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Annual Report
Refugee Protection in Lebanon
2004

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1) ABOUT THIS REPORT

This report is a product of Frontiers Association's continuing mission to monitor the protection of refugee rights in Lebanon. The Frontiers initiative started in 1999 as the Ad Hoc Committee for the Support of Refugees and Asylum-Seekers and later Frontiers Center. Documenting and reporting reliable information about refugee protection is essential to identifying strengths and weaknesses in policy, and to stimulating both policy reform and initiatives by civil society where needed.

The information in this report is based primarily on Frontiers' direct work with refugees, which involves interviews with refugees for the purposes of research, legal counseling, and regular contact with groups and individuals within the refugee community, as well as local NGOs. Unless otherwise noted, the information reported here is original to Frontiers.

Frontiers Association, like general human rights organizations, defends refugees regardless of their nationality, race, political opinions, religion, or membership in a particular social group. In Lebanon, the majority of the refugee population is Palestinian, most of them descendents of Palestinians who Israel expelled in 1948. The largest group of non-Palestinian refugees in recent years have been Iraqis. The legal structures for protecting and assisting these groups are quite different in both international and Lebanese law. Non-Palestinians lack any domestic legal framework guaranteeing their basic security, and turn to the UN High Commissioner for Refugees (UNHCR) to promote durable solutions (usually repatriation or resettlement to a third country). For Palestinians, the core problem remains Israel's refusal to implement the right of return. Most, though by no means all, receive humanitarian relief through the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Because the legal and policy framework for Palestinians and non-Palestinians is so different, Frontiers reports on their circumstances separately.

2) MAJOR DEVELOPMENTS IN LEBANESE REFUGEE PROTECTION IN 2004

This was the first full year in which non-Palestinian refugees were subject to the new Memorandum of Understanding between UNHCR and Lebanese authorities. UNHCR access to detention centers for migrants appeared to improve, and for the first time refugees could obtain temporary circulation permits for three months, renewable for up to one year. However, prolonged and in some cases indefinite detention, coupled with the risk of forced returns, continued in 2004.

There were only 553 new refugee applications filed at UNHCR in 2004, including 392 Iraqis whose applications were put on hold through a policy of temporary protection. Other refugee applicants included Sudanese, Afghanis, Somalis, Sierra Leoneans, and North Africans. For the first time, UNHCR-Beirut in 2004 recognized that asylum-seekers have a right to counsel in the course of the refugee status determination procedure. However, like most UNHCR RSD operations in the world, UNHCR-Beirut normally gave rejected asylum-seekers little or no specific explanation for their reasons for rejection, little access to the evidence considered in their cases, and offered no independent administrative appeal system. UNHCR-Beirut recognized only 12 applications for refugee status recognition in 2004.

Restrictions on Palestinian refugees in Lebanon remained severe. In May 2003, the State Consultative Council invalidated the 1994 naturalization decree in which several thousand Palestinian nationals were naturalized. As a result, approximately 4,000 cases, some of which are families including several siblings, risk losing their Lebanese citizenship. Long-standing limits on Palestinian civil, political, social and economic rights remained in place, including limits on access to legal representation, freedom of association, home building, employment, and access to health and educational services. Most Palestinians lived in refugee camps controlled by one or more Palestinian political factions. The presence of Lebanese and Syrian army units had the effect of repressing freedom of expression.

In March, the UN Committee on the Elimination of Racial Discrimination expressed concern about discrimination "with regard to the enjoyment by the Palestinian population present in the country ... in particular access to work, health care, housing and social services as well as the right to effective legal remedies."

3) PROTECTION OF NON-PALESTINIAN REFUGEES

The majority of UNHCR-Beirut's caseload consists of Iraqi and Sudanese refugees. Most of them passed through other countries, especially Syria, before seeking asylum in Lebanon; however, neither Syria nor Jordan have asylum policies. Most of these refugees have never passed through a country that offers stable protection from persecution.

The exact number of non-Palestinian refugees in Lebanon is subject to some ambiguity. According to the UNHCR statistics published each June, there were 1,753 non-Palestinian refugees in Lebanon of which 1,641 were assisted by UNHCR. There were only 553 new refugee applications filed at UNHCR in 2004; there were 681 cases pending at UNHCR by the end 2004, a 25 percent increase over the 543 pending at the beginning of the year. These figures account only for those registered with UNHCR. They exclude asylum-seekers who have received a final rejection by UNHCR and who are still in Lebanon. In addition, it is not clear whether UNHCR statistics count all family members who are included on particular files.

Of the 553 applicants to UNHCR in 2004, 392 were Iraqis. The next largest group are Sudanese. The remainder included Afghanis, Somalis, Sierra Leoneans, and North Africans.

The number of refugee applications actually recognized by UNHCR was quite small. UNHCR recognized only 12 applications in 2004 at its Beirut office, with 154 rejected 306 otherwise closed. As noted later in this report, although there was some improvement, there were significant concerns about the procedures used by UNHCR to determine refugee status, both in Lebanon and in other countries. Frontiers therefore believes that rejected asylum-seekers should still be considered part of the overall refugee population, and refers to them as unrecognized refugees.

Other organizations have reported slightly larger figures than UNHCR. According to the US Committee for Refugees and Immigration in 2004 there were 700 new arrivals to Lebanon, 600 involuntary departures, 900 voluntary departures.¹ According to the U.S. Department of State, there were nearly 2,500 non-Palestinian refugees, primarily Iraqis, Somalis and Sudanese, residing in the country. There may also be other foreigners in Lebanon who have fears of persecution in their countries, but who do not seek protection as refugees with UNHCR.

¹ US. Committee for Refugees and Immigrants World Refugee Survey 2005 - Lebanon

a) Legal context

Lebanon is neither a party to the 1951 Convention related to the status of Refugees nor to the 1967 Protocol. Yet since 1963, the country has been a permanent member of UNHCR's Executive Committee, which sets international standards with respect to the treatment of refugees.² Lebanon has ratified the Convention against Torture, which prohibits returning any person to a country where he or she would be subject to torture. The Universal Declaration of Human Rights has been enshrined in Lebanon's constitution, and includes the right to seek and enjoy asylum in other countries. Lebanese law grants any foreigner "whose life or freedom is in danger for political reasons" the right to seek asylum in Lebanon.³ Yet, in practice, refugees' security depends primarily on how much Lebanon is abiding by the customary principle of *non-refoulement*, which prohibits returning any person to any territory where his or her life or freedom would be in jeopardy.

UNHCR's office in Beirut was established in 1963. Relations between UNHCR and the Government of Lebanon were governed for years by unwritten agreements according to which the Lebanese authorities tolerated to a certain extent the presence of persons of concern to the High Commissioner. Before 2003, Lebanon's tolerance of refugees and asylum-seekers in the country was based on the 1963 verbal "Gentleman's Agreement" with UNHCR. Although the terms of this agreement were not made public, it is widely believed that it stipulated that refugees were not expected to stay in Lebanon for longer than one year before they were resettled in a third country. UNHCR was also responsible for providing any necessary assistance to refugees since they had no right to work.

Lebanon has only limited provisions in its domestic law to deal with refugee issues. The Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country of 1962 (Law of Entry and Exit) establishes an ad-hoc committee, composed of the Directors of the Ministries of Interior, Foreign Affairs and Justice in addition to the Director of the General Security, with the capacity to adjudicate asylum applications and grant refugee status. The law lacks any definition of a refugee. Further, these provisions are little known by the public and legal profession in general and no information is available how often it has been invoked in the past, if ever.

In the absence of readily accessible national asylum, UNHCR processes applications for refugee protection, conducts individual refugee status determination, recognizes refugees pursuant to its mandate, and attempts to find durable solutions for refugees.

In September 2003, a Memorandum of Understanding (MOU) was signed between UNHCR and the Lebanese General Security Office (GSO). The Memorandum, long sought by both UNHCR and refugee advocates, included some important advances. In particular, Lebanese authorities for the first time officially acknowledged that refugees

² UNHCR Beirut office Document dated 1st November 2004 (on file).

³ 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

and asylum-seekers have a temporary right to remain in Lebanon. According to the MOU, UNHCR will continue to adjudicate refugee claims, but will share asylum applications with the General Security in order to allow the government to legalize the status of asylum-seekers in Lebanon.

Under the MOU, refugees must apply to UNHCR within two months of their arrival in the country. The General Security Office (GSO) issues refugees provisional circulation permits in the form of identification cards. This permit is valid for three months, renewable once, to asylum seekers with pending cases. During this period, UNHCR should process their refugee applications (which sometimes include appeals). Upon recognition by UNHCR, the refugee's circulation permit is extended for a further 6-9 months allowing UNHCR to find a durable solution for the refugee (generally resettlement in a third country). When requested by UNHCR, the period allowed to find a durable solution can be extended in some cases. It is important to note that the terms of the MOU do not apply to those who have applied or received refugee status before its signing in September 2003.

Despite these improvements, the MOU does not embrace the principle of *non-refoulement*; indeed, *non-refoulement* is not even mentioned explicitly in the text. The MOU guarantees refugees a clear right to stay for only 12 months, and does not protect them from deportation or detention after this time. Under the terms of the MOU, after the 12 month period "the General Security would be entitled to take the appropriate legal measures," e.g. it would be entitled to prosecute foreigners for their illegal entry. It is feared that this may mean prolonged detention until a durable solution is found. The MOU imposes on UNHCR unrealistic expectations of fast resettlement for all refugees, and pressures UNHCR to take unspecified measures to prevent refugees from remaining in Lebanon more than one year. Moreover, the MOU forces asylum-seekers to provide their full personal information to General Security, which could put them at risk without additional safeguards against arrest and detention.

The MOU involves UNHCR in scrutinizing the work of NGOs and independent refugee advocates because it asks UNHCR to assess any criticism of Lebanon's refugee protection record. Under art 18 of the MOU, which states:

in cases of negative criticism or allegations made by Lebanese or other non-governmental organizations or publication of articles by those NGOs or other individuals, UNHCR is entitled to inquire about such allegations and publish the result of its inquiries in the media.

This provision was invoked by the government in 2004 (discussed below at page 15).

b) UNHCR's refugee status determination procedures

Following a UNHCR advisory note regarding Iraqi refugees dated March 2003, UNHCR Beirut started providing temporary protected status to Iraqi applicants. By

granting Iraqi refugees temporary protection, UNHCR put the need for individual status determinations on hold. It was not clear whether Lebanese authorities would respect this form of protection, which falls outside the scope of the MOU.

The limited protection that is available to most non-Palestinian refugees in Lebanon depends on the quality of UNHCR's refugee status determination procedures. If UNHCR RSD fails to correctly recognize a person in danger of persecution as a refugee, s/he will be in immediate danger of deportation, as well as prolonged detention. Refugee status determination is a high stakes and intensive process, requiring highly specialized training in interviewing victims of human rights abuses, research about foreign cultures and human rights issues, and legal analysis. When done correctly it is usually quite time consuming and resource intensive. Safeguards and basic standards of fairness are therefore essential; without safeguards the RSD procedure becomes less reliable.

UNHCR Beirut took an important step forward in improving the fairness of its RSD procedures in 2004: UNHCR-Beirut recognized the right of asylum seekers to seek independent legal representation and to enjoy legal representation in the course of the RSD procedure. UNHCR posted a note on the wall of its office waiting room stating that a refugee or asylum-seeker has the right to seek the assistance of legal counsel to follow up their case with UNHCR, provided that the procuration (representation agreement) is documented and legal. In its announcement UNHCR stressed that legal counseling does not lead to any favor or disfavor in RSD decision-making. Previously, UNHCR-Beirut had refused to allow refugee applicants to be accompanied by a lawyer in their RSD interviews, and had in some cases questioned refugees who obtained independent advice about why and how they did so. This change occurred after several years of effort by Frontiers and its predecessors to provide legal counseling to refugees.

Acceptance of the right to counsel did not resolve all concerns about the adequacy of UNHCR RSD procedures. Like most UNHCR RSD operations in the world, UNHCR-Beirut normally gave rejected asylum-seekers little or no specific explanations of their reasons for rejection. UNHCR-Beirut did not have an independent unit to consider appeals by rejected asylum-seekers. UNHCR-Beirut did not provide applicants access to all, or even most, of the evidence considered in their cases, including interview transcripts, country of origin information, and information obtained from other witnesses.

Because of these limitations, Frontiers is concerned that there was a higher than tolerable chance of RSD error at UNHCR in Lebanon in 2004. At least some of the 154 refugee applicants who were rejected by UNHCR may actually have had genuine fears of persecution, but nevertheless faced a denial of protection. This may have happened because they lacked confidence in the UNHCR procedure and therefore failed to reveal all relevant facts. It may also have occurred because UNHCR erred in its assessment of the facts or law. Such errors are unlikely to be corrected in a system that lacks transparency and an independent mechanism for assessing appeals. Frontiers therefore uses the term "unrecognized refugees" to refer to rejected asylum-seekers, and considers that deportation of rejected asylum-seekers from Lebanon may constitute *de*

facto refoulement, given that there is no reliable system by which to determine whether a person is in genuine danger of persecution.

c) Civil and Political Rights

Detention

Detention and prolonged detention after the expiry of the sentence has long been, and continues to be, one of the most severe protection problems confronting refugees and asylum-seekers in Lebanon. Foreign migrants, including refugees, asylum-seekers with pending cases and failed refugee applicants, made up a very high percentage of the total prison population in Lebanon.

The Lebanese Constitution provides the most explicit guarantee of personal freedom, and hence by extension protects against arbitrary detention.⁴ In addition, human rights treaties governing detention such as the ICCPR, the Universal Declaration and Convention against Torture are directly integrated into Lebanese law and can be used in court to defend against cases of arbitrary detention.⁵

The treatment of foreigners in Lebanon is mainly governed by the Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country of 1962 (Law of Entry and Exit).⁶ Under this law,⁷ the arrest and detention of foreigners is permitted

⁴ Art. 8 of the Constitution reads: "Individual freedom is guaranteed and protected. No one may be arrested or detained except as provided for by law. No breach or penalty may be established other than by law." However, the inclusion of this article under the heading "The Rights and Duties of the Citizen" seems to limit its availability when discussing the detention of foreigners, by definition not citizens of the host state.

⁵ The Lebanese Constitution clearly states that Lebanon is bound by international standards in the areas of human rights, and moreover explicitly enshrines the Universal Declaration of Human Rights. Lebanon has also ratified several human rights treaties, including the ICCPR which provides explicit protection against arbitrary detention as well as several procedural safeguards. International treaties ratified by Lebanon become an integral part of domestic law upon exchange of or deposit of instruments of ratification or accession. The automatic incorporation takes effect upon publication of the treaty in the Journal Official (Official Gazette). These treaties can be directly invoked in legal proceedings. In cases of a conflict between national and international law, judges are directed to accord priority to international law. Additionally, 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 (excerpts from Arbitrary detention research).

⁶ 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. 1 defines foreigner as all natural persons without Lebanese nationality.

⁷ Art. 6 of the Law of Entry and Exit specifically prohibits the entry of foreigners into the territory of Lebanon, except by authorization from the General Security, with the appropriate travel

where they have entered the country illegally. Lebanese law does not differentiate between illegal migrants and asylum seekers or refugees who might have protection concerns. Therefore, since the overwhelming majority of asylum seekers enter Lebanon without a legal permit, the authorities consider them to be illegal aliens. Refugees and asylum seekers are subject to arrest mainly as a result of their illegal entry into the country; article 32 of the Law of Entry and Exit specifies a punishment of one to three months imprisonment, a fine, and expulsion in the case of illegal entry into Lebanon.

UNHCR reports that its improved relationship with the government has reflected positively on the overall situation of the refugees in Lebanon, especially in comparison with the previous two years when refugees were subject to arrest and detention as illegal entrants. Under the terms of the MOU, the General Security must notify UNHCR of all refugees and asylum seekers being detained on its premises. However, prolonged and in some cases indefinite detention, coupled with the risk of forced returns, continued in 2004.

Identity cards issued by UNHCR do not appear to guarantee the refugees security. These are not usually respected by the Lebanese authorities, including the attorney generals, judges, and the judiciary police. Even for those who have successfully acquired UNHCR cards, officially recognizing their status as refugees, the risk of detention remains high. The General Security reportedly based on the MOU has started in late 2004 to issue these refugees government IDs that permits them to circulate. But Frontiers has not been able to confirm such information.

The majority of refugees and asylum-seekers detained on grounds of illegal entry are held in Roumieh prison. Upon the expiry of their prison sentences they are moved to the underground General Security detention center, which is located under a highway overpass. The foreigners held there are those waiting to be released or sent back to their country of origin. However, most of them are kept in Rumieh prison or at the GS detention center long after the expiry of their prison terms.

Lebanon's total prison population at November 12, 2004 was 5,375. Of these, pre-trial detainees or remand prisoners were 53.6 percent of the population, with foreigners amounting to 36.1 percent as of May 31, 2004.⁸ Official statistics published in *Assafir* Newspaper on November 22, 2004 indicated that there are 5399 detainees in all the Lebanese prisons, 3311 of these detainees held in Roumieh prison, 1507 of whom were waiting trial. According to *Assafir* there were 666 detained in Roumieh prison for illegal entry, 144 of them are waiting trial.

The general detention conditions in Lebanon were an area of concern. Most foreigners are held in Rumieh's prison Buildings C and D, both of which are at 200 percent capacity. The 2004 total prison population of 3311 was almost the double its official

documents, or by the authorization of a Lebanese representative abroad. It is under this prohibition that Lebanese authorities detain and arrest foreigners.

⁸ World Prison Brief of the International Centre for Prison Studies – Middle East, School of Law, Kings College, London Available: http://www.kcl.ac.uk/depsta/rel/icps/worldbrief/middle_east_records.php?code=179 ; FR Arbitrary Detention Research

capacity of 2,000. During April 2004, the Parliamentary Committee for Human Rights carried out inspection visits to most of the detention facilities with the exception of the facilities run by the Ministry of Defense. The head of the delegation stated that the "central prison of Roumieh faces some problems that could be easily resolved." However, commenting on the women's prisons, he said these prisons do not deserve to be considered as stables for animals, and called for their immediate closure. Describing the prison in Baabda, he said, "there are only 5 cells and 95 inmates and the cells are infested with cockroaches and rodents and prisoners are not even exposed to sun."⁹

Refoulement

Foreigners are usually detained in Lebanon first as punishment for illegal entry or presence, and then in order to facilitate their deportation. For refugees, this raises concern about *refoulement*, or forced return to a territory where a person's life or freedom is in jeopardy. *Refoulement* is a violation of international law. In theory, Lebanon's 1962 Law of Entry and Exit prohibits *refoulement* and allowed foreigners to request political asylum. The principle of *non-refoulement* applies regardless of how long a person has been in Lebanon, but the 2003 MOU provides only for a brief temporary period of residence in the country.

There is no public information regarding *refoulement* in 2004. NGOs working in prisons and the General Security detention center were reluctant to give any information. However, according to reports from refugees, deportation of asylum seekers, mainly Sudanese, were systematically taking place in 2004. No exact number is available; there were reports that several hundred Sudanese refugees (many of them unrecognized) were returned to Sudan. It is feared that many of them were asylum-seekers who had not had the chance to apply or to be reviewed by UNHCR before their deportation. There is no independent monitoring of the process, and therefore it is difficult to verify these reports.

Access to courts

Refugees and asylum-seekers generally have access to courts. Lebanon subsidized legal aid to nationals of countries providing reciprocal rights to Lebanese nationals, effectively excluding Palestinians.

Based on individual testimony collected at Frontiers, criminal trials for illegal entry are done in groups of as many as 20 people at the same time, in opposition to the established right to an individual hearing. Moreover, there is no legal counsel provided and no access to properly trained lawyers at these trials. Defendants are often not even allowed to present a defense. They are regularly given standard sentences of one month of imprisonment, 50000LL fines and deportation.

⁹ Assafir Newspaper, November 22, 2004

The law guarantees the right of every person to access the courts, without any distinction between Lebanese and foreigners, and without requiring status as a legal resident.¹⁰ Moreover, according to the jurisprudence of the Labor Council for Arbitration (Majlis el Amal Al Tahkimi) a foreigner working without a work permit still has the right to present a case before a court, or demand compensation.¹¹ Therefore, illegal residents who are subject to harassment or extortion have the legal right to go to court, but they risk getting charged for illegal residency and for working illegally.

d) Economic and Social Rights

Right to work

Lebanese law severely restricts the rights of all foreigners, including refugees and asylum seekers, to work in Lebanon. Although the September 2003 MOU recognized a refugee's right to remain temporarily in Lebanon it did not include the right to work but rather makes it the responsibility of the UNHCR to provide socio-economic assistance and protection. Since UNHCR material assistance is actually quite limited, refugees had no option but to work illegally in most cases.

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 Lebanon¹² or to practice a profession.¹³ Moreover, the same legislative decree requires that a foreigner maintain their status as a legal resident in order to keep the work permit.¹⁴ The main requirement of a work permit prevents refugees and asylum seekers from benefiting from social security.¹⁵ Lebanese labor law does not explicitly exclude refugees or asylum seekers, but other restrictions on the broader category of foreigners results in their de facto exclusion from the law's protection.

For the refugees and asylum-seekers in Lebanon, the consequences of the restrictive treatment of foreigners are that they are forced to work in the shadow economy, with low wages, long working hours, and a lack of protection by labor legislation or social security, as compared to that enjoyed by nationals. According to a protection officer at UNHCR's Beirut Office, Daniel el Khal, "Refugees manage to work under the table and get paid under the table. ... The Iraqi refugees are doing jobs that Lebanese are not

¹⁰ Code of Civil Procedures, Legislative Decree 90, Dated September 16, 1983, art 7; Law of Obligations and Contracts, arts. 654, 656 ; Labor Code, arts. 50, 79.

¹¹ Labor Council for Arbitration, Decision No. 404, 17 March 1967. As published in Bar Association Periodic Report, 1968/1, No. 76.

¹² Labor Law, Legislative Decree No. 17561 "Regularization of foreigners workers", September 18, 1964, art. 2.

¹³ *Ibid*, art 8(7).

¹⁴ *Ibid*, art 20.

¹⁵ *Ibid*, art 10.

in a hurry to get.”¹⁶ Some refugee children are forced to drop out of school because they need to work and earn money for their families.

Right to health

Despite having signed and ratified numerous international human rights instruments¹⁷ which protect the right of everyone to health and decent standard of living without distinction based on nationality, race, or residency, foreigners in general in Lebanon do not have full access to the public health scheme.

In general, needy foreigners legally resident in Lebanon have the right to access public health care including hospitalization on condition of reciprocity unless they fall under the mandate of an international organization.¹⁸ However, this condition of legality and reciprocity do not apply when a foreigner suffers from contagious illnesses, and for vaccination.¹⁹

While refugees cannot benefit from public health care, and while the MOU required UNHCR to provide assistance to refugees, UNHCR covers 85 percent of the health fees for recognized refugees, and 100 percent for extremely vulnerable cases and in exceptional situations. Asylum seekers and unrecognized refugees are not covered by UNHCR. They occasionally receive limited assistance from a few charitable non-governmental organizations working with migrants. But, in general, they are left on their own to find a way to cover for their health treatment. There are also efforts in refugee communities to provide health care and assistance to refugees, such as health awareness campaigns in the Sudanese community and encouraging dispensaries to provide tuberculosis tests.

Right to education

Lebanon has ratified a number of international instruments that guarantee the right of everyone to education.²⁰ Some of these texts provide explicitly for the right to foreign

¹⁶ Zeena Nehlawi, *With a little help from UNHCR, Iraqi refugees get by in Lebanon*, THE DAILY STAR (April 15, 2004).

¹⁷ See UDHR art 25 (the Universal Declaration of Human Rights is incorporated in the Preamble of the Lebanese Constitution), ICSECR art 12 as explained General Comment No. 14 (2000), The right to the highest attainable standard of health, (article 12 of the International Covenant on Economic, Social and Cultural Rights) : E/C.12/2000/4, Twenty-second session, 11/08/2000), Committee On Economic, Social and Cultural Rights (ICESCR Ratified by Lebanon September 1, 1972), Convention on the rights of the Child art 24 (CRC Ratified by Lebanon on 26 June 1990), CERD art 5 (Ratified by Lebanon November 12, 1971)

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

¹⁹ Legislative Decree No. 16662, "Determining persons who have the right to be treated in public hospitals" June 18, 1964, arts. 1, 3, 5, 6.

²⁰ See UDHR art 26 (the Universal Declaration of Human Rights is incorporated in the Preamble of the Lebanese Constitution), ICSECR art 13 and 14 (ICESCR Ratified by Lebanon September 1,

nationals resident within their territory "the same access to education as that given to nationals".²¹ In addition, the Regional Conference on Education for All for the Arab States held in Cairo, Egypt, 24-27 January 2000²² adopted "the principle of equity in education", which consists of the following:

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 circumstances²³

In 1999 the Ministry of Education informed UNHCR in writing that non-Lebanese children have the right to access primary and intermediary public schools provided that there are vacant places. In general, no distinction is made between those that hold UNHCR cards and nationals. But refugees without UNHCR identity cards cannot register because the state requires some proof of legal residency. Religious schools in Lebanon are receptive to refugee children, and are lenient in accepting them into their system as long as they can pay the fees. Primary and intermediate public schooling is free in Lebanon for everyone.

According to the Middle East Council of Churches (MECC), UNHCR's implementing partner for health and education in Lebanon, many refugee children drop out of school between the ages of 13 to 14. Very few make it to high school or sit for their baccalaureate exams. Refugee parents are often in unstable situations where they need their child to work and generate income. Often, they consider their stay temporary and do not want to settle their children in school only to uproot them again. Also, tuition fees increase with higher educational levels, and many families do not want to pay the higher fees. There are no statistics as to the total number of refugees in schools.

MECC, which assists recognized refugees with educational costs, increased the amount they give for tuition two years ago from 325,000LL to 500,000LL per child. MECC

1972), Convention on the elimination of all forms of discrimination in education, art 3 and 4 (ratified by Lebanon in 1962), Convention on the rights of the Child art 28 (CRC Ratified by Lebanon on 26 June 1990), CERD art 5 (Ratified by Lebanon November 12, 1971)

²¹ Convention against Discrimination in Education, Ratified by Lebanon May 22, 1962, art. 3, art 13 ICSECR as explained in General Comment No. 13 : The right to education (Art.13) : 08/12/99, E/C.12/1999/10. Committee on Economic, Social and Cultural Rights, Twenty-first session 15 November-3 December 1999, Implementation of the International Covenant on Economic, Social And Cultural Rights, available at <http://www.ohchr.org/english/bodies/cescr/comments.htm>

²² Arab Ministers adopt the 'Cairo Declaration' : June 8, 2004 - Education Ministers at the Arab Regional Conference on Education for All: Arab Vision for the Future (1-3 June, Cairo), available at http://www.unesco.org/education/efa/region_forums/arab_region/arabefa_meetings.shtml

²³ Education For All, Regional Action Plans, Arab States, available at www.unesco.org, Dakar Framework stating that "The inclusion of children with special needs, from disadvantaged ethnic minorities and migrant populations, from remote and isolated communities and from urban slums, and others excluded from education, must be an integral part of strategies to achieve UPE by 2015" (Dakar Framework for action, Notes prepared by the World Education Forum Drafting Committee Paris, 23 May 2000, at 32- 33, available at http://www.unesco.org/education/efa/wef_2000/index.shtml)

also provides skill development training at a community development center that MECC and UNHCR opened in 2004. This center conducts capacity-building programs and skills training for the refugees, including English, accounting, hairdressing and sewing.²⁴ The International Catholic Migration Commission reported that it sponsored more than 340 Iraqi children in Lebanon in primary schools, and 86 young Iraqis participated in vocational training.²⁵

Public relief and assistance

Under the terms of the MOU's article 14, UNHCR is responsible for assisting refugees in Lebanon. Recognized refugees receive monthly financial assistance from UNHCR via MECC. However, the payment is given to priority groups such as single persons with children, or large families, rather than to every recognized refugee. Moreover, the payments are limited to a maximum period of five years. MECC did not give exact figures on the amounts paid out to different categories. However, according to testimony of a refugee mother with two children, MECC paid her \$150 every three months.

According to a UN briefing, UNHCR total assistance budget for the year 2004 amounted to 1.2 million US Dollars.²⁶

e) Durable solutions

The authorities request UNHCR to resettle all refugees recognized under its mandate and to reduce their stay in Lebanon to a maximum period of one year. Local integration is not a viable option given the lack of legal framework for asylum in Lebanon. Voluntary repatriation to the countries or origin remains the preferred solution for UNHCR and refugees are constantly encouraged to repatriate once the conditions that led to their departure no longer prevail. Resettlement to third countries remains therefore the only durable solution for the refugees who are not able or willing to return home.²⁷

²⁴ UNHCR Global report 2004, Middle East, p 320; UNHCR Global Appeal 2005, Lebanon.

²⁵ ICMC Annual Report 2004 at Training, social services and technical assistance.

²⁶ UN in Lebanon, UN presence /UN Organizations Represented in Lebanon / UNHCR available at www.un.org.lb

²⁷ UN in Lebanon, UN presence /UN Organizations Represented in Lebanon / UNHCR, available at www.un.org.lb

Repatriation

According to UNHCR, 1531 Iraqi refugees were voluntarily repatriated from Lebanon, 821 of them with the assistance of UNHCR.²⁸ This included refugees who were in detention mainly on grounds of illegal entry and were detained months after the expiry of their sentences. These were taken directly from prisons to the convoys. UNHCR Beirut assisted in the voluntary repatriation of 918 Iraqis from Lebanon since the signing of the September 2003 MOU despite the temporary protection regime for all the Iraqis. Because of the difficult conditions in detention, Frontiers does not believe that these repatriations can be considered voluntary; these refugees would have been subject to the “choice” of return to Iraq or indefinite detention in Lebanon.

A “voluntary repatriation” convoy left Lebanon to Iraq on 15 September 15 2004 under the auspices of the UNHCR, Lebanese General Security and the International Organization for Migration. The “voluntary repatriation” was monitored by a group of human rights activists who published an internet article that accused the government of forcing Iraqis to return home against their will.²⁹ The General Security protested to UNHCR under the MOU’s article 18. UNHCR replied that the article was unfavorable and “it is discussing how to deal with it”.³⁰

In 2004, 154 unrecognized Sudanese refugees were “voluntarily repatriated” to Sudan in concert with the ICMPD.³¹ It is believed that most of them were detained on grounds of illegal entry for long period after the expiry of their sentence

Frontiers fears that the procedures followed in preparation of these voluntary repatriation schemes fall short of international standards and UNHCR basic guidelines. Given the lack of long term legal status for refugees in Lebanon, the constant threat of prolonged detention and the gaps in refugee status determination procedures, refugees are likely to leave in large part because they feel so insecure in Lebanon. When conditions in the host country push refugees to leave more than improved conditions at home pull them to return, repatriation cannot be considered fully voluntary.³²

On 6 June 2004, UNHCR, in coordination with the General Security and foreign embassies, repatriated the remaining 30 Iraqi Kurds who had been stranded in Naqoura on the Lebanese-Israeli border to Iraq after 3 years spent in limbo.

²⁸ 2004 Statistics, table 16; Another source noted that in 2004 RO Beirut facilitated the Voluntary repatriation to their country of origin of some 836 Iraqis from Lebanon (UN in Lebanon, UN presence /UN Organizations Represented in Lebanon / UNHCR available at www.un.org.lb)

²⁹ IndyMedia Beirut, “Ongoing deportation of Iraqi Refugees back to the war zone.” September 15, 2004. Available at: <http://www.beirut.indymedia.org>

³⁰ Response available at www.surte-generale.gov.lb

³¹ Fadia Kiwan, Institutions et politiques migratoires au Liban, available at www.carim.org,

³² This standard of voluntariness is taken from UNHCR, Voluntary Repatriation: International Protection (1996).

Resettlement

UNHCR resettlement statistics report that there were 714 refugees resettled from Lebanon, all assisted by UNHCR, 245 of them Iraqis.³³ The main Western countries that had active resettlement programs in 2004 from Lebanon were Australia, Canada, Finland, and Sweden. During 2004 Finland received 113 so called "quota refugees" from Lebanon. Most were Sudanese, but some spouses had other nationalities, In addition 9 newborn babies of the persons accepted in the 2003 quota were granted permits to go to Finland in 2004. Canada resettled 99 refugees from Lebanon in 2004. A detailed breakdown by country of origin is not available. However, according to Canadian officials, applicants were not from any one predominant group. At the time of writing, no other embassies had responded with statistics on resettlement.

In late summer 2004, UNHCR Beirut informed "long stayer" Iraqi refugees who had been accepted for resettlement in the US but denied actual travel after 11 September 2001 that there is a Brazilian resettlement program and urged them to sign the resettlement agreement. UNHCR held a meeting with interested refugees to inform them about the program and about the country. However, a source who was present at this meeting told Frontiers that UNHCR-Beirut office wanted refugees to sign without any information, and that a UNHCR official justified this new development by the fact that "he wants to be discharged before the General Security, so he should find a solution for the refugees." According to the report received by Frontiers, UNHCR told the Iraqi refugees that they would give the names of those who do not sign the Brazilian resettlement to the General Security, telling them that UNHCR tried to give these refugees a durable solution, and they refused it.

³³ UNHCR 2004 Statistics, tables 2 and 17

4) PROTECTION OF PALESTINIAN REFUGEES

The U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 390,000. This figure, which represented refugees who arrived in 1948 and their descendents, was presumed to include many thousands who reside outside of the country. It was believed that approximately 150,000 to 200,000 Palestinians actually resided in the country. This count does not include a conservative estimate of 16,000 unregistered Palestinian refugees who have government IDs in the country and a small number (between 3000-5000) of undocumented Palestinian refugees who are registered neither with UNRWA nor the government.

The Government of Lebanon rules out all discussion of refugee rights by raising objections to the permanent implantation of Palestinians into Lebanese society. It argues that an implantation — *tawteen* — will tip the political balance of religious and ethnic groups in the country. Lebanon has repeatedly stated that it will not accept the permanent settlement of Palestinian refugees in Lebanon and that their presence in the country is temporary.³⁴

In May 2003, the State Consultative Council invalidated the 1994 naturalization decree in which several thousand Palestinian nationals were naturalized. As a result, approximately 4,000 cases, some of which are families including several siblings, risk losing their Lebanese citizenship. The Council referred the issue to the Ministry of Interior to review the files and decide their legal status. The Ministry continued to review the files; however, it had not issued a decision by the end of 2004.

In 2004, the UN Committee on the Elimination on Racial Discrimination expressed concern about measures restricting the social and economic rights of Palestinians and urged Lebanon “to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.”³⁵

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. According to a 1957 decree, Palestinian refugees who did not reside in camps could freely change their residence, but those in camps had to apply for a permit before moving to other camps. Palestinians are forbidden from living in the areas near the frontiers, where they can only go with prior authorization.

The 12 official Palestinian refugee camps that exist in Lebanon today are under the *de facto* control of armed Palestinian militias; they are often surrounded by Lebanese

³⁴ Amnesty International, Refugees feature: Palestinian refugees - a legacy of shame, AI press release, 03/03/2004.

³⁵ CERD/C/64/CO/3 para. 12, 64th session (28 April 2004)

army positions that control entry and exit, but the Lebanese government in general does not exert its authority inside the camps. An estimated 17 Palestinian factions operate in Lebanon, generally organized around prominent individuals. Most Palestinians live in refugee camps controlled by one or more factions.

Freedom of expression was restricted by the presence of Lebanese security forces and the Syrian army near refugee camps. Many Palestinians have been arrested and transferred to either prisons in Lebanon or Syria. For fear of reprisals, Palestinians are afraid to express their opinions, not only due to the controls of Syrian and Lebanese security, but also due to the different rivaling political factions within the camps.

a) Economic rights

A 2001 amendment to Lebanon's 1969 property decree prohibited anyone not having "nationality of a recognized state" or anyone whose ownership of property is contrary to the Constitution's ban on *tawtin* (implantation) "to possess real [property] rights of any nature." The 2001 law bars Palestinians from owning real estate. Lebanese law also bars them 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. The law does not explicitly target Palestinian refugees, but bars those who are not "bearer[s] of nationality of a recognized state" from owning property; in practice, this means only the Palestinians. Under the new law, ownership automatically reverts to the state. The Parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the State of Israel in 1948.

The Lebanese government applies a policy of reciprocity of treatment when it comes to granting work permits. Palestinians are at a particular disadvantage in relation to other foreign nationals as they do not have a state that could provide reciprocal treatment to Lebanese nationals. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Palestinian incomes continued to decline. The law prohibited Palestinian refugees from working in 72 professions.

One consequence of Lebanon's reciprocity requirement is that Palestinians cannot join any professional associations. Membership in these associations is a prerequisite for the practice of more than 70 skilled and semiskilled occupations. Furthermore, several professional associations are open only to those who have held Lebanese citizenship for a minimum of ten years.

These restrictions lead many Palestinian refugees to work without permits, leaving them without the leverage to negotiate fair payment for services or traditional benefits, such as medical insurance, overtime, vacation, or retirement programs. The Lebanese Law on Social Security (26/09/63) relating to foreigners states that only foreigners who hold a work permit and are from a State which applies the principal of reciprocity may claim social security. As a result, Palestinian workers are excluded, even when they

have a work permit, as they cannot meet the principal of reciprocity criteria because they are Stateless.

b) Education and health

Palestinian refugees generally must rely on UNRWA's education programs, for which need far outstrips capacity.³⁶ When Lebanese schools and universities enroll students, they give priority to Lebanese candidates. Private education is unaffordable to most Palestinians. According to the Department of Palestinian Affairs, around 20 percent of the Palestinian refugees have access to Lebanese education.³⁷

For registered Palestinian refugees, UNRWA provides education in 75 schools (70 primary and 5 secondary). UNRWA education is free, and attended by approximately 39,000 students. 42 percent of UNRWA schools in Lebanon were built in the 1950s and 1960s, and today are in a state of disrepair. Moreover, the number of schools does not match the growing population, resulting in a system of double shifts, where classes are taught to one group in the morning and another in the afternoon. In each small classroom there are around 40 students.

Palestinian children reportedly were forced to leave school at an early age to help earn income. The UN estimated that 18 percent of street children in the country were Palestinian. Poverty, drug addiction, prostitution, and crime reportedly were increasing in the camps, although reliable statistics were not available.

Regarding health care, public hospitals are largely insufficient, and private hospitals cost too much for most Palestinians. Palestinian refugees must seek treatment at one of 25 UNRWA clinics. For registered Palestinian refugees, UNRWA provides medical services in 24 private general hospitals, and one maternity and child care center. Basic services are offered only in the areas of maternity, child care, family planning and control of infectious and non-infectious disease.

UNRWA is barely able to meet the basic needs of the Palestinian population; partial reimbursement (25 percent of the cost of hospital treatment) is one of the coping mechanisms, which has resulted in cases of Palestinians who have not been able to leave hospitals because they cannot pay the costs of their stay.

In exceptional cases, Lebanese authorities provided relief to individual Palestinian refugees.

³⁶ With Palestine, against the Palestinians, by Lisa Raffonelli, USCRI World refugee Survey 2004

³⁷ Situation of Palestinian refugees in Lebanon, available at www.refugee.resist.ca/english/document/situationlebnaon_m.htm

c) Housing

The Palestinian camps are restricted to small areas of land and struggle to support an ever-growing population. Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the civil war, during the Israeli invasion of the country, and during on-going camp feuds. The Department for Palestinian Affairs in Lebanon acknowledges that some 200,000 Palestinian refugees live in camps that are capable of holding only up to 50,000.

In the official UNRWA camps only 63 percent of the shelters have proper sewer connections, just half have running water, and few have steady garbage collection. Additional rooms have been added to existing buildings, often to the detriment of the narrow alleyways between them, often blocking the sun. The sight of sewage waters in the streets of a camp is commonplace.

The government prohibits rebuilding camps damaged in the wars, enlarging existing camps, or building new camps, since the war of 1975/76 when three camps in Lebanese Forces-dominated areas were overrun. Furthermore, construction and redevelopment inside the existing camps in the south of Lebanon, where the largest camps are situated has been prohibited since 1991.

At many camps, armed soldiers monitor entrances and conduct vehicle searches that often take up to two hours. The soldiers search for any tools or building materials that the refugees might use to repair their homes — shovels, bags of cement, hammers and nails — and prosecute these alleged smugglers in front of military courts for a crime that is not actually established by any Lebanese legislation.³⁸

³⁸ With Palestine, against the Palestinians, by Lisa Raffonelli, USCRI World refugee Survey 2004

5) SUMMARY OF FRONTIERS ACTIVITIES 2004

Frontiers continued its activities throughout 2004 despite the September 2003 arrest of Frontiers Center Director Samira Trad for her work documenting the plight of Iraqi refugees in Lebanon. Her arrest was widely condemned by both Lebanese and international human rights monitors.

On September 6, Frontiers Association submitted its by-laws to the Ministry of Interior for registration as an NGO and hence officially became a non-profit association under the Law on Associations. Frontiers' establishment as a legal NGO was the culmination of a five-year legal evolution; its work grew from the Ad-hoc Committee for Refugees and Asylum-Seekers (ACSRA, 1999-2002), which had worked under the umbrella of another organization, and Frontiers Center (2003-2004), which had been registered as a civil company partnership. ACSRA and Frontiers Center had worked nearly exclusively with non-Palestinian refugees.

At the end of 2003, Frontiers made a strategic decision to devote more of its efforts to policy research and advocacy, while continuing to offer individual counseling to refugees. In 2004 Frontiers also decided to broaden its Migration program to include migrant workers and all refugee populations in Lebanon, including Palestinians.

In March, Frontiers together with the International Federation for Human Rights (FIDH) prepared a NGO "shadow report" on Lebanon to the UN Committee on the Elimination of All Forms of Racial Discrimination. In June, Frontiers presented the Lebanese NGOs statement to the Euro-Med Civil Forum in Cyprus.

In September, Frontier was the only Lebanese NGO that does not receive funds from UNHCR to participate in the UNHCR Executive Committee and annual UNHCR-NGO consultations in Geneva. Frontiers cooperated with several other legal aid organizations from around the world in submitting a joint NGO statement calling for an independent assessment of the way UNHCR conducts refugee status determination.

UNHCR's recognition in 2004 of the refugee right to counsel was a product of several years of effort by Frontiers. Frontiers provided individualized counseling to 74 refugees who visited the office in 2004. Frontiers provided advice individually and in group sessions, and in a small number of cases submitted formal legal petitions on behalf of clients.

Frontiers completed a major legal study on arbitrary detention of foreigners in Lebanon, to be published in both Arabic and English. Frontiers also initiated a comprehensive legal study to assess the degree to which Lebanese legislation complies with the Convention on the Protection of the Rights of All Migrants Workers and

Members of their Families. Frontiers similarly initiated a study of social and economic rights of refugees and asylum-seekers in Lebanon.

Frontiers began a long-term project to assess the predicament of “non-ID” and “non-registered” Palestinian refugees in Lebanon. Available data indicates that several thousand Palestinians lack registration with UNRWA or the Lebanese government, or both. Frontiers aims to publish a comprehensive assessment of the reasons why this problem occurs, and to recommend reforms.

6) ABOUT FRONTIERS (RUWAD) ASSOCIATION

Frontiers (Ruwad) 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.

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 and on behalf of refugees and asylum-seekers. FR is developing a professional quality refugee rights program. Its staff and partners 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; and networking at international and national levels.

During 2004, Frontiers was supported financially by the Ford Foundation and small local contributions.

7) 2004 AUDITED FINANCIAL STATEMENT

Joseph T. Abboud

Expert accountant certified in Courts
A member of The LACPA No 854

FRONTIERS – RUWAD ASSOCIATION

2-BALANCE SHEET AS AT December 31ST 2004:

FINANCIAL RESOURCES:

Cash Flow	3340 \$
Revenue – donations	44142 \$
<u>General Total</u>	<u>47482 \$</u>

BALANCE OF PAYMENTS:

Purchases of consumables	1646 \$
External Services	42496\$
Total	44142\$
<u>Adjustment accounts- amounts to be paid</u>	<u>3340 \$</u>
<u>General Total</u>	<u>47482\$</u>

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3-STATEMENT OF CASH FLOW

the balance of cash flow equivalent 3340 US\$

This amount represent the adjustment accounts (reserve amount to be paid).

4-REVENUE STATEMENT

Exeptional revenue – donations : 39.955US\$

Exeptional revenue – donations : 4.187 US\$

Total : **44.142 US\$** *SB*