians in low-paid jobs; however thousands of others lost their income as agricultural laborers in the South because fields and orchards littered with hundreds of thousands of cluster bombs were off-limits.⁷⁰

The effects of the situation in Palestine were also bitterly felt, with the Hamas- Fateh rift preventing the creation of a unified delegation for the Lebanese-Palestinian dialogue, and the thousands of people on PLO payroll (from students to martyrs' families to administrators) not receiving any money due both to the financial boycott by the European Union of the democratically elected Hamas led government in Palestine, and the suspension of Arab contributions to the National Palestinian Fund.⁷¹

Legal Context

The plight of Palestinian refugees goes back to 1948. They have been in Lebanon ever since. Their crisis is the longest in modern history. They fall under a special international protection regime, unlike other refugees around the world. The General Assembly (GA) Resolution 302 (1949) established UNRWA, a special agency for Palestinian refugees to carry out, in collaboration with local governments, the direct relief and works programs.

According to UNRWA, there were 408,438 Palestinian refugees in the country registered with the agency as per 31 December 2006.⁷² This figure, which represented refugees who arrived in 1948 and their descendants, was presumed to include a sizable proportion who actually resided outside the country. However, this count did not include a conservative estimate

of 16,000 registered Palestinian refugees with the government and not UNRWA (known as Non-R), and an estimated 3,000 not recognized (Non-ID) by both UNRWA and the Lebanese government.

Following the generalized violence in Iraq in 2005, and the violence specifically directed at them, thousands of Palestinian refugees from Iraq fled the country. It is said that around 1000 Palestinian refugees came to Lebanon.⁷³ Most of them are said to be 1948 Palestine refugees. But apparently, they joined the few thousand existing Non-IDs in Lebanon.

It was estimated that more than half the Palestinian refugees – about 53 percent - lived in the 12 official camps, which were under the de facto control of armed Palestinian militias. It is worth underlining that this was the highest proportion of camp-dwelling Palestinian refugees in any Arab country.⁷⁴ Lebanese army check-points controlled entry and exit at major camps, but the Lebanese government in general did not exert its authority inside the camps. Since the 1969 Cairo Agreement, and although this text was abrogated in 1987, Lebanese security forces do not take any measures to enforce law and order within camps. An estimated 15 Palestinian factions operate in Lebanon, generally organized around prominent individuals.

The 1948 Palestinian refugees have full access to UNRWA services. Non-R refugees face the same restrictions as the 1948 refugees. Furthermore, they do not receive UNRWA's services except in very exceptional circumstances. Non-ID refugees have absolutely no protection and no rights as they have no legal recognition. They cannot move freely outside the camps as they are subject to arrest and detention on grounds of illegal entry.

There has been no noticeable change in the Lebanese government's constant objections to the permanent integration "tawteen" of Palestinian refugees into Lebanese society in accordance with the para (i) of the preamble of the 1991 Constitution. The successive governments have always argued that such a "tawteen" would tip the political balance of religious groups in the country, and would violate the Palestinians' right to return to homes lost in 1948, according to UN GA Resolution 194. Lebanon has always considered the presence of the Palestinian refugees in the country as temporary. This policy is supported by the public. As such, a national crisis came out of the naturalization act of 1994 as a number of Palestinians were among those naturalized. This act was challenged before the Council of State, which is currently reviewing all the cases to identify the ones that were naturalized by error.

The result of Lebanon's policy towards the Palestinian refugees has meant that their basic and fundamental rights continue to be restricted by

the “principle of no permanent settlement” and “principle of reciprocity”. For example:

Civil and Political Rights

As foreigners, Palestinian refugees are not allowed to form their own associations. In practice, many Palestinians register non-governmental associations by proxy. De jure, the association is made up of Lebanese but de facto, it is run by Palestinians.

Freedom to choose the place of residence continues to be restricted: the decree 927 of 1959 states that Palestinian refugees who do not reside in one of the 12 official camps could freely change their residence, but those in camps have to apply for a permit before moving to other camps. However, this limitation is in practice not enforced.⁷⁵

In October 2006 the Acting Minister of Interior issued decision no. 1951, instructing the Directorate for Palestinian Affairs to end the measure of striking off from the Lebanese register Palestinians who had acquired the nationality of another state and to re-inscribe those Palestinians already struck off. These were estimated to be around 17,000 refugees. The policy of striking off used to occur when a Palestinian entering Lebanon had his Lebanese-Palestinian Laissez-Passer confiscated by the immigration officers because he held another foreign passport or residency. This is no longer the practice. The GSO was requested to return documents previously withdrawn from Palestinian refugees.⁷⁶ The decision was welcomed by the Palestinian community, not least because it reflected a new, more positive political climate.⁷⁷

Economic Rights

Right to Work

Before the June 2005 Ministerial Memorandum 1/67, Palestinian refugees were treated like any foreigner who had to obtain a work permit to work in the country. Labor law was fully applied on the basis of reciprocity. This covered areas such as social security benefits. Palestinian refugees, who are still struggling to have a country, were at a particular disadvantage.

The June 2005 decision of the Minister of Labor (Memorandum 1/67), treating Palestinians born in Lebanon and registered with the Ministry of

Interior on a par with the Lebanese for manual and clerical jobs, had no practical effect in 2006. One figure sums it up: while in 2005 the Ministry delivered 272 work permits to Palestinians born in Lebanon and under the age of 57, in 2006 it only delivered 225 permits.⁷⁸ The reason behind it was that the Lebanese employer of a Palestinian working legally had to make the necessary employee's contribution to the social security, while the employee – being a foreigner from a “country” unable to fulfill reciprocity with the Lebanese – did not receive the benefits.⁷⁹ A legal Palestinian employee was more expensive than – and hence not competitive with – other foreigners available on the black market. Consequently, many of them turned to the black market. In the final analysis, the Ministerial Memorandum only opened those jobs to which Palestinians had already access in practice – on the black market – and thus the situation remained unchanged.⁸⁰ Moreover, the Ministerial Memorandum did not tackle the prohibition on Palestinian professionals to work as doctors, lawyers, journalists, and engineers – professions which have their own restrictive by-laws. In the words of one Palestinian activist, the Minister's Memorandum “opened the door, but did not enter the room”.⁸¹

Legislative measures giving Palestinians labor rights on a par with nationals are needed in order to improve their situation. The right to employment had been one of the main items on the agenda of the Lebanese Working Group on Palestinian Refugees. By the end of 2006, a legal study was said to have been prepared by the Minister of Labor regarding the different aspects related to the employability of the Palestinian refugees and in particular of the possibility of exempting them from the principle of reciprocity.⁸²

Further, several Western embassies advocated with the authorities for furthering the employment of Palestinians. A workshop on the “employability of Palestinians”, which included Lebanese officials, the PLO, foreign ambassadors, international agencies and representatives from the civil society took place in May.⁸³ But no concrete progress had been registered by the end of the year.

Right to Own Real Estate

The 2001 law 296 amending Lebanon's 1969 property decree prohibited anyone not having “nationality of a recognized state or anyone whose ownership of property was contrary to the Constitution's ban on permanent settlement (tawteen) to possess real [property] rights of any nature”. This law effectively barred Palestinians from owning real estate

and from inheriting any property or registering property that they had already bought, or were in the process of buying, at the time the law was issued. Instead, ownership automatically reverted to the state. In reality, this law appeared to be a clearly discriminatory measure. Its lifting should be among the priorities if the state really wishes to improve the status of Palestinian refugees in Lebanon and put an end to its discriminatory policies.

Right to Education

Palestinian refugees generally continue to rely on UNRWA's education programs. However, the need far exceeds UNRWA's capacity. In the past, Lebanese schools and universities gave priority to Lebanese students. Private education was unaffordable to most Palestinian refugees.

For registered Palestinian refugees, UNRWA continued to provide education in 86 schools (including 6 secondary schools). UNRWA education is free, and was attended by approximately 38,370 students in 2006.⁸⁴ Many of UNRWA's schools in Lebanon are old. Moreover, their numbers do not match the growing population, resulting in a system of double shifts.

The Minister of Education announced that "the Lebanese university doors are open for Palestinian students".⁸⁵ This reflected the government's willingness to acknowledge the severity of the conditions of the Palestinian refugees and particularly their educational needs. It was assumed that Palestinian students in public schools and the Lebanese University would be treated as equally as the Lebanese in every aspect.⁸⁶

Yet, many Palestinian children were reportedly continuing to be forced to leave school at an early age to help their families earn an income.⁸⁷ There were reports that not only poverty, but also drug addiction, prostitution and crime were on the increase in some camps, although reliable statistics were not available.⁸⁸

Remedial Classes as an Antidote to School Drop-Out

Palestinian children were particularly at risk of dropping out of school, given the inadequacy of resources in the UNRWA schooling system. In order to partly bridge this gap, a number of Palestinian NGOs offered remedial classes.⁸⁹ In year 2000, the Lebanese office of the International Program on the Elimination of Child Labor (IPEC) of the International Labor Organization (ILO) started targeting children who were at risk of dropping out of school and those in the worst forms of child labor. Their objectives

were to be achieved through awareness-raising, legal work with the Ministry of Labor, and project implementation through local NGOs. In 2006, the program offered remedial classes to 600 children – both Lebanese and children with a foreign father - in the South, the North and the Bekaa- and was in the process of including Palestinian children living in camps. IPEC was hoping to start in 2007 a program for the children of Ain al-Helweh camp, in Saida.⁹⁰

Right to Health Care

Generally speaking Palestinian refugees receive health care and treatment at one of 25 UNRWA primary health facilities.⁹¹ Basic services are offered only in the areas of maternity, child care, family planning and control of infectious and non-infectious diseases. Private hospitals are unaffordable to most of the Palestinian refugees, and access to Lebanese Public hospital is not automatic.

UNRWA is barely able to meet the basic needs of the Palestinian population; partial reimbursement (25 percent of the cost of tertiary hospital care) is one of the coping mechanisms. According to UNRWA, the high cost of hospitalization continues to be beyond the means of most refugees and they “often have to choose between foregoing essential treatment and falling deeply into debt”.⁹²

It seems that in some cases, the Lebanese authorities provided relief to individual Palestinian refugees. The Director of UNRWA in a Press Conference at the Grand Serail on November 2006 mentioned that “the Minister of Health was extremely responsive to the Agency’s request for Government assistance and has provided support on a number of issues, including measures against the spread of communicable diseases and access for Palestine refugees to the new Beirut Governmental University Hospital”.⁹³

Right to Adequate Housing

A welcome development in 2006 was the facilitated entry into the camps of building materials upon prior approval of the Lebanese military intelligence.⁹⁴ The government had for a long time prohibited rebuilding war-damaged camps, enlarging existing camps, or building new ones, since the war of 1975/6 when three camps in Christian militia-dominated areas were overrun. Furthermore, construction and redevelopment inside the existing camps in the south of Lebanon, where the largest camps were

situated, had been prohibited since 1991. As a consequence of this ban, the entrance of building materials, even for minor repairs, used to be extremely difficult. Lebanese army checkpoints controlled the entrances of most camps and soldiers used to conduct vehicle searches, which sometimes took up to two hours, looking for any sort of building material.

The Palestinian camps were de jure restricted to the same small areas of land dating back to 1948, and struggled to support an ever-growing population. Camps were overpopulated, and children had hardly any space to play.⁹⁵ According to UNRWA's Director, "Bourj Barajneh, one of the Beirut Camps and the second largest in Lebanon, has more people per square kilometer than Paris, Shanghai, Bombay or Hong Kong". It suffered heavy damages during consecutive conflicts {...} To cope with the building restrictions, rooms had been added to existing buildings, often to the detriment of the narrow alleys between them, blocking the sun.⁹⁶

Undocumented (Non-ID) Palestinian Refugees

The above difficult circumstances experienced by Palestinian refugees are more severe for the Non-ID Palestinian refugees in Lebanon who lack basic rights. As such, they are treated as illegal migrants and subsequently denied any human rights. Most of them live in the camps. They are in continuous fear of being arrested, detained and deported, with no prospect of another country accepting them. They marry and have children but are unable to register their marriage or their children's birth certificates.

Ever since the situation of the Non-ID Palestinian refugees came to light two years ago,⁹⁷ advocacy by a network of NGOs continued in 2006 requesting for legal recognition. By the end of the year, this issue was on the agenda of the Lebanese government, UNRWA, and PLO.

The Lebanese Working Group on Palestinian Refugees was actively looking at the situation of the Non-IDs during 2006 in order to find an adequate and acceptable solution. One of these solutions would be for the Lebanese government to recognize the Palestinian Authority passport and give them temporary residency in Lebanon.

UNRWA's open door for registration of refugees who fall under the working definition of a Palestine refugee does not automatically give them the right to legal status in Lebanon. UNRWA registered between 40 - 50 new Palestine refugees who were also registered with the Lebanese Ministry of Interior in the last five years.⁹⁸

By the end of 2006, UNRWA had identified more than 10,000 cases

of registered female refugees married to non-refugees.⁹⁹

The PLO Representative stated that it had reached an initial understanding with the Lebanese authorities to issue temporary “Proof of Nationality Certificates” (chahadat isbat jinsiyah) to Non-ID Palestinian refugees.¹⁰⁰ By the end of the year, the PLO office had issued a total of 1350 certificates.¹⁰¹ Such certificates do not have any permanent descriptive rights and its temporary nature presupposes an access to a final agreement with the Lebanese state and the third country concerned about the original expired documents.¹⁰² The PLO hopes that this step would be followed by issuing a Palestinian Authority passport on which the Lebanese government could issue a temporary residency permit until a more durable solution is found.

Weapons and Military Activity in Refugee Camps

In the wake of the 2005 Syrian withdrawal from Lebanon, turmoil surrounded the status of several Palestinian militias in the country that were seen as allies of the Syrian government. Palestinian refugee camps were under the de facto control of armed militias. In the 1970s, under the Cairo Agreement between Lebanon and the PLO, Palestinian liberation movements were permitted to operate in the country in order to carry on their conflict with Israel. Since the end of the Civil War, Palestinian militias had mainly been confined to the camps, but some factions were seen as allies of different foreign power bases, including Syria. This produced fear that Syria would use Palestinian organizations as proxies to attack anti-Syrian political organizations in Lebanon.

The United Nations Security Council (UNSC) repeatedly called for “the disbanding and disarmament of all Lebanese and non Lebanese militias.”¹⁰³ Late 2005, the Lebanese government with the Palestinian authority discussed the ways to end the presence of weapons outside the camps.¹⁰⁴ In 2006 the issue of the Palestinian weapons was, among other things, on the agenda of the Lebanese-Palestinian Dialogue Committee. By the end of the year, these issues were still under discussion and so far no final agreement seemed to have been reached.

PROTECTION OF MIGRANT WORKERS

Year 2006 was marked by the mass evacuation of thousands of migrant workers fleeing the Israeli war on Lebanon. The year had started with the February publication of the report of the UN Special Rapporteur on victims of trafficking who had visited the country in September 2005. The text, a highly critical assessment of Lebanon's policies towards women migrant workers, particularly domestic workers and those working in the entertainment business, underlined that "Lebanon is a transit and destination country for domestic migrant workers, a considerable number of whom are trafficked into exploitative labor situations".¹⁰⁵

Another significant development was the work of the National Steering Committee¹⁰⁶ on Women Domestic Migrant Workers established within the Ministry of Labor according to decision 16/1 dated 16 February 2006, and whose mandate was to study the conditions of domestic migrant workers in Lebanon and to draft recommendations in order to fill the gaps in the current regulations.¹⁰⁷ Finally, there was the decision by the government of the Philippines - following a visit by President Gloria Arroyo to Saudi Arabia in June - to suspend sending new workers abroad until the receiving countries agreed to new conditions of employment. The minimum age for expatriation was thus raised from 18 to 25 years, while the minimum salary increased from 200 USD monthly to 400 US\$. This was conveyed to the Lebanese authorities through a formal note, and sending new Filipino workers to Lebanon was suspended until Lebanon agreed to these conditions.¹⁰⁸

Figures from the Ministry of Labor on work permits granted in 2006 showed Filipinos as the first group, with 30,309 permits, followed by Sri Lankans with 28,944 permits, Egyptians with 16,505 permits, Ethiopians with 12,924 permits, Indians with 5,317 permits and Bangladeshis with 4,834 permits. According to the Ministry, these permits were mainly for domestic workers, agricultural workers, cleaners, cooks, doormen, and similar jobs. The total was 102,860 permits, out of a total of 107,568 permits delivered during the year. Of these, 31,468 were new permits, while 76,100 were renewals.¹⁰⁹

But the real figures could have been much higher: according to estimates by the respective embassies, there were in the first half of 2006 up to 75,000 Sri Lankans and 40,000 Filipinos in Lebanon. The Ethiopian embassy equally estimated that there were 20,000 Ethiopians before the war, the majority of whom were in the country on an expired work and

residency permits, and hence illegal.¹¹⁰

The reasons for the discrepancy between the official numbers and those of the respective embassies could be explained by the fact that when workers leave their official employers or run away from abusive employers, they find themselves in an illegal situation and may therefore not be counted in the official statistics. The consequences on their personal rights are severe: they become subject to detention, fine and deportation. A labor related conflict thus becomes an immigration offense.

Legal Context

Domestic workers fall under the kafala, or sponsorship system by a Lebanese employer during the whole duration of their stay in the country. Migrants are thus highly dependent on their employer for the very legality of their stay, and cannot change employer, unless the latter takes the initiative during the first three months of employment.

The employer signs a contract with a local agency, which has it stamped by the relevant embassy after checking the “bona fide” of the sponsor. On this basis, the paperwork is finalized in the country of origin. The sponsor obtains a visa, initially for 3 months, based on the work permit granted by the Lebanese Ministry of Labor. Before the 3 months elapse, the visa and work permit have to be finalized.¹¹¹

But upon arrival, the worker is required by the Lebanese authorities to sign a second contract, in Arabic, in front of a notary public, before they issue the work permit. Usually the second contract is markedly disadvantageous compared with the standardized contract signed in the country of origin, with a lower salary and without any of the provisions of the original contract on working hours, holidays, etc. It is this second contract that is considered valid and binding by the Lebanese authorities, even though the way it is concluded makes it easy to deceive the domestic migrant worker into signing it, particularly because it is drafted in a language she/he does not understand. But even if the worker does not understand the contents of the new contract, she/he is not in a position to refuse to sign it and walk away: her/his passport has at this stage already been confiscated by the employer.¹¹²

There are no less than 366 licensed placement agencies in Lebanon; only 80 of them are members of the Syndicate of placement agencies.¹¹³

The 200 US dollars officially guaranteed by the agency to a Filipino turn out in practice to be 150, the 133 US\$ of a Sri Lankan are more often 100, while Ethiopians get less than the 100 they had initially signed for,¹¹⁴ all

this on the basis of an “agreement with the maid”.¹¹⁵ Sixteen working hours a day, seven days a week, and the withholding of wages are not uncommon. Many employers enforce such exploitative situations as locking domestic migrant workers in the house, confiscating their passports and depriving them of access to basic means of communication. Severe physical and traumatic sexual abuses are also a problem.¹¹⁶

Safe Houses

GSO granted out-of-visa status to workers who were victims of abuse, and allowed them to stay up to two months in order to assist in the investigation of their complaints and the prosecution of their abusers.¹¹⁷ But after this period of two months, the Ministry also required that the women protected in the safe houses leave Lebanon.¹¹⁸ Caritas Migrants Center and the International Catholic Migration Commission (ICMC) operated a safe house for domestic migrant workers and a safe house for trafficking victims who had suffered severe abuse or exploitation.¹¹⁹ The latter had the capacity to cater for about 12 to 16 women,¹²⁰ which was far too little for an entire country.¹²¹ It is important to note that the Ministry of the Interior had formally approved this initiative. The Filipino and the Sri Lankan Embassies, as well as the Ethiopian Consulate General also ran safe houses for abused runaways.¹²²

Furthermore, Caritas was granted by the Lebanese authorities access to the international zone of the airport to try and prevent the repatriation of victims of sexual or physical abuses, forced departure from the country or unpaid salaries, and victims of trafficking.¹²³ However, there was no available information as to the number of migrant workers assisted during the year.

Access to Justice

Legal action for rape or even suspicious deaths, appear to have never resulted in the conviction of the employer. The Sri Lankan Embassy underlined that “no Lebanese employer has yet been detained”.¹²⁴ According to the Filipino Embassy, judges were reluctant to sentence fellow Lebanese, even if there was compelling evidence against the employer.¹²⁵ The best results that could be obtained were amicable settlements over unpaid wages or financial compensation.¹²⁶

Close to two thirds of the migrants whom MDM /AJEM met and provided medical and legal support to at Roumieh prison were migrant workers, mostly detained for illegal entry or stay in Lebanon. Caritas Migrants Center also worked on the regularization of status of migrant workers,

providing counseling to solve conflicts with employers (non-payment of salaries, physical abuse, etc.). Just like their respective embassies, Caritas Migrants Center tried to find an amicable solution before launching a court case.¹²⁷

Summer 2006 Mass Evacuations

When the Israeli war on Lebanon erupted in July, many foreigners scrambled to flee the bombing. While the Syrian workers could do so relatively easily, the others needed both an authorization from their employers to leave and important logistics. While some employers took their domestic workers to their respective embassies for evacuation, others kept them locked up.¹²⁸ There were even a number of cases where employers fled to a foreign country, leaving the worker behind, locked up in the house.¹²⁹ These situations resulted in women who tried to escape by jumping off balconies, which led to several cases of serious injuries and even the death of two Filipinos.¹³⁰

The Lebanese authorities showed understanding and facilitated the evacuation of migrant workers, including those in an illegal situation, as long as there were no complaints by former employers (frequently, the employer of a “run-away” will tell the police the worker stole something from the house, in order, in the words of one embassy employee, to “flesh out the complaint”).¹³¹

According to IOM, there were less than 30 such cases among the evacuees.¹³² GSO cooperated promptly, including in the evacuation of workers awaiting deportation at its detention center in Adlieh (Beirut), which is located under a bridge.¹³³ Bridges were specifically targeted by Israeli bombs. The majority of migrant workers, though by far not all, were evacuated to their home countries via Syria with IOM financing. Their breakdown was as following: 5,447 Sri Lankans, 4,181 Filipinos, 2,410 Ethiopians, 727 Bangladeshis, as well as 190 people of other nationalities.¹³⁴

The Lebanese civil society was active in providing assistance to the Internally Displaced Persons (IDPs), including migrant workers. A number of churches and NGOs provided food, water and shelter to the thousands of workers awaiting evacuation next to their embassies, often in precarious conditions.¹³⁵ On the positive side, the operation allowed a significant number of people whose status had become illegal to leave the country without being detained and fined. But many of those, who were in the country legally, left without their possessions and with their salaries

unpaid.¹³⁶

National Steering Committee on Women Domestic Migrant Workers

The newly created National Steering Committee on Women Domestic Migrant Workers held eight meetings between February and October 2006. The meetings were on hold around the end of the year due to a number of reasons, mostly the political situation in the country and the non-assignment of a representative for the Ministry of Labor.¹³⁷ Its membership comprised representatives from the relevant Lebanese authorities, the syndicate of placement agencies, embassies of sending countries, related UN agencies and national NGOs.¹³⁸

Three different texts were under study by the working groups: a booklet on workers' rights, an amendment to the 1946 Labor Code to cover the hitherto excluded domestic workers, and a "unified contract".¹³⁹ The latter was seen as an interim measure in order to fill the gap until the drafting of the law – expected to take years.¹⁴⁰

The process was difficult, given the conflicting interests, for example, between NGOs and representatives of employers. They disagreed on many points such as working hours, wages, and protection against abuse, which slowed down efforts to introduce international human rights labor standards.¹⁴¹

To illustrate: some requested that the employers notify the Ministry of Labor of any change of address within seven days, while others thought this impossible as people "do not have time to do so". Some requested that the worker should have her own room; others thought not every family had enough space and pointed out that a bed in the kitchen would suffice! There were requests that the worker should be able to lock her own room, to which another group answered that this would "make it difficult to intervene if a worker attempted suicide"!¹⁴² Human rights advocates were pushing for a monthly salary of 200 US\$ for all domestic migrant workers, a suggestion rejected by other participants. The resignation of the Minister of Labor mid-November further slowed down the process.¹⁴³

National Committee on Anti-Trafficking

Following the October 2005 ratification of the UN Convention on Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the

Ministries of Justice and Interior started a project of technical cooperation with the United Nations Office on Drugs and Crime (UNODC).¹⁴⁴ A National Committee on Anti-Trafficking was established made up of representatives of the Ministries of Justice and the Interior, GSO, and Caritas.¹⁴⁵

As part of this project a country assessment on the Human Trafficking situation in Lebanon was conducted with the support of United Nations Children's Fund (UNICEF).¹⁴⁶ The objective was to enhance existing criminal justice mechanisms against trafficking, by first assessing the trafficking situation in Lebanon and reviewing existing legislation in order to identify the gaps, then amending the legislation so as to bring it in line with international treaties the country was a party to. According to the UNODC, by the end of 2006, the project was still unfinished.

The legal review process – i.e. screening domestic legislation for compliance with international standards then drawing recommendations for amending it – was almost completed in 2006. The results were to be shared with national counterparts in 2007. The UNODC and UNICEF further reviewed the available statistics on trafficking in human beings, with a focus on women and children, which were provided by the relevant ministries. The process was to be followed, in 2007, by interviews with judges, prosecutors, social workers, and embassy staff and victims, in order to gather field data on trafficking.

During the 2006 July war, the Ministry of Justice and GSO in cooperation with UNODC organized an awareness campaign on the risk of Human Trafficking targeting foreign domestic workers. To this aim a notepad – including hotlines and referral addresses translated into the migrants' languages- was distributed at the airport to lawyers of the Beirut Bar Association, judges, and NGOs.¹⁴⁷ But the Steering Committee's formal meetings were suspended towards the end of the year due to the political situation.

Endnotes

- ¹ Higher Relief Council - Presidency of the Council of Ministers, available at <http://www.lebanonundersiege.gov.lb/english/F/Main/index.asp>? (visited on 20 May 2007).
- ² Several interviews with the UNHCR Beirut Office between March and June 2007.
- ³ BBC News, "Pressure Builds for Lebanon reform," 22 January 2007, available at http://news.bbc.co.uk/1/hi/world/middle_east/6286477.stm.
- ⁴ Interviews with the Filipino Embassy, 16 February 2007, Ethiopian Consulate General, 22 February 2007, Sri Lankan Embassy, 1 March 2007.
- ⁵ UNSC S/RES/1701 (2006) 06-46503 (E), Resolution 1701 (2006) Adopted by the Security Council at its 5511th meeting, 11 August 2006, available at http://www.un.org/Docs/sc/unsc_resolutions06.htm
- ⁶ The Israeli bombardement started after Hezbollah kidnapped two Israeli soldiers.
- ⁷ Interviews the Ministry of Social Affairs Higher Council for Childhood, 27 March 2007 and the NPA, 15 March 2007 . Also according to NPA, several Palestinian NGOs, submitted a shadow report to the UN Committee.
- ⁸ European Neighborhood Policy. EU-Lebanon action Plan. Available at <http://www.dellbn.ec.europa.eu/en/pev/ENP-AP-Lebanon.pdf>.
- ⁹ Interview with the International Committee of the Red Cross (ICRC), 5 February 2007
- ¹⁰ *Prima facie* status is granted when there is mass influx of refugees arriving at once due to a critical situation such as violent escalation of an inter-ethnic civil war in the country of origin. Each member of the group is then regarded as a *prima facie* (that is, in the absence of evidence to the contrary) refugee and recognized by the government [or by UNHCR] as such, (see UNHCR Self Study Module « Introduction to International Protection : Protecting persons of concern to UNHCR , at www.unhcr.org)).
- ¹¹ UNHCR, Supplementary Appeal Iraq Situation Response, January 2007.
- ¹² Advisory from the Ministry of Justice, document on file with Frontiers, Ruwad Association (FR).
- ¹³ Several interviews with the Beirut office of the UNHCR, between March and June 2007.
- ¹⁴ Article 3.1 of the Convention states: "No State Party shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."
- ¹⁵ Several interviews with the Beirut office of the UNHCR, between March and June 2007.
- ¹⁶ Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit). Bulletin of Lebanese Legislation (Official Gazette), No. 28-1962, entered into force 10 July 1962, art. 26
- ¹⁷ Ibid. art 27.
- ¹⁸ It has come to our attention that The MOU was actually published in the Official Gazette on 13 November 2003 (decree 11262 dated 30 October 2003)
- ¹⁹ MOU, preamble, para 3, document (English version)
- ²⁰ *ibid*, para 4.
- ²¹ The MOU (preamble, para. 4) clearly states that that durable solution for refugees recognized under the mandate of UNHCR is the resettlement in a third country"
- ²² *Lebanon Country Operation Plan 2007*, Executive Committee Summary, UNHCR, 2007, 1 Septembre 2006, available at www.unhcr.org.

²³ See Chapter on the Temporary Protection (TP) of Iraqi refugees.

²⁴ Several interviews with the Beirut office of the UNHCR, between March and June 2007.

²⁵ Internal Security Forces (ISF) statistics, document on file with Frontiers, Ruwad Association (FR).

²⁶ Art. 32 of Law of Entry of Exit stipulates a punishment of one to three months imprisonment, a fine, and expulsion in the case of the crime of illegal entry to Lebanon.

²⁷ Statement by an ex prisoner, document on file with Frontiers, Ruwad Association (FR).

²⁸ Interview with the Legal Aid Commission secretary, 27 March 2007, followed with several correspondence.

²⁹ In 2006, UNHCR, in partnership with Caritas Migrants Center, started a program to give legal service to refugees and asylum seekers. The legal team was made of less than 10 quasi pro-bono lawyers selected in cooperation with the Beirut Bar Association. The total number of refugees assisted through this program during the period under review were 96 cases. This included 60 Iraqis, 19 Sudanese, one Somali, 7 Egyptians, one Tunisian, and 8 from other different nationalities.

³⁰ Administrative proceedings could include, in the case of MDM/AJEM, mediation with the judge for the release from detention of very vulnerable cases, like sick people.

³¹ Frontiers “Refugees Rights Newsletter- Detention Special Issue: Prolonged Detention of Refugees and Asylum Seekers: Case Studies- Issue 3, September 2006”, available at www.frontiersassociation.org

³² Art. 8 of the Constitution reads: “Individual freedom is guaranteed and protected. No one may be arrested or detained except as provided for by the law”(unofficial translation).

³³ The UDHR and all UN human rights conventions are enshrined in the preamble of the Lebanese Constitution. The legal force of the Preamble of the Constitution has been confirmed by the decision 2/2001 of the Constitutional Council, 10 May 200, available at <http://www.conseil-constitutionnel.gov.lb/ar/arabic/arrets.htm>; Further, Lebanon has also ratified all general human rights conventions that have been published in the Official Gazette and thus integrated in the domestic law. Art. 2 of the Civil Code provides that international agreements are superior to general law, and that international law should be applied to the law of the state. In cases of a conflict between national and international law, judges are directed to accord priority to international law.

³⁴ Interview with MDM-AJEM, 26 February 2007.

³⁵ Interview with MDM-AJEM, 26 February 2007.

³⁶ Al Akhbar Newspaper, 7 September 2006

³⁷ Interview with Caritas, 26 February 2007

³⁸ Interview with AJEM, 27 July 2006

³⁹ Interview with the Beirut office of the IOM, 8 February 2007.

⁴⁰ Interview with the Beirut office of the IOM, 8 February 2007; several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁴¹ Interviews with the Iraqi Embassy, 5 February and 29 March 2007.

⁴² Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁴³ Interview with the Beirut office of the IOM, 8 February 2007.

⁴⁴ Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁴⁵ Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁴⁶ Labor Law, Legislative Decree No. 17561 “Regularization of foreign workers”, 18 September 1964, art. 2.

⁴⁷ Ibid., art. 20, para. 2

⁴⁸ Articles 4, 5 and 15 of the decree 17561 regulating the work of foreigners require a specific employer in order to grant a work permit to a foreigner and require the authorization of the Ministry of Labor to allow a foreigner to change his/her employer. Art 21 of the same decree, stipulates imprisonment, fine, and deportation for breach of these regulations.

⁴⁹ Several interviews with UNHCR, Beirut office, 2007

⁵⁰ Interview with the Ministry of Labor, 12 February 2007.

⁵¹ See UDHR art. 25 (the UDHR is incorporated in the Preamble of the Lebanese Constitution); ICCPR art. 12 (ratified by Lebanon, 1 September 1972); CRC art. 24 (ratified by Lebanon, 26 June 1990); CERD art 5 (e) (iv).

⁵² Legislative Decree No. 16662, “Determining persons who have the right to be treated in public hospitals,” 18 June 1964, arts 1, 3, 5, 6.

⁵³ Ibid.

⁵⁴ Interview with the Ministry of Health, 16 March 2007.

⁵⁵ For assistance purposes, vulnerable cases are women heads of household, unaccompanied minors, detainees, refugees coming out of prison, persons with disabilities, the elderly, victims of sexual or gender-based violence, large families, etc... Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁵⁶ These were for deliveries, cancer, open heart surgery, kidney conditions, etc. Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁵⁷ Several interviews with the Beirut office of the UNHCR, between March and June 2007.

⁵⁸ Testimony by the father of the baby, document on file with Frontiers, Ruwad Association (FR).

⁵⁹ See UDHR art. 26, ICESCR art. 13 and 14, Convention on the elimination of all forms of discrimination in education, art. 3 and 4 (ratified by Lebanon on 22 May 1962), CRC art. 28, CERD art. 5 (e) (v).

⁶⁰ Art 3, Convention on the elimination of all forms of discrimination in education, art. 13, ICESCR as explained in General Comment 13 of the Committee: The right to education (art. 13), 8 December 1999; E/C. 10/December1999/10.

⁶¹ *Education for All in the Arab States: Renewing the Commitment The Arab Framework for Action to Ensure Basic Learning Needs in the Arab States in the Years 2000-2010* Adopted by the Regional Conference on Education for All for the Arab States Cairo, Egypt, 24-27 January 2000 http://www.unesco.org/education/efa/region_forums/arab_region/index.shtml

⁶² Letter from the Ministry of Education, document on file with Frontiers, Ruwad Association (FR).

⁶³ Interviews with UNESCO Beirut Office, 30 January 2007 and with UNICEF Beirut Office, 23 March 2007.

⁶⁴ Interview with PLO Representative office in Beirut, between February and June 2007.

⁶⁵ Council of Ministers, decision 89/2005 dated 25 November 2005, available at <http://www.lpdc.gov.lb/Uploads/decree.pdf>

⁶⁶ Interview with PLO Representative office in Beirut, between February and June 2007

⁶⁷ *ibid.*

⁶⁸ Interview with UNRWA, 7 Feb. 2007.

⁶⁹ UNRWA, Camps Improvement Initiative for Palestine Refugees in Lebanon, Press Conference, Grand-Serail, 1 November 2006.

⁷⁰ Interviews with Beit Atfal Assoumoud, 23 Feb. 2007 and the NPA, 15 March 2007.

⁷¹ Interviews with the GUPW, 15 February 2007 and the NPA, 15 February 2007.

⁷² UNRWA in Figures, 31 December 2006 available at www.unrwa.org

⁷³ See chapter “Iraqi violence highlights protection gap for Palestinian refugees” of this report.

⁷⁴ Interview with UNRWA, 7 February 2007; see also UK Home Office. *Country of Origin Information Report. The Lebanon*, July 2006, at 56 available at http://www.homeoffice.gov.uk/rds/country_reports.html#countries

⁷⁵ Interviews with Aidoun Group, between February and June 2007.

⁷⁶ Lebanese Working Group on Palestinian Refugees, Achievements 2006-2007, document on file with Frontiers, Ruwad Association (FR).

⁷⁷ Interviews with PLO Representative office in Beirut, between February and June 2007, and Aidoun Group, between February and June 2007.

⁷⁸ 2006 Ministry of Labor Statistics document on file with Frontiers, Ruwad Association (FR).

⁷⁹ Social Security Code, Decree 13955, 26 September 1963, art 9.

⁸⁰ Interview with the ministry of labor, 12 February 2007; Interviews with several Palestinian NGOs.

⁸¹ Interview with Witness, 13 February 2007.

⁸² Lebanese Working Group on Palestinian Refugees, Achievements 2006-2007, document on file with Frontiers, Ruwad Association (FR).

⁸³ Interview with UNRWA Beirut, 7 February 2007.

⁸⁴ UNRWA figures, as per 31 December 2006.

⁸⁵ Annahar Newspaper, 25 March 2006

⁸⁶ LPDC, Achievements 2006-2007, Document received from the Committee (on file with FR)

⁸⁷ Interviews with the GUPW, 15 February 2007 and the ILO, 8 February, 2007.

⁸⁸ Interview with Beit Atfal Assoumoud, 23 February 2007.

⁸⁹ Interview with Beit Atfal Assoumoud, 23 February 2007 and the GUPW, 15 February 2007.

⁹⁰ Interview with IPEC, ILO, 26 February 2007.

⁹¹ UNRWA, Camps Improvement Initiative For Palestine Refugees in Lebanon, Press Conference, Grand-Serail, 1 November 2006.

⁹² UNRWA, Camps Improvement Initiative For Palestine Refugees in Lebanon, Press Conference, Grand-Serail, 1 November 2006.

⁹³ *Ibid.*

⁹⁴ Interview with UNRWA, 7 February 2007, and PLO Representative Office in Beirut, between February and June 2007.

⁹⁵ Interview with UNRWA, 7 February 2007; UNRWA, Camps Improvement Initiative For Palestine Refugees in Lebanon, Press Conference, 1 November 2006; During a visit to the biggest camp, Ain el Helwe, FR visited a kindergarten, run by the General Union of Palestinian Women, whose « playground » was a room in the penthouse of the building.

⁹⁶ UNRWA, Camps Improvement Initiative For Palestine Refugees in Lebanon, Press Conference, Grand-Serail, 1 November 2006.

⁹⁷ See “Falling through the Cracks: Legal and Practical Gaps in Palestinian Refugees Status”, , available at www.frontiersassociation.org

⁹⁸ Interview with UNRWA, 7 February 2007.

⁹⁹ Internal Communications between UNRWA and FR (on file with FR.)

¹⁰⁰ The Palestinian Refugees in Lebanon Lacking of Probative Identity Papers, Statistical Study, PLO Representative Republic of Lebanon, 1 February 2007.

¹⁰¹ Interview with PLO Representative office in Beirut, between February and June 2007.

- ¹⁰² The Palestinian Refugees in Lebanon Lacking of Probative Identity Papers, Statistical Study, PLO Representative Republic of Lebanon”, 1 February 2007.
- ¹⁰³ UN Security Council Resolution 1559 (2004) at 3. <http://daccessdds.un.org/doc/UNDOC/GEN/N04/498/92/PDF/N0449892.pdf?OpenElement> and, implicitly, UNSC Resolution 1701 (2006). http://www.un.org/Docs/sc/unscl_resolutions06.htm.
- ¹⁰⁴ Charq Awsat Newspaper, 19 October 2005
- ¹⁰⁵ Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda. Mission to Lebanon. UN Doc. E/CN.4/2006/62/Add.3, 20 February 2006. Summary. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/109/71/PDF/G0610971.pdf?OpenElement>
- ¹⁰⁶ The National Steering Committee included relevant Lebanese ministries, the GSO, the ISF, relevant UN agencies, Embassies, and NGOs.
- ¹⁰⁷ Decision 16/1 of the Ministry of Labor, 16 February 2006.
- ¹⁰⁸ Interview with the Embassy of the Philippines, 16 February 2007.
- ¹⁰⁹ 2006 Ministry of Labor statistics.
- ¹¹⁰ Interviews with the Filipino Embassy, 16 February 2007; the Ethiopian Consulate General, 22 February 2007; the Sri Lankan Embassy, 1 March 2007.
- ¹¹¹ Interview with the Embassy of Sri Lanka, 1 March 2007.
- ¹¹² Report of the Special Rapporteur, Sigma Huda (see above) paragraph 30; interview with the Embassy of Sri Lanka, 1 March 2007.
- ¹¹³ Interview with ILO, Beirut office, 8 February 2007.
- ¹¹⁴ Interviews with the respective embassies supra.
- ¹¹⁵ Interview with the Embassy of Sri Lanka, 1 March 2007.
- ¹¹⁶ Report of the Special Rapporteur, Sigma Huda (see above) paragraphs 35-36.
- ¹¹⁷ U.S. Department of State, 2006 Country Reports on Human Rights Practices. Lebanon. Available at <http://www.state.gov/g/drl/rls/hrrpt/2006/78857.htm>
- ¹¹⁸ Report of the Special Rapporteur, Sigma Huda (see above) paragraph 45.
- ¹¹⁹ Report of the Special Rapporteur, Sigma Huda (see above) paragraph 45; interview with Caritas Migrants Center, 26 February 2007.
- ¹²⁰ Interview with Caritas Migrants Center, 26 February 2007.
- ¹²¹ Report of the Special Rapporteur, Sigma Huda (see above) paragraph 45.
- ¹²² Interviews with the Filipino Embassy, 16 February 2007; Sri Lankan Embassy 1 March 2007; Ethiopian Consulate General, 22 February 2007.
- ¹²³ Interview with Caritas Migrants Center, 26 February 2007.
- ¹²⁴ Interview with the Sri Lankan Embassy, 1 March 2007.
- ¹²⁵ Interview with the Filipino Embassy, 16 February 2007.
- ¹²⁶ Interviews with the Filipino Embassy, 16 February 2007 ; the Ethiopian Consulate General, 22 February 2007 ; the Sri Lankan Embassy, 1 March 2007.
- ¹²⁷ Interview with Caritas Migrants Center, 26 February 2007.
- ¹²⁸ Interview with the Sri Lankan Embassy, 1 March 2007.
- ¹²⁹ Interview with the Ethiopian Consulate General, 22 February 2007.
- ¹³⁰ Interview with the Sri Lankan Embassy, 1 March 2007 and phone call to the Filipino Embassy, 24 April 2007.
- ¹³¹ Interview with the Ethiopian Consulate General, 22 February 2007.
- ¹³² Interview with the Beirut office of IOM, 8 February 2007.
- ¹³³ Interview with the Filipino Embassy, 16 February 2007.
- ¹³⁴ Interview with IOM, 8 February 2007.
- ¹³⁵ Interviews with the Ethiopian Consulate General, 22 February 2007 and with the Sri

Lankan Embassy, 1 March 2007.

¹³⁶ Interviews with the Filipino Embassy, 16 February 2007 ; Ethiopian Consulate General, 22 February 2007 ; a Sri Lankan Embassy, 1 March 2007.

¹³⁷ Interview with the Ministry of Labor, 12 February 2007.

¹³⁸ Decision 16/1 of the Minister of Labor, 16 February 2006.

¹³⁹ Interview with ILO Beirut, 8 February 2007.

¹⁴⁰ Interview with ILO Beirut office of ILO, 8 February 2007.

¹⁴¹ Interview with UNHCHR Beirut office, 31 January 2007.

¹⁴² Interview with the Human Rights Institute of the BBA, 2 February 2007.

¹⁴³ Interview with the Ministry of Labor, 12 February 2007.

¹⁴⁴ Interview with UNODC, Beirut office, 6 February 2007.

¹⁴⁵ Interview with Caritas Migrants Center, 26 February 2007.

¹⁴⁶ Interview with the UNODC, 12 June 2007.

¹⁴⁷ Interview with Caritas Migrants Center, 26 February 2007.

SUMMARY OF FRONTIERS' ACTIVITIES

LEGAL AID AND COUNSELING

Individual Counseling

Frontiers long lasting advocacy towards the improvement of UNHCR's RSD procedures that fell short of their own guidelines gave fruits by the end of 2006. UNHCR Beirut Office recognized refugees and asylum seekers' rights to have full and proper legal representation throughout the procedures and the asylum seekers' right to individualized reasons for rejections. Legal representatives started to accompany asylum seekers during RSD interviews and have access to the individual client file.

The number of individual refugees and/or asylum seekers that sought Frontiers' services in 2006 was more than 110 cases, 19 of them were women. Most of the cases were Iraqis followed by the Sudanese. There were also some individual cases from other nationalities such as Palestinians, Sri Lankan, Ethiopians, Libyans, Turks, Pakistanis. Frontiers' main counseling service was assisting asylum seekers preparing their refugee claim and legal representations before UNHCR. This included assisting the asylum seeker write their personal statements; writing legal memorandum and submission. In addition, FR counseling assistance covers beyond the RSD, such as medical matters, family reunification, repatriation, and regularization of legal status in Lebanon.

Most of the Iraqi cases were Christians newly arrived in Lebanon. They were fleeing the generalized violence and insecurity in Iraq. Some of them had direct fear of persecution from armed groups. Many of them said that they were threatened because they were working with the Americans or with international NGOs in Iraq. Frontiers assisted with the preparation of the personal statements of more than 21 new asylum applicants. By the end of the year, only two were recognized by UNHCR, and the remaining applicants were still waiting the results of their refugee status determination interviews.

Of the Sudanese cases, five were under review for cancellation, and four had closed files with UNHCR. The remaining cases were either new asylum seekers or had other issues that fell outside refugee status determination.

The cases under review for cancellation appeared to suffer from serious procedural irregularities. Basic procedural standards were not met such as the right to be notified of the start of the cancellation processing and of the reasons behind the cancellation process, the opportunity to present

ones defense, the opportunity to challenge the alleged cancellation reasons, the chance to present new grounds for the current fear of persecution and to have these assessed at the time of the cancellation. Frontiers submitted requests for a review/appeal of the cases on procedural grounds. By the end of the year three of the reviews of the cancellation procedures were still under appraisal.

Of the closed cases, one was a Sudanese from Darfur. He first applied to UNHCR in 1999 and was rejected in 2002. In 2005, Frontiers submitted a reopening request on the grounds of new developments in Darfur. However, before receiving UNHCR reply, he was arrested in 2006. Frontiers assigned a pro bono lawyer to represent the case before the court. The refugee was interviewed by UNHCR in detention to assess the reopening request. He was, however, deported and according to his friend, he was never informed of UNHCR's decision.

Frontiers assisted one Somali refugee from the Southern part of Somalia, who had been in Lebanon since 1998. He had applied for refugee status with UNHCR and was rejected in 1998. He was facing continuous threats of arrest and deportation. He was arrested and detained two times on charge of "illegal entry". The Lebanese authorities attempted to deport him to Somalia, but were no able to do so as there are no direct flights from Lebanon to Somalia. Frontiers submitted a request for reopening the file based on UNHCR position on Somali Asylum seekers from central and southern Somalia. Following Frontiers' submission to UNHCR, the asylum seeker obtained provisional complementary protection in order to have a full RSD interview.

Two stateless (born in Lebanon apparently from Lebanese parents but their births were never registered with the Ministry of Interior – Department of Civil Status) were counseled. One of the cases had already started court proceedings to prove his filiations' to his "parents." Frontiers referred one of them to a lawyer to assist him with his court case and the other to a Lebanese organization working on Lebanese women's rights to pass on their nationality to their children. By the end of the year the two cases were still unresolved.

In 2006, Frontiers began setting a framework for legal assistance to undocumented Palestinian refugees (Non-IDs). The organization started producing a legal manual for Non-ID to be used by the legal experts and advocates as well as the counseling procedures and protocols for the legal team.

Frontiers' defense of Non-IDs derives from the internationally recognized human rights standards related to the right of recognition

before the law that is embodied in the Lebanese Constitution.

Frontiers' pro-bono lawyers helped two unregistered Palestinian refugees with the different related governmental agencies, in seeking to obtain the regularization of their status in Lebanon. One of them had recently arrived from Iraq.

During the Israeli war on Lebanon in July/August, Frontiers counseled and assisted several domestic migrant workers, who wanted to be evacuated, by contacting their embassies and providing logistical support for them to go to their embassies to register for repatriation.

Group Counseling

Group counseling meetings are one of Frontiers' regular activities. They are attended by a large number of refugees and asylum seekers from the different refugee communities. The meetings are intended to: disseminate basic information on refugee protection, their legal situation in Lebanon, the newly issued policies and procedures by UNHCR; to discuss issues and problems raised by the refugees themselves, specifically their security and living conditions and the lack of socio economic protection. Further, these meetings play a role in bringing the refugees together and attempt to give them the support to build a sense of solidarity.

Legal Defense

Frontiers legal assistance focuses mainly on providing pro-bono lawyers to defend asylum seekers and refugees detained on grounds of "illegal entry" and/or kept in prolonged arbitrary detention after the expiry of their sentences. The aim of this activity is to continue to challenge the arrest and trial of asylum seekers solely for having entered Lebanon illegally. The defense argues that Lebanon is violating its national and international human rights standards for the right to seek asylum and the principle of non-refoulement are embodied in the preamble of the Lebanese Constitution. However, judges are rarely taking these legal arguments in consideration when sentencing refugees and asylum seekers. For example:

A Sudanese from Darfur was arrested on 8 June 2005 charged with the crime of "illegal entry." Frontiers pro bono lawyer, pleading before the court, stated that the refugee should not be sentenced to deportation for fear that he may face torture and persecution if returned to Sudan. The lawyer invoked Article 3 of the Convention against Torture to which Lebanon is a signatory. (The case went before UNHCR following Frontiers submission

of request for reopening of the closed file). The lawyer also raised in court the fact that the refugee status determination of the defendant was still under consideration by UNHCR. Following the lawyer's request, the judge decided to postpone the sentencing until he received UNHCR position, which, to our knowledge, was the first time a judge delayed sentencing a refugee charged with illegal entry until he had heard from UNHCR whether or not the case had grounds for his asylum claims. Frontiers made several requests to UNHCR to inform its pro bono lawyer of their decision regarding the request for reopening. This was never provided. Finally, the judge sentenced him to two months' imprisonment and deportation. He remained in detention almost ten months after the expiry of his sentence before he was deported on 30 May 2005. UNHCR's decision not to reopen the file was received only on 12 April 2006!

Another Sudanese case whom Frontiers was representing him before UNHCR was arrested in November 2005 on grounds of "illegal entry". He was sentenced to one month's imprisonment, fine and deportation. He was kept in prolonged arbitrary detention for more than 7 months before he was released in 2006 during the July war. When he was arrested, Frontiers attempted to stop his deportation following the appeal of the cancellation procedures before UNHCR. At the end UNHCR decided to cancel the refugee status despite the fact that they did not appear to have looked at the current fear of persecution!

By the end of 2006, challenging in court cases of prolonged and indefinite detention of refugees after the expiry of their prison terms became one of the highest priorities for Frontiers' legal aid team.

DETENTION MONITORING

Frontiers detention monitoring activity continued in 2006. The organization monitored the detention of more than 125 individual cases, most of them were Iraqis. More than one third were recognized refugees. In addition to monitoring detention, Frontiers provided other services such as legal representation before UNHCR and/or assigning pro bono lawyers to follow their judicial case. Of the cases followed by Frontiers, 12 were released by the end of the year.

During the Israeli war on Lebanon in July, Frontiers' members visited refugees and asylum seekers in Roumieh prison. We were informed that refugees were not visited by UNHCR protection staff members or their implementing partners. The matter was raised with UNHCR. The Agency explained that this is due to the security situation in the country as well as

the fact that their resources were directed to emergency relief in assisting Internally Displaced Persons (IDPs), it was difficult for them to carry out the regular visits to prisons.

Detention Networking at National Level

* In March 2006, Frontiers started contacts with NGOs either working on the issue of detention or working in detention places. The aim was to establish a loose network between them in order to better monitor the refugee situation in detention as to find common grounds for advocacy. Frontiers extended a call for a meeting to 10 NGOs: Medecins du Monde, Association Mesirecorde et, the Danish Refugee Council, Caritas Migrants Center, the Middle East Council of Churches; the Mouvement Social; the Fondation of Father Afif Oussayran; The Chaldean Association, the National Evangelical Church, and the Afro-Asian Migration Committee. Initial meetings took place to discuss the purpose and objective of the network. However, due to the Israeli July war, many of these NGOs became involved in humanitarian aid and the networking process was suspended.

* In November 2006, Frontiers organized several meetings with a number of NGOs with the aim of building a framework for advocacy and legal aid for the undocumented Palestinian refugees known as Non-IDs. The process led to the creation of a solidarity group: The National Committee for the Support of Palestinian Non-ID refugees. More than 14 Palestinian NGOs were involved. The objective of the Committee was to advocate for the right of recognition of the undocumented Palestinian refugees as well as the issue of detention of this vulnerable population.

RESEARCH AND PUBLICATIONS

Frontiers released three major publications in 2006 for the first time in both Arabic and English. These were sent to the Lebanese relevant authorities and other stakeholders as well as widely disseminated both in Lebanon and abroad. In addition, Frontiers released quarterly reports on the issue of detention of refugees and asylum seekers in Lebanon.

Legality vs. legitimacy

This was the first comparative legal study on the issue of prolonged arbitrary detention in Lebanon. The study analyzed the international

norms covering detention in general and detention of refugees and asylum seekers in particular, the related Lebanese legislation, Lebanese government international law obligations, and the practice of the Lebanese authorities. The study made recommendations for relevant stakeholders, in particular to the Lebanese authorities, asking them: to foster a public climate of accountability; push for the rule of law and respect for existing procedural safeguards by courts and detaining authorities; and to make legislative amendments to the law of entry and exit of foreigners in order to exclude asylum seekers from the penalization of the crime of “illegal entry.

Falling through the Cracks

In 2005, Frontiers produced a groundbreaking study entitled: “Falling through the Cracks”. The study involved fieldwork and legal research, identifying the reasons why thousands of Palestinians in Lebanon are not recognized as refugees by the Lebanese government, the United Nations, or both. Following the November 2005 expert workshop, Frontiers made final revisions to the English version of its 2005 edition to incorporate the conclusions and recommendations of the Experts’ workshop, which was published in 2006. The book is mainly addressed to scholars and researchers in the field.

Refugee and Migrant Protection in Lebanon

The report analyzes the major developments in Lebanese-Palestinian and Non-Palestinian refugee and other migrants’ protection in 2005. It also outlines the major developments in the countries of origin that affect the refugee exodus to Lebanon, and the international migration developments that affect the migration worldwide, including Lebanon.

Quarterly Monitoring Newsletter

Four newsletters were issued during 2006. These newsletters covered topics such as the legal background on detention of refugees and asylum seekers in Lebanon, the authorities’ point of view, staff and different professionals taking care of the persons deprived of their liberty, the point of view of the detainees, and stories from detentions and major publications and events related to detention, in addition to other issues relating to migration and to refugees in Lebanon and on the global level.

These newsletters were disseminated to members, supporters and external contacts and were uploaded on the Association's website.

TRAINING

Production of Training Manuals

During 2006, Frontiers continued building its training program on refugee law and refugee protection. A comprehensive training program was designed, and for the first time in Lebanon, Frontiers produced three major specialized training manuals in Arabic and was in the process of writing a fourth one to be finalized in 2007. These manuals constitute the full package of training on the protection of refugees and asylum seekers in Lebanon and in the international legal system and the practical skills to be used by those working in the refugee field:

**** Refugee Law Training Manual***

This is first comprehensive training manual adapted to the Lebanese context. It covers all issues and areas related to refugee law and the issue of refugee protection in Lebanon. It is comprised of two main parts. Part I deals with: 1951 Convention and 1967 protocol, responsibility of international protection, definition of a refugee, inclusion and exclusion clauses, cessation, cancellation, RSD procedures, prima facie recognition, complementary forms of protection, and durable solutions. Part II deals with: the Lebanese legal and human rights standards application to refugees in Lebanon.

**** Counseling Training Manual***

The in-house counseling manual is a comprehensive tool for training new counselors on legal representation. The manual covers all aspects and techniques related to refugee and asylum seekers' counseling and legal representation such as refugee policies and code of ethics, the standard procedures for the preparation of individual files, country of origin research, file managements and standard file forms, legal writing techniques, procedures for legal representation during UNHCR RSD interviews.

**** Detention monitoring Training Manual***

Again this is a comprehensive training manual adapted to the Lebanese context. It is divided into three main sections: Introduction to monitoring techniques; the international and national legal framework and standards on detention of refugees and asylum seekers and other vulnerable migrant groups in Lebanon; the scope of monitoring and the procedures and protocol for conducting monitoring of detention in Lebanon.

**** Legal Manual for Undocumented Palestinian Refugees***

Moreover Frontiers started producing a legal manual based on relevant national and international legal standards for the recognition of the Non-ID refugees that would be used for individual submissions. This activity is to continue in 2007

Training Sessions

In 2006, Frontiers continued to organize regular in-house training sessions for its members and counselors on refugee law and refugee protection. In addition Frontiers, in line with its continued efforts to organized training workshop for lawyers and other NGOs working with migrants in Lebanon.

A full three-day intensive training workshop on refugee law was organized for 24 participants. The trainees included lawyers and social workers from two NGOs working in prisons - AJEM and MDM. The training introduced the participants to basic international refugee law and standards regarding refugees, UNHCR mandate, Lebanese laws and regulations regarding refugees, and the Lebanese refugee policy and practice.

The training included one full day training on detention of refugees and asylum seekers. It introduced the issue of arrest and detention of refugees and asylum seekers on grounds of "illegal entry", and the issue of prolonged arbitrary detention after the expiry of their sentences and the national and international legal framework and standards; the Lebanese government policy and practice, and the role of civil society, especially pro bono lawyers.

The training confirmed the serious need for further training in 'refugee law' for lawyers and paralegals as knowledge in this field is quasi non existent and is not taught in law schools.

Frontiers also organized several training workshops with NGOs working with the Palestinian refugees and the undocumented Palestinian refugees in five refugee camps in the country. The aim was to: introduce

them to the issue of the Non-IDs and the legal aspects surrounding the security and socio economic consequences of the denial of the right to legal recognition before the law.

ADVOCACY

The main objective of Frontiers advocacy is to get refugees and asylum seekers obtain better treatment by the competent authorities. For UNHCR the priority is to ensure the proper monitoring and enforcement of UNHCR guidelines regarding RSD, which is considered to lack fair and expeditious asylum procedures. For the government, Frontiers aims at influencing government's policy in making necessary legislative amendments for refugee and asylum seekers protection in the country.

The main activities in 2006 were:

International Meetings with Stakeholders

Frontiers carried out, with the logistic support of the "Federation Internationale des Ligues des Droits de l'Homme" (FIDH) an advocacy mission to Europe from September 18 to October 3. The mission covered France, Belgium and Switzerland. Frontiers had meetings with the French Ministry of Foreign Affairs and the General Directorate for Cooperation and Development; members of the European Parliament; the Human Rights and Democratization Department of the European Commission; members of the Council of the European Union; and the Finnish Presidency of the EU. In all these meetings, Frontiers raised the situation of the migrants in general and refugees and asylum seekers in particular.

In Geneva, Frontiers with other members of the Refugee Legal Aid Network, participated in the Pre EXCOM meetings and had meetings with UNHCR Department of International Protection Services; Refugee Status Determination and Protection Information Section. The network raised concerns regarding the RSD standards and their implementation by UNHCR field offices that fall short of its own guidelines. These concerns were the subject of an open letter that was sent to UNHCR earlier. The discussion covered issues such as the right to information, the reasons for rejection, the independent appeal, access to evidence, and the legal representation. UNHCR agreed to look into these issues and promised that they would address them in two years. It was also agreed to have

continuous consultations with NGOs at least three times a year on these issues.

Meetings with International Human Rights Organizations

The above mentioned mission covered meetings with a number of international human rights organizations to raise awareness of migrants' situation in Lebanon and to look at ways to cooperate on common interesting areas and issues. These included FIDH, GISTI, Migreurop, and Euro Med Human Rights Network (EMHRN). FIDH has invited Frontiers to participate in its forthcoming forum on migration that is to take place in 2007, and to participate in the investigation mission on migrants' situation in South Africa.

Participating in UNHCR Pre-EXCOM Annual Consultations with NGOs

For the third consecutive year, Frontiers participated in UNHCR Pre-Excom Annual Consultations meetings with NGOs. Frontiers was active in lobbying on the issue of refugee protection in Lebanon and particularly the situation of Iraqi refugees. Along with the newly created small network of Refugee Legal Aid organizations in the South, Frontiers organized a side meeting entitled "UNHCR Refugee Status Determination: Progress towards Reform?" Frontiers contributed in the drafting and co-signing of three NGOs statements to the EXCOM, covering the issues of UNHCR Temporary Protection for Iraqis, RSD procedures, and on the Right of Return for Palestinians refugees.

Raising Awareness Activities

For the first time, the commemoration of the World Refugee Day (WRD) was jointly organized between UNHCR office and seven NGOs working with refugees and other migrants.

On 25 June, Frontiers, in partnership with the Municipality of Ghobeiry – Dahiyeh area where most refugees live - and under the patronage of the Ministry of Culture, organized a cultural event. The reason for choosing Ghobeiry municipality was to reach out to the refugee community and to involve the local administration in refugee affairs. The program included

an exhibition of paintings by refugees, poetry, and Sufi music. More than 200 people were present; among them was a representative of the Minister of Culture, UNHCR Representative, the Head and members of the Ghobeiry Municipality Council, and a representative of the Embassy of Iraq.

Public Appeals/Submissions

* Open letter requesting Refugee Status Determination (RSD) procedures reform.

Frontiers joined 11 NGOs working on refugee issues in the South in submitting a letter to UNHCR on the anniversary of the publication of UNHCR standards and procedures for RSD under UNHCR mandate, on 1 September 2006. The letter focused on the reform of some issues of the standards themselves (access to evidence) in addition to the compliance of the field offices with these standards that is still below the standard in many countries.

* During the July War on Lebanon, Frontiers co- signed with FIDH a statement that was submitted to the UN Human Rights Council concerning Israeli Disregard of Human Life in Lebanon.

* A statement was issued for the protection of migrants during the July war. Migrants, who like the Lebanese, were innocent victims of the conflict. The statement urged the UN Security Council to impose an immediate ceasefire and to mandate Israel to withdraw from the Lebanese territory. We also urged the Lebanese government to ratify the Rome Statute of the International Criminal Court so that the Court could have jurisdiction over those who committed war crimes during the conflict, thus ensuring that the international law applied to all.

Networking/Memberships in National and International Migration Networks

* The National Committee for the Defense of Non-Recognized Palestinian Refugees

Following the publication of the 2nd edition of *Falling through the Cracks* in 2006, Frontiers continued advocating for the implementation of recommendations, which basically called for the recognition of the 3000-5000 Non-IDs Palestinian refugees in Lebanon. More than 20 regular meetings with major stakeholders took place. The objectives were to raise

awareness on the problem of Palestinian Non-ID refugees in Lebanon, to discuss recent developments, and to present the recommendations of the study.

Between 2005 and 2006 Frontiers became a member in five international migration networks:

- * Euro-Med Human Rights Network (EMHRN) Working Group on migrants, refugees and asylum seekers that includes NGOs from the Maghreb and the Machreq in order to exchange experiences and put joint strategies to address migration issues in the whole region. The Working Group held a meeting in Casablanca in March 2006 where it was decided to carry out four researches on the Machreq (including Lebanon, Syria and Jordan), and to hold two conferences for the WG during 2006-2007.

- * Refugee Southern Legal Aid Organizations Network

This is a network of grassroots NGOs defending refugee rights in the South to advocate globally with a louder voice. The Network planned initiatives such as: advocating more fair and transparent UNHCR RSD policies; developing training materials for lawyers and volunteers; developing and adopting ethical guidelines for refugee legal aid; sharing country of origin information and specialized expertise

- * International Council of Voluntary Agencies (ICVA)

In October 2005, Frontiers became a member in the International Council of Voluntary Agencies (ICVA), an Advocacy Alliance for Humanitarian Action that prepares for the annual Pre EXCOM consultations and sets policies for EXCOM committees. ICVA membership exceeds 300 NGOs from across the world. Frontiers participated in Pre EXCOM 2006 meetings as a member of ICVA.

- * International Coalition on Detention of refugees and asylum seekers

Frontiers became a member of this coalition in 2006. The coalition has over one hundred members: NGOs, faith-based organizations, and academics and individuals in 36 countries from around the world.

FRONTIERS 2006 FINANCIAL STATEMENTS

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AUDITORS' REPORT

Beirut on 5 February 2007

THE MEMBERS
"RUWAD FRONTIERS" ASSOCIATION
BEIRUT - LEBANON

We have audited the accompanying balance sheet of "RUWAD FRONTIERS" ASSOCIATION as of 31 December 2006 – 2005 and the related statements of revenues and expenditures for the year then ended. These financial statements are the responsibility of the association's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with International Standards on Auditing amended to comply with the association's regulations. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statements presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of "RUWAD FRONTIERS" ASSOCIATION as of 31 December 2006 and the results of its operations for the year then ended in conformity with International Accounting Standards amended to comply with local laws and regulations and the association's regulations.

MOORE STEPHENS TABBAL

“ RUWAD FRONTIERS ” ASSOCIATION
 STATEMENT OF REVENUES AND EXPENDITURES
 For the year ended 31 December 2006-2005

	NOTES	2006	USD	2005	USD
REVENUES					
GRANTS	4	204.982		78.557	
FINANCIAL REVENUES		356		3.471	
TOTAL REVENUES		205.338		82.028	
EXPENSES					
ADMINISTRATIVE EXPENSES	5	168.481		57.629	
FINANCIAL EXPENSES		7.337			
TOTAL EXPENSES		175.818		57.629	
NET SURPLUS FOR 2006		29.520		24.399	

ABOUT FRONTIERS RUWAD ASSOCIATION

Frontiers, Ruwad is a non-profit and apolitical non-governmental organization based in Lebanon, Ministry of Interior registration no. 231/أ.ج

Frontiers aims at enhancing and consolidating the human rights culture embodied in the International Bill of Rights and in the Lebanese Constitution on both freedom of individuals and groups without discrimination; and seeking to be a center for building capacities in order to achieve sustainable human development.

FR became a non-governmental organization in 2004. It currently has two main operating programs: migration and developing a civic responsibility culture.

FR was founded by a group of Lebanese human rights activists who had been active on refugee issues through the Ad-Hoc Committee in Support of Refugees and Asylum-seekers (ACSRA) (1999-2002) and for one year with a civil company called Frontiers Center (2003). Building on this history, part of FR's mandate is to defend and advocate on behalf of refugees and asylum-seekers. FR is developing a professional quality refugee rights program. Its staff and members are trained and advised by experts with experience in international refugee law and legal aid development, and includes counselors with backgrounds in law and social sciences.

At present, FR's main activities in the refugee arena include legal aid and counseling of refugees and asylum seekers and other vulnerable migrant groups; research and publication on pertinent refugee issues in Lebanon; organizing training sessions on international refugee law; information dissemination and raising awareness; empowerment of refugees; training for legal professionals on refugee law and Lebanese framework for the defense of refugees and networking at international and national levels.

During 2006, Frontiers was supported financially by the Delegation of the European Commission in Lebanon, the Finnish Embassy and small local contributions.