



## The Vulnerability of Refugees Amid Lebanese Law and the Humanitarian Policies

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Centre for Lebanese Studies*

**VULNER Research Report 1**

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## The Vulnerability of Refugees Amid Lebanese Law and the Humanitarian Policies

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## **EXECUTIVE SUMMARY**

### ***VULNER project***

This research report has been published as part of the EU Horizon 2020 VULNER research project ([www.vulner.eu](http://www.vulner.eu)). Our project arose from the finding that the requirement to address migrants' multiple and various vulnerabilities is flooding the policy discourse on asylum and migration at the EU and global levels (as illustrated by the UN Global Compact for Migration and its objective 8 to 'reduce vulnerabilities' in migration, and the current focus at the EU level on the establishment of vulnerability assessment mechanisms as part of asylum and border procedures as well as in resettlement programmes).

This research report presents some of the **intermediate research results of the VULNER project**, based on the first phase of the project, which consisted of mapping out the vulnerability assessment mechanisms developed by state authorities in Lebanon, including how they are implemented on the ground through the practices of the public servants in charge. In addition, the report examined the vulnerability assessment mechanism employed by international organizations in Lebanon, whether the United Nations agencies or other international and national non-governmental organizations.

**The following research questions are addressed:** What do the relevant domestic legislation, case-law, policy documents, and administrative guidelines reveal about how "vulnerabilities" are being assessed and addressed in the countries under study? Do the relevant state and/or aid agencies have a legal duty to assess migrants' vulnerabilities, and if yes, using which procedures, when and how? Following which legal and bureaucratic criteria? How do decision-makers (street-level bureaucrats) understand and perceive the 'vulnerabilities' of the migrants they meet on a daily basis? How do they address these 'vulnerabilities' through their everyday practices? What is their stance on existing legal requirements towards 'vulnerable' migrants? Which loopholes do they identify?

To that end, the Lebanese report seeks to understand how the concept of vulnerability of a refugee is conceived and implemented in the legal system and policies in Lebanon. The interest in the potentials of the notion of vulnerability in humanitarian contexts comes at a time when international aid is shrinking while the Syrian conflict became protracted.

The approach followed for this report was a qualitative one comprising of a desk review of laws and legislations and 42 semi-structured interviews with key stakeholders such as with judges, officials working with the Ministry of Social Affairs, and the General Security and Internal Security Forces' Directorate-General. On the other hand, interviews were conducted with key staff of UN agencies, international and national NGOs in addition to legal practitioners

Lebanon is the country hosting the most refugees per capita and has thus received considerable attention from the international community including EU funding to help curb the influx of refugees attempting to reach to Europe in search for a better future. Lebanon's legal and policy frameworks deny refugees access to asylum on its territory making it a transit country for refugees where integration and resettlement are not allowed.

The main findings of the report show that the notion of vulnerability as practiced and approached in the humanitarian response is quite different to the definition adopted by other the countries that are part of the VULNER consortium. Vulnerability in the humanitarian context of Lebanon is defined primarily by ability of access economic resources as well as protection. Vulnerable categories are not a primary concern for the refugees' vulnerability assessments since the prime concern of humanitarian actors is to ensure the socio-economic needs of the refugee population. As for Lebanese legislations, vulnerability is used to refer to certain groups such as women and minors without restricting legal protection to nationality or legal status.

Finally, the growing emphasis on vulnerability was criticized since it renders refugees passive and it is defined abroad by the international community mainly humanitarian organizations and imposed on Lebanon. Practitioners called to adopt a discovery approach to define refugees' vulnerability and to unpack its root causes, rather than being focused only on dealing with the consequences.

The next phase of the study will be focused on understanding vulnerability from the perspectives of refugees in Lebanon in order to unpack their perception of vulnerability.

تمّ نُشر هذا التقرير كجزء من المشروع البحثي VULNER ضمن مبادرة الاتحاد الأوروبي أفق (Horizon) لعام ٢٠٢٠ (www.vulner.eu). وانبثقت فكرة مشروعنا من الحاجة الى دراسة معمقة لمفهوم وتطبيقات جوانب الضعف المتعددة للاجئين والذي انتشر بشكل واسع في خطاب السياسات العامة بشأن اللجوء والهجرة على الصعيدين الأوروبي والعالمي (كما يتضح من إتفاق الأمم المتحدة العالمي للهجرة، وهدفه الثامن المتمثل في «الحدّ من جوانب الضعف» في الهجرة، والتركيز الحالي على مستوى الإتحاد الأوروبي على إنشاء آليات تقييم جوانب الضعف كجزء من إجراءات اللجوء والحدود وكذلك في برامج إعادة التوطين).

ومع ذلك، فإن مثل هكذا هدف سياسي، إذا لم يكن مستنداً إلى البيانات والتحليلات العلمية التي توفر فهماً واضحاً وغير نمطيًا لجوانب الضعف التي يعيشها ويختبرها اللاجئون والمهاجرون قسرياً، سيواجه خطر الفشل في معالجة جوانب الضعف، أو مفاومة تلك الجوانب الموجودة أصلاً أو حتى إنتاج جوانب ضعف جديدة.

إنّ الهدف العام لمشروع VULNER هو إنتاج مثل هذه المعارف العلمية بطرق تساعد الدول على تحديد إستراتيجيات مناسبة لتقييم «جوانب ضعف» اللاجئين، لتلبية احتياجاتهم الخاصة وتفادي الفهم النمطي لتجاربيهم المعاشة. كما يسعى مشروع VULNER إلى تطوير تفكير أوسع وأكثر شمولاً و نقدي حول الإستخدام المتزايد لـ «جوانب الضعف» كمعيار قانوني وسياسي يوجّه تطوير وتنفيذ سياسات اللجوء، بما في ذلك كيفية إرتباطها بإعتبارات مراقبة الحدود الملازمة لهذه السياسات.

يقدم هذا التقرير البحثي بعض نتائج البحث الأولية لمشروع VULNER، بناءً على المرحلة الأولى من المشروع، والتي تتألف من تحديد آليات تقييم جوانب الضعف التي طوّرتها مؤسسات الدولة في لبنان، بما في ذلك كيفية تنفيذها على أرض الواقع من خلال فهم ممارسات موظفين الامن والقضاة المعنيين. بالإضافة إلى ذلك، يتطرق التقرير الى آلية تقييم جوانب الضعف التي تستخدمها المنظمات الدولية في لبنان، سواء كانت وكالات الأمم المتحدة أو غيرها من المنظمات غير الحكومية الدولية والوطنية.

يتقّص التقرير الأسئلة البحثية التالية: ماذا تكشف التشريعات المحلية ذات الصلة، والإجتهاادات القضائية، ووثائق السياسات العامة، والتوجهات والقرارات الإدارية عن كيفية تقييم «جوانب الضعف» ومعالجتها في البلدان قيد الدراسة؟ هل يقع على عاتق الدولة و/أو وكالات الإغاثة واجب قانوني لتقييم جوانب ضعف اللاجئين، وفي حال كانت الإجابة بنعم، ما هي الإجراءات المتبعة؟ متى وكيف؟ تبعاً لأي معايير قانونية وبيروقراطية؟ كيف يفهم صانعو القرار (البيروقراطيون على مستوى المحلي) ويدركون «جوانب ضعف» اللاجئين الذين يقابلونهم يومياً؟ كيف يعالجون هذه الجوانب من خلال ممارساتهم اليومية؟ ما هو موقفهم من المتطلبات القانونية الحالية تجاه اللاجئين «ذوي جوانب الضعف»؟ ما هي الثغرات التي يحددها؟

لقد تمّ إتباع النهج الإستقرائي النوعي في هذا التقرير، حيث حللنا النهج القائمة التي تتبعها الدول إزاء «جوانب الضعف» كمفهوم قانوني وسياسي، كما لجأنا الى إجراء مقابلات مع صانعي القرار لاستكمال فهمنا لدراستنا للإطار القانوني.

تُشكّل هذه الدراسة أول مرحلة من عملية جمع البيانات. أمّا الآن، فنحن نقوم بعمل ميداني إثنوغرافي بين تجمعات غير الرسمية وتلك التي تديرها الدولة، بهدف الوصول إلى فهم أكثر عمقاً لتجارب اللاجئين أنفسهم وفهمهم لجوانب الضعف الخاصة بهم. والهدف من ذلك هو توثيق وتجسيد كيف تُساهم الأطر القانونية وممارسات الدولة بتشكّل هذه التجارب، وحتى إنتاجها في بعض الأحيان؛ وكيف يكتيف اللاجئون والمهاجرون قسرياً سلوكهم ليلائم فئات جوانب الضعف الحالية المحددة من قبل المنظمات؛ وما هي إستراتيجيات التكتيف والصمود التي يطورونها. هدفنا النهائي من هذه الدراسة هو التفكير بشكل شامل ومن منظور نقدي في الإستخدام المتزايد لـ «جوانب الضعف» كمعيار يوجّه صناعة وتنفيذ سياسات الهجرة واللجوء على مستوى الإتحاد الأوروبي والمستوى العالمي.

## أبرز نتائج البحث

لبنان هو البلد الذي يستضيف أكبر عدد من اللاجئين بالنسبة لعدد المواطنين، وبالتالي فقد حظي باهتمام كبير من المجتمع الدولي بما في ذلك تمويل الاتحاد الأوروبي للمساعدة في الحد من تدفق اللاجئين الذين يحاولون الوصول إلى أوروبا بحثاً عن مستقبل أفضل.

يضيف تقرير لبنان ضمن مشروع VULNER منظوراً جديداً لمفهوم جوانب ضعف اللاجئين، لكونه يقدم بيانات ونتائج من خضم أزمة إنسانية وسياسات إغاثية. إن الأطر القانونية والسياساتية التي تمنح اللاجئين من الحصول على اللجوء على أراضيها إلى جانب المساعدات الدولية الهادفة إلى استقرار اللاجئين في لبنان، جعلت من لبنان مثلاً لدولة مضيئة ودولة «عبور» للاجئين، ولكن دون السماح للاجئين بالاندماج والتوطين.

يسعى التقرير إلى تحديد مكانة مفهوم جوانب ضعف اللاجئين في الإطار القانوني والسياساتي اللبناني. يأتي الاهتمام بانعكاسات مفهوم جوانب الضعف في السياقات الإنسانية في وقت تتقلص فيه المساعدات الدولية بينما يطول الصراع السوري.

بناءً على ذلك، يتبنى البحث منهجية نوعية تتمحور حول البحث المكتبي والمقابلات شبه المنظمة بهدف فهم الإطار القانوني والسياسي والممارسات حول جوانب ضعف اللاجئين. يفحص البحث المكتبي ثلاث طبقات من المعلومات:

- ١- التشريعات والأنظمة والمبادئ التوجيهية والإجتهادات القضائية التي تؤثر بشكل مباشر أو غير مباشر على إقامة اللاجئين ومعيشتهم في لبنان.
- ٢- السياسات التي تصدرها وتنفذها مؤسسات الدولة وشركاؤها.
- ٣- الإستجابات ومنشورات وكالات الأمم المتحدة وغيرها من المنظمات غير الحكومية الدولية والوطنية، كونها تشكل المستجيب الأبرز لإحتياجات اللاجئين وجوانب ضعفهم في لبنان.

بالإضافة إلى البحث المكتبي، يستند التقرير إلى ٢٤ مقابلة أجريت مع أصحاب المصلحة الرئيسيين والجهات الفاعلة الحكومية وغير الحكومية للاضاعة على الإستجابتين الرسمية وغير الرسمية على المستويين الأمني والإنساني. وبالتالي أجريت المقابلات مع القضاة والمسؤولين العاملين في وزارة الشؤون الإجتماعية والمديرية العامة للأمن العام وقوى الأمن الداخلي. من ناحية أخرى، أجريت مقابلات مع الموظفين الرئيسيين في وكالات الأمم المتحدة والمنظمات غير الحكومية الدولية والوطنية بالإضافة إلى خبراء قانونيين.

يُظهر التقرير غياب أي سند قانوني أو مأسسة لجوانب الضعف في القانون اللبناني، كما أن لبنان لا يوفر حماية قانونية خاصة للاجئين. لا يوجد في لبنان قانون لجوء وهو دائماً ما يشير إلى أنه يشكل دولة عبور للاجئين؛ إلا أن القانون في لبنان يوفر حماية للفئات الضعيفة أو المستضعفة بشكل عام من خلال تشريعات متفرقة وغير كاملة. كما يسلط التقرير الضوء على أن نهج الحماية للفئات الضعيفة هو مسعى حديث في لبنان، وفي كثير من الحالات تم إعتماده فقط بسبب ضغوط الجهات المانحة. وقد تسللت عبارة «جوانب ضعف اللاجئين» إلى مصادر القانون غير الملزم؛ لكن حتى الآن، لم تجد لنفسها قاعدة صلبة في القانون الملزم.

يُنقش التقرير تداعيات الإنقسام في الاستجابة الرسمية على وجود اللاجئين في لبنان حيث لوحظ وجود استجابتين مختلفتين هما الإستجابة الأمنية والإستجابة الإنسانية. في حين أن الإستجابة الأمنية التي تتعرض لقضايا الإقامة والتحرك والوصول إلى فرص العمل للاجئ لا تأخذ في الإعتبار جوانب الضعف، فإن الإستجابة الإنسانية تتمحور حول مفهوم جوانب الضعف. لم تقدم الاستجابة الإنسانية تعريفاً لجوانب الضعف، لكن القطاعات والمعايير لتقييمها محددة بشكل دقيق من قبل وكالات الأمم المتحدة في لبنان. بالإضافة إلى ذلك، هناك نقص في التواصل بين الفاعلين الذين يقودون الاستجابتين؛ وبالتالي، فإن الجهات الأمنية التي يُشير إليها التقرير ليست ممثلة في هيكل الإستجابة الإنسانية على الرغم من صدور هذه الأخيرة على المستوى الحكومي.

تسلط نتائج البحث الضوء على الاختلاف الواضح بين مقارنة جوانب الضعف في إطار استجابة إنسانية كما هي الحال في لبنان، ومقارنة جوانب الضعف كما تم معالجتها من قبل الدول الأخرى العضوة في المشروع البحثي VULNER. لا تشكّل الفئات الضعيفة المحددة في المقارنة الدولية مصدر الاهتمام الرئيسي لمقارنة تقييم جوانب ضعف اللاجئين في لبنان حيث أن الشاغل الرئيسي للجهات الفاعلة الإنسانية في لبنان هو ضمان الإحتياجات الإجتماعية والإقتصادية للاجئين. نتيجته، خصّصت الاستجابة الانسانية في لبنان قطاعًا واحدًا فقط من بين القطاعات العشرة لموضوع الحماية.

تُظهر المقابلات التي أُجريت لإستكمال المراجعة المكتبية إلى غلبة عوامل جوانب الضعف الخارجية على العوامل الاخرى في السياق اللبناني. تشمل العوامل الخارجية هذه، مع الإقرار بالمخاطر المرتفعة التي تتعرض لها النساء والقاصرين، جوانب الضعف القانوني (بشكل أساسي الحصول على الإقامة القانونية) والفقير والوضع الإقتصادي. بالإضافة إلى ذلك، احدى العوامل الاضافية تتمثل بنوع المأوى ومنطقة الإقامة؛ وبالتالي، ربط العديد من المشاركين ما بين جوانب ضعف اللاجئين تهيمش والحرمان في مناطق سكنهم في لبنان بسبب التحدّيات السابقة لتوافد اللاجئين اليها.

يشير التقرير كذلك إلى أنه في حين لم يقترح المشاركون أي نهج بديل عن جوانب الضعف لتوجيه الإستجابة لاحتياجات اللاجئين، فقد تم انتقاد الإعتماد على مقارنة جوانب الضعف لأنها تجعل من اللاجئين مجرد متلقين سلبيين، ولكون الجوانب هذه تحدّد من قبل المجتمع الدولي سيما المنظمات الاستجابة الانسانية وتُفرض على لبنان. وتخلّل المقابلات توجيه دعوة لإعتماد نهج استكشافي لجوانب ضعف اللاجئين لكشف أسبابها ، وليس التعامل مع أثارها.

في ضوء هذه النتائج ، ستركّز المرحلة التالية من الدراسة على فهم جوانب الضعف من منظور اللاجئين في لبنان من أجل تفكيك وتحديد فهمهم لجوانب الضعف هذه.



## ABBREVIATIONS

<b>BBA</b>	Beirut Bar Association
<b>BID</b>	Best Interest Determination
<b>CLS</b>	Centre for Lebanese Studies
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women
<b>DPAR</b>	General Directorate of Political Affairs and Refugees
<b>EctHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>GBV</b>	Gender Based Violence
<b>GSO</b>	General Security Offices
<b>IACtHR</b>	Interamerican court of Human Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>ISF</b>	Internal Security Forces
<b>LAF</b>	Lebanese Army Forces
<b>LCRP</b>	Lebanon Crisis Response Plan
<b>LGBTQI</b>	Lesbian, Gay, Bisexual, Transgender, Queer and Intersex
<b>LPDC</b>	Lebanese Palestinian Dialogue Committee
<b>MoIM</b>	Ministry of Interior and Municipality
<b>MoJ</b>	Ministry of Justice
<b>MoSA</b>	Ministry of Social Affairs
<b>MoU</b>	Memorandum of Understanding
<b>NGO</b>	Non-Governmental Organization
<b>NPTP</b>	National Poverty Targeting Program
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>PRL</b>	Palestinian Refugees from Lebanon
<b>PRS</b>	Palestinian Refugees from Syria
<b>RSD</b>	Refugee Status Determination
<b>PwD</b>	People with Disabilities
<b>SDC</b>	Social Development Center
<b>TBA</b>	Tripoli Bar Association
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>UNGA</b>	United Nations General Assembly
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations International Children’s Emergency Fund
<b>UN-OHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees in the Near East
<b>VAF</b>	Vulnerability Assessment Framework
<b>VSF</b>	Vulnerability Screening Tool

**VARON** Vulnerability Assessment of Refugees of Other Nationalities in Lebanon

**VASyR** Vulnerability Assessment of Syrian Refugees in Lebanon

**WFP** World Food Programme

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## I. INTRODUCTION

On November 5, 2020, a registered Syrian refugee self-immolated in front of the United Nations High Commissioner for Refugees' (UNHCR) Beirut reception center.<sup>1</sup> One week after, he succumbed to his burns. The reason behind this act was his inability, and UNHCR's inaction, to provide a treatment for his 13-year-old daughter who was diagnosed with cancer. This incident is not isolated as numerous refugees and Lebanese have self-immolated in protest of their worsening living conditions. Prior to the calamities that have hit Lebanon since October 2019, the Lebanese Crisis Response Plan (LCRP) stated that:

At present, an estimated 28.5 per cent of Lebanese live below the poverty line, of which 470,000 are children. More than 68 per cent of displaced Syrians are living below the poverty line, along with 65 per cent of Palestinian refugees from Lebanon and 89 per cent of Palestinian refugees from Syria, who are one of the most vulnerable groups in the region.<sup>2</sup>

These figures, and the further deterioration of the economic situation witnessed in Lebanon during 2020, bring the vulnerability and needs of refugees and other protection-seekers to the forefront of the humanitarian debate.

The focus on the vulnerability of refugees and the way to address it is increasing in the international and regional responses to refugee crisis. It has occupied an advanced role in EU asylum policies and has paved its way to the latest international refugee protection instruments such as the 2016 New York Declaration and the 2018 Global Compact on Refugees.

Based on this succession of events, we can only expect that the vulnerability of refugees will keep on growing as a concept in the asylum governance regimes on the international, regional, and national levels. The predominance of this focus will remain as long as an adequate response to the international refugee crisis lacks funding, willingness and a comprehensive and effective system to address it.

Aware of this trend, the Vulner consortium<sup>3</sup> has decided to undertake a three-year research project that focuses on the concrete meanings, practical consequences and legal implications of refugees' vulnerabilities. The purpose is to foster knowledge and ground-proven data that can impact the policy-making process. This becomes an indispensable endeavor especially that the ongoing literature debate regarding the vulnerability of refugees and migrants reveals that it lacks conceptualization and is rather ambiguous. Accordingly, the overall Vulner research project aims at answering the following question: "Vulnerabilities under the Global Protection Regime: How does the law assess, address, shape and produce the vulnerabilities of the protection-seekers?"

To answer this question, the research approach was divided into many phases. At first, the members of the consortium examined the references and implementation related to the vulnerability of refugees in the legal and policy framework of each member state and the practices in this regard. This report presents the culmination and the findings of this first phase.

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1 Houssari, N. (2020). Impoverished Syrian refugee set himself on fire outside UN Center in Lebanon. Arab News <https://www.arabnews.com/node/1758911/middle-east>.

2 Government of Lebanon and the United Nations. Lebanon Crisis Response Plan 2017-2020, 2019 Update, p. 12. <https://data2.unhcr.org/en/documents/details/67780>

3 For more information on the project and its partner institutions kindly refer to the project's website: <https://www.vulner.eu/>

At a later stage, the way refugees perceive their own vulnerabilities will be examined and be the subject of another report. Ultimately, the findings of the two phases are compared to draw conclusions and to develop an innovative and ground-breaking conceptualization of the “vulnerabilities” of refugees. It is within this context that the Centre for Lebanese Studies (CLS) at the Lebanese American University (LAU), conducted a study to answer the following research question:

How are the “vulnerabilities” of refugees conceptualized in the legal and policy framework and implementation practices of the protection regime in Lebanon, and which protection mechanisms have been set in place to assess and address these vulnerabilities?

This report provides a critical reflection on the way vulnerability is approached and addressed in a humanitarian response context. Lebanon does not have a legal framework applicable to refugees.<sup>4</sup> Lacking legal asylum, Lebanon does not address nor tackle the vulnerability of a refugee *per se*. Thus, this report presents an approach that breaks free from any traditional approach and attempts to unpack the way vulnerability is understood and addressed by piecing together the different components of the response.

Lebanon, a middle-income country, has been witnessing a tragically deteriorating political, economic, and social situation. The latter has deeply affected the livelihood of its own citizens and of all residents of its territory. Accordingly, the poverty and unemployment figures have worsened.

It is within these pressing events, that more than 1.5 million refugees, non-IDs and other protection-seekers find themselves in Lebanon. In addition, there are hundreds of thousands of legal economic migrants who reside in Lebanon. Covid-19 and the August 4 Beirut Blast have managed to push these populations further into deprivation, poverty, and insecurity.

As the country that hosts the most refugees per capita, Lebanon stands as a pivotal player in refugee response. We believe that studying and drawing conclusions on the needs of vulnerable refugees in Lebanon’s present-day context helps in unpacking this concept and contributes significantly to its contextualization.

The vulnerability of refugees and protection-seekers is exacerbated by other features of Lebanon’s refugee regime. Lebanon rejects a developmental approach to the issue of refugees and would consider any act of the sort as a breach of its sovereignty. In addition, refugees are stuck in Lebanon since durable solutions are hardly accessible. This increases the pressure and vulnerability of refugees and asylum-seekers.

According to the aforementioned, this report contributes to the overall research objectives by focusing on the way refugees’ vulnerability is assessed and addressed in Lebanon. One should keep in mind when going through this report that there is limited research that provides a critical reflection on the “vulnerability-based” response to the needs of refugees in Lebanon. This is rather strange considering the excessive use and reliance on “vulnerability” in the response led by the humanitarian actors.

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4 The immigration law does provide the possibility of seeking political asylum, but no implementation regulations were developed and thus it cannot be activated. This will be further examined in this report.

Since 2013, the UNHCR, UNICEF and FAO in Lebanon have been publishing an annual assessment of the vulnerability of Syrian refugees. This practice was extended to cover refugees from other nationalities<sup>5</sup> starting in 2017.

However, ground realities point towards structural and widespread deteriorating hardship experienced by refugees. To take the 2019 issue of the Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR)<sup>6</sup> as an example, the latter is an annual report published by UN partners in Lebanon assessing the vulnerability of Syrian refugees in Lebanon based on socio-economic criteria. The VASyR is used to shape the response to refugees' needs.<sup>7</sup> It revealed that: (i) only 22% of individuals aged 15 years and above have legal residency, (ii) 9 out of 10 households are in debt, (iii) 63% of households are marginally food insecure.

These figures further deteriorated in 2020 due to the economic collapse in Lebanon, the spread of the Covid-19 pandemic and the August 4 Beirut Blast. UN sources state that 90% of Syrian refugees live below the poverty line in Lebanon.<sup>8</sup>

Going back to the research question, we believe that this report contributes to two major ongoing discussions. On the one hand, it contributes to conceptualizing the vulnerability of refugees based on empirical data. On the other hand, it contributes to conceptualizing and unpacking refugees' vulnerabilities and the response to their needs from a legal and policy perspective. The comprehensive information presented in this report could assist the different actors in Lebanon in defining a more coherent and complementary response to the needs of refugees.

Our analysis focuses on two levels of the response. We start with studying the official state response to the vulnerability of refugees as primarily reflected in the legal and policy framework. At a later stage, the report examines the humanitarian response led by the UN agencies and NGOs; these are the main respondents to the needs of refugees in Lebanon. The main outcomes and findings of our interviews are added to the report to highlight the implementation practices and to reflect on the use of vulnerability in the case of Lebanon.

The report answers the research question in four main chapters:

**Chapter I:** The report starts with a brief overview of the concept of vulnerability in forced migration contexts and the way the needs of refugees are addressed in the international and regional protection regimes. Attempting to track the evolution of this concept provides guiding lines to examine and analyze its use in Lebanon by the different actors.

5 By other nationalities, Syrian and Palestinian refugees are excluded of the VARON.

6 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

7 Annex 2 provides details as to the sectors, targeted people, protection and assistance under VASyR.

8 Ghossein I. (2020). «90% من اللاجئين السوريين يعيشون في فقر: قرار حارق: رقفالاطح تحت نوحه يعمي نانبيل يف ني يروس لانم 90% of Syrians live below the poverty line: a Syrian refugee setting himself on fire brings back refugees' situations to the forefront»] *Legal Agenda*.

**Chapter II:** This chapter delves more into assessing the vulnerabilities in Lebanon's refugee context. Taking into consideration the widespread hardship experienced by refugees in Lebanon, one must examine the arena in which these interact with the legal framework and the implemented policies. The law and policy cannot be separated from the vulnerability experienced by refugees. In fact, vulnerability can be considered a result of the poor policy and lack of law. Accordingly, we will briefly portray the refugee scene in Lebanon in relation to the actors, policies and legal framework to examine their repercussions on refugees' vulnerability.

**Chapter III:** Taking into consideration that Lebanon's legal and policy framework does not tackle or acknowledge refugees or their vulnerability, the third chapter explores the protection mechanism set by the law to protect other vulnerable individuals and groups regardless of their nationality. To determine these groups, we referred to para. 59 of the "Global Compact on Refugees."<sup>9</sup> This chapter investigates the extent to which the set protection mechanism can benefit refugees in Lebanon, and thus address some of their protection concerns. In addition to examining the hard legal sources, this chapter explores several soft legal sources where more explicit use and reference to terms such as refugees, displaced and vulnerability is made.

**Chapter IV:** Before concluding the report, this chapter looks at the humanitarian actors' response to refugees' needs. Unlike the official response, vulnerability is at the center of humanitarian actors' response. Thus, we uncover the characteristics of international and national organizations' assessment and approaches to refugees' vulnerabilities in Lebanon. In addition, this chapter presents a critical approach to the humanitarian response as depicted by the interviewees.

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9 UNHCR (2018). Global compact on refugees. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjgjfvm4rTuAhXEURUIHSDyBJIQFjAAegQIARAC&url=https%3A%2F%2Fwww.unhcr.org%2F5c658aed4.pdf&usq=AOvVaw3cPtoA1TY6fEf6kJSu2h7B>; UNHCR's Resolution A/73/12 (Part II) adopted later on by the UN's General Assembly on 17 December 2018.

## II. METHODOLOGY

In this section, we present the research methodology adopted to examine the research question. Accordingly, we will present the sources of information, research questions, and the scope of the study, including the limitations. The research was conducted from February to November 2020. The analysis made is based on data collected through a combination of desk review and empirical data.

### ***The sources of information:***

Desk review and document analysis: The research gathered data on the legal and policy frameworks that directly or indirectly apply to refugees in Lebanon. The examination of the general provision of the Lebanese law became necessary with the absence of specific asylum legislation. Accordingly, the desk review involved a thorough literature review and desk research of the following areas:

- literature on the vulnerability of refugees.
- legislation, regulations, and administrative guidelines governing the response to foreigners and refugees.
- legal framework governing the protection of vulnerable groups in Lebanon.
- Collection and analysis of case laws.

In addition to the legal sources, desk review covered hundreds of documents related to the policy and humanitarian responses. Most of the responses to refugees' needs in Lebanon are assured by non-state actors. Thus, to understand the response and the approach to vulnerability, the research for the report examined the reports, papers, and policies issued by the UN agencies and other international and national non-governmental organizations.

When it comes to case laws, Lebanon lacks a centralized e-system to access them. Reaching case laws involving migrants and refugees' issues becomes more challenging since only significant decisions are published on specific platforms<sup>10</sup> and are mostly related to cases of private law and, in some instances, administrative law. The primary case laws that we could access were the ones delivered to us by judges whom we interviewed or published online by lawyers and organizations. Human trafficking is one topic we were able to gather a representative sample of case laws. For instance, we were able to receive fifteen decisions from Beirut Indictment Chamber and Beirut Criminal Courts. In addition, we were able to access two reports on human trafficking prepared by the Ministry of Justice (MoJ) and submitted to the American embassy. The case laws related to minors are not publicly available in Lebanon; therefore, relevant information was gathered through interviews.

Interviews: forty-two semi-structured interviews were held with state and non-state actors to complement the desk research. The team received ethical clearance and IRB approval from the LAU to conduct the fieldwork; accordingly, each participant signed informed consent prior to initiating the interviews. Four templates of questions were defined to consider the interviewees' diverse experience, knowledge, and approach to the issue of refugees' vulnerability (public officials, judges, international and national NGOs, and lawyers and legal practitioners). The interviews lasted between 40 to 60 minutes depending on the participants' openness to share and reflect on their practices towards vulnerable refugees, includ-

<sup>10</sup> These platforms consist of Sader legal portal accessible for members of the Beirut Bar Association and the open legal sources made available by the Centre of Research and Studies in Legal Informatics at the Lebanese University ([legallaw.ul.edu.lb](http://legallaw.ul.edu.lb)).



ing identifying, assessing, and addressing their specific needs. While most state officials were interviewed based on a request submitted by hand to the relevant authority, all other interviews were granted following a request via an email or phone call. Due to the spread of Covid-19 and the lockdown that followed, many of the interviews were held via zoom. Based on the participant’s preference, some of the interviews were audio-recorded while others were not.

The below table sums up participants’ professional backgrounds, many of whom shared valuable information after the interviews, whether in documents, case laws, or figures and statistics.

State Officials	Judges	UN Agencies	NGOs	Lawyers/ Legal Practitioners
13	8	6	12	3

*Table 1: Number of interviews held according to the interviewees’ background*

The interviews with the State Officials included participants working with the Ministry of Social Affairs (MoSA) at the national level (head of ministry’s departments) and local levels (head of Social Development Centers). To cover for the Security response, interviews were held with security officials working with the Directorate General of the General Security (GS) and the Directorate General of the Internal Security Forces (ISF). The aim of these interviews was to clarify the official state response to the vulnerability of refugees as primarily reflected in the legal and policy framework. The GS is the main authority in Lebanon that manages and impacts the lives of foreigners and protection seekers (asylum-seekers and refugees). The officials at the ISF are the first to be in contact with the refugee at risk or those in conflict with the law. Interviews were conducted as well with lawyers and legal experts working on asylum matters to take account of the critical perception of the state and court practices.

The interviews conducted with UNDP, UNRWA, and IOM allowed us to understand their approaches to vulnerability (definition, use, components), the set programs targeting vulnerable refugees, and the efficiency in addressing vulnerability. In addition, interviews with national non-governmental organizations shed light on the local understanding of vulnerabilities and the ground perceptions of vulnerable refugees.

**The research question:** the report mainly answers the following research question: How are the “vulnerabilities” of refugees conceptualized in the legal and policy framework and implementation practices of the protection regime in Lebanon, and which protection mechanisms have been set in place to assess and address these vulnerabilities?

In the case of Lebanon, answering the research question necessitated studying both the official response and practices towards refugees to conclude on the approaches to their vulnerabilities. However, most importantly, the humanitarian response was scrutinized to complement the research and highlight the humanitarian non-state actor’s practices, priorities, and literature when responding to refugees’ vulnerabilities and needs.

**Scope of the legal analysis:** In this report, we examined the legislations, regulations, and policies that address or directly or indirectly impact the vulnerability and needs of refugees in Lebanon. The report covers both the registered and unregistered refugees. Thus, we examined and reflected upon:

- (i) The legal and policy framework, to determine the way it defines and impacts the vulnerability of refugees or responds to their needs.
- (ii) The legislations and regulations applicable to vulnerable individuals and groups in Lebanon. To cover for the lack of a legal asylum regime, the report studies the legislations and main regulations for each of the vulnerable groups and the extent to which they apply to refugees. In the case of Lebanon, we covered categories such as gender-based violence (GBV), minors, People with Disabilities, victims of human trafficking, victims of torture, the elderly, and the LGBTQI+ community.
- (iii) The refugee recognition and protection regimes defined and implemented by non-state actors in Lebanon. The UN agencies and NGOs fill some of the void caused by the state's inaction towards refugees (such as RSD, assistance, protection, and resettlement of refugees).

This report takes into account the discrepancies in Lebanon's official responses to the different refugee influxes. While the law does not discriminate, the policies, decisions, and practices have led to different rules and requirements that apply to refugees from different nationalities. Thus, the report differentiates between the response to Palestinian, Iraqi, and Syrian influx in many instances.

In covering the themes mentioned above and different levels of the response, this report pieces together the different responses to the needs of refugees and the factors impacting their vulnerabilities. The responses, services, and policies are scattered under Lebanon's *de facto* reception and protection mechanisms. The ambition of the report is not to document vulnerabilities as experienced on the ground by refugees; this will come up at a later stage.

**Limitations:** The fact that Lebanon has no enforceable asylum legislation, and that vulnerability is not institutionalized under its legal framework rendered our research and approach challenging because the stakeholders would refer differently to the vulnerability of a refugee. The interviews addressed each participant's personal understanding of vulnerability and practices in this regard.

This report focuses on asylum issues such as reception, protection, needs, and vulnerability. Accordingly, it focused on mapping and analyzing the legal and policy instruments that relate to these themes. The legal and policy framework that apply to other contributors to vulnerability were not examined such as access to basic services and livelihood opportunities.

One other limitation of our research is the unavailability and accessibility of some policies, regulations, and administrative guidelines. Although a recent law on access to information<sup>11</sup> has been adopted, many challenges still hinder access to information. We tried to cover for this limitation through the many interviews we conducted with state officials and judges.

While our interviews managed to cover the different facets of the response to the vulnerability, especially regarding receiving and protecting refugees, one main challenge was our inability to interview UNHCR's staff. We tried for months to contact many of their leading staff; while some promised to get back to us, we never received an answer.

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<sup>11</sup> Law on the Right to Access to Information. No. 28. Official Gazette. No 8. 10 February 2017.

### III. FINDINGS

As presented in the introduction, the report answers the research question through four chapters. The first chapter introduces the use of vulnerability in forced migration contexts. It starts by exploring its origins and the way it extended to refugees' needs response regimes. It then determines how the emerging international and regional legal and policy instruments rely on "vulnerability" to address refugees' specific needs.

#### **Chapter One: Outlining the concept of the vulnerability of refugees**

In this chapter, we briefly go over the main arguments presented by scholars on the adaptation and use of vulnerability to refugee contexts (A). Once this theoretical approach was conducted, we then examined the way vulnerability is addressed in the recent international asylum instruments (B). Finally, and before concluding, we delve into a more practical use of this concept and shortly present some of the different models of vulnerability assessments implemented by the UNHCR, a leading refugee agency (C).

##### A. Extending the concept of vulnerability to refugees

Vulnerability is not a characteristic of asylum contexts; the roots of this concept are in geography and natural hazards research, but now it is extensively used in other domains and research such as ecology, public health, poverty and development, secure livelihoods and famine, sustainability science, land change, and climate impacts and adaptation.<sup>12</sup>

The term "vulnerability" is generally used to refer to the condition of being particularly susceptible to harm which can take the form of physical, mental, or emotional vulnerability.<sup>13</sup> It has been said that vulnerable persons are those who enjoy limited or reduced capacity, power or control to protect their interests.<sup>14</sup>

While everyone is vulnerable to a certain extent, ones' ability and capacity of resilience is greatly affected by the surrounding circumstances that can be inherent and/or situational. Consequently, scholars tend to cite different sources of vulnerability that can coexist and form a complex vulnerability. The latter can be inherent, caused by internal factors or individual characteristics, such as age, gender, disability, or others. Vulnerability can also be situational, or due to external factors,<sup>15</sup> which may affect all or a portion of the population. For instance, the vulnerability created due to a natural disaster affects all individuals and communities without any discrimination.

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12 Fussel H. (2007). Vulnerability: a generally applicable conceptual framework for climate change research. *Global Environmental Change*.

13 Sözer, H. (2019). Humanitarianism with a neo-liberal face: vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

14 Atak, I., Nakache, D., Guild, E., & Crepeau, F. (2018). *Migrants in vulnerable situations and the Global Compact for Safe Orderly and Regular Migration*. Queen Mary University of London.

15 Ibid.

To avoid stigmatizing individuals as “vulnerable,” some scholars insist on adding a third component of vulnerability linked to states’ policies referred to as “precariousness.” This term applies to vulnerabilities of individuals that are created or aggravated by the applicable policies and laws that distinguish and/or discriminate, between communities or individuals.<sup>16</sup>

The use of “vulnerability” is a recent endeavour whereas for instance the first reference to the term in the European Court of Human Rights (ECtHR) jurisprudence is relatively recent, going back to 1981<sup>17</sup> in the case of *Dudgeon vs. United Kingdom*.

In forced migration contexts, vulnerability was first debated in academic papers in the early 2000s and then it extended to humanitarian intervention starting in the early 2010s.<sup>18</sup> This rather recent extension of the use of vulnerability to apply to forced migration is confirmed by the practices in Lebanon. As a matter of fact, UNHCR’s public use of vulnerability in Lebanon to target assistance is recent; it coincided with the beginning of the Syrian influx in 2011 (although UNHCR’s operation in Lebanon goes back to 1963).

On its end, the Office of the United Nations High Commissioner for Human Rights (OHCHR) defines migrants in vulnerable situations as “persons who are unable effectively to enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer’s heightened duty of care.”<sup>19</sup>

Nevertheless, the reliance on addressing the vulnerability of refugees has been criticized for lacking conceptualization and a clear definition; it is “imprecise, contested, confusing, complex, vague, and ambiguous.”<sup>20</sup> It is implemented differently sometimes by same actors<sup>21</sup> and it serves different objectives.<sup>22</sup> In addition, some argue that while using the “vulnerable refugee” label serves to cut assistance from the “not most vulnerable,” it fragmentizes forced migrants and more dangerously it transforms the refugee label from a right to a privilege.<sup>23</sup>

In conclusion, the focus on the vulnerabilities of refugees is characterized by its recentness and incompleteness. What the vulnerability of a refugee entails has still not been well-established and thus risks varying interpretations and implementations. The fact that it is used in many disciplines and that different tools and factors define vulnerability in each research domain, necessitates fostering empirical data

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16 Atak, I., Nakache, D., Guild, E., & Crepeau, F. (2018). *Migrants in vulnerable situations and the Global Compact for Safe Orderly and Regular Migration*. Queen Mary University of London.

17 Carlier JY, ‘Des Droits de l’Homme Vulnérable à la Vulnérabilité des Droits de l’Homme, la Fragilité des Equilibres’, *Revue Interdisciplinaire d’Etude Juridique*, 2017/2 Volume 79.

18 Sözer, H. (2019). Humanitarianism with a neo-liberal face: Vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

19 United Nations Human Rights: Office of the High Commissioner (2018). *Global Migration Group (GMG) Principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*. <https://www.ohchr.org/en/issues/migration/pages/vulnerablesituations.aspx>

20 Peroni L. & Timmer A. (2013). *Vulnerable groups: The promise of an emerging concept in European human rights convention law*. Oxford University Press and New York University School of Law.

21 For instance, the UNHCR adopts criteria to assess vulnerability that differ in a resettlement or a humanitarian context. The below section C further explores this difference.

22 To read more on this, you can refer to: Sözer, H. (2019). Humanitarianism with a neo-liberal face: Vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

23 Ibid.

to shape it so it fits refugee contexts and their specific needs as people who were forced to leave their country. In this report, we initiate our research to look for scientific and reliable data that contributes to understanding and uncovering the constituents of refugees' vulnerability apart from theoretical approaches that were developed in other domains and other societies.

In the next section, we examine the references to this concept in international and regional migration instruments.

## B. Vulnerability in international and regional refugee instruments

On the international level, both the 2016 New York Declaration for Refugees and Migrants<sup>24</sup> and the 2018 Global Compact on Refugees<sup>25</sup> refer to vulnerability. However, both documents do so ambiguously. For instance, the New York Declaration refers to "refugees and migrants in vulnerable situations" (para. 10); "the special needs of all people in vulnerable situations" (para. 23); "address[es] the particular vulnerabilities of women and children during the journey from country of origin to country of arrival" (para. 29).

On its end, the Global Compact on Refugees refers to vulnerability in para. 51 and 76. Accordingly, it stresses on the special needs and potential vulnerabilities of groups such as girls and women; children, adolescents and youth; persons belonging to minorities; survivors of sexual and gender-based violence, sexual exploitation and abuse, or trafficking in persons; older persons; and persons with disabilities.

Accordingly, the New York Declaration for Refugees and Migrants and the Global Compact in Refugees refer to vulnerable categories amongst refugees.<sup>26</sup> This practice of referring to vulnerable categories has been seen as focusing on cases of inherent vulnerability and thus undermining the role precariousness plays in creating or aggravating the vulnerability of all migrants.<sup>27</sup> In addition, it has been seen as a shift of focus from addressing the needs of all forced migrants, to addressing the needs of the vulnerable amongst them. Hande Hozer describes this transition as moving "from all forced migrants to its subgroups, from intrinsic vulnerability due to forced migration to vulnerabilities of particular forced migrants."<sup>28</sup>

Objective 7 of the 2018 Global Compact for Safe, Orderly and Regular Migration,<sup>29</sup> focuses on addressing and reducing vulnerabilities in migration. It states that situations of vulnerability can arise from refugee travel circumstances or the conditions they face in countries of origin, transit and destination. In this regard, the Global Compact more effectively takes into account the vulnerability of forced migrants in all the stages of migration when compared with the Declaration, which deals almost exclusively with the situation of migrants prior to their arrival in the country of destination.<sup>30</sup>

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24 UN General Assembly, "New York Declaration for Refugees and Migrants", Resolution adopted by the General Assembly on 19 September 2016.

25 UNHCR (2018). Global compact on refugees. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjgjfvm4rTuAhXEURUIHSDyBJIQFjAAegQIARAC&url=https%3A%2F%2Fwww.unhcr.org%2F-5c658aed4.pdf&usq=AOvVaw3cPtoA1TY6fEf6kJSu2h7B>; UNHCR's Resolution A/73/12 (Part II) adopted later on by the UN's General Assembly on 17 December 2018.

26 Para. 23 of the UN General Assembly, New York Declaration for Refugees and Migrants, 19 September 2016.

27 Atak, I., Nakache, D., Guild, E., & Crepeau, F. (2018). Migrants in vulnerable situations and the Global Compact for Safe Orderly and Regular Migration. Queen Mary University of London.

28 Sözer H. (2019). Humanitarianism with a neo-liberal face: vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

29 UN General Assembly (2019). Global compact for safe, orderly and regular migration.

30 Atak, I., Nakache, D., Guild, E., & Crepeau, F. (2018). Migrants in vulnerable situations and the Global Compact for Safe Orderly and Regular Migration. Queen Mary University of London.

As co-chair of the Global Migration Group, the OHCHR has led the adoption of the Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations.<sup>31</sup> This document differentiates itself from the group/category approach to refugees' vulnerability and explicitly admits that the concept of vulnerability is more complex and that it can arise from a range of factors that may intersect or coexist simultaneously. The document, placing the concept of vulnerability as a foundational element of the human rights framework, states that migrants are not inherently vulnerable, nor do they lack resilience and agency. It recognizes that both situational and personal vulnerability are created by external factors, by means of law, policy, and practice. It concludes that the situation of each person must be assessed individually to ensure that every migrant is able to access appropriate protection of their rights.<sup>32</sup>

The EU asylum regime favours group and categorical approaches to vulnerability of protection-seekers. It proceeds with a two-level approach to vulnerability where asylum-seekers are recognized as vulnerable and deserving of enhanced obligations through EU's secondary legislation pertaining to asylum-seekers.<sup>33</sup> The 2013 Asylum Procedures Directive identifies some sub-groups of asylum-seekers based on age, gender, sexual orientation, and disability criteria as "vulnerable persons."<sup>34</sup>

Added to its integration in legal instruments and policies, the concept of vulnerability was used by regional human rights courts. For instance, the European Court of Human rights has extended the use of this concept to asylum-seekers whereas it already used it in cases involving Roma minorities, minors, people with mental disabilities, and people living with HIV.<sup>35</sup> In extending the concept to asylum-seekers, the Court stresses on the harm experienced by these categories and it attaches specific attention to prejudice and stigmatization, as well as on social disadvantage and material deprivation.<sup>36</sup>

In addition to the application of identifiable vulnerable groups, the Inter-American Court of Human Rights considers the individuals' specific situation within the group and the relationship with individuals and institutions outside the group.<sup>37</sup>

In conclusion, it appears that the difference in approaching vulnerability, whether caused by intrinsic or external factors, largely affects the targeting of assistance to and protection of refugees. In fact, founding the approach on pre-defined categories limits the protection to the traditionally defined disadvantaged groups. However, in asylum contexts, everyone is disadvantaged since vulnerability is as well caused by policy choices and external factors. Thus, it sounds strange to adopt conventional approaches to conflict-related contexts. The Global Compact on Refugees moved towards recognizing the weight of extrinsic factors on a refugee's vulnerability. However, in many other instruments, the group approach still di-

31 United Nations Human Rights: Office of the High Commissioner (2018). Global Migration Group (GMG) Principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations. <https://www.ohchr.org/en/issues/migration/pages/vulnerablesituations.aspx>

32 Ibid.

33 Mustaniemi-Laakso, M., Heikkilä, M., Del Gaudio, E., Konstantis, S., Casas, M., Morondo, D., Hegde, V., & Finlay, G. (2016). The Protection of vulnerable individuals in the context of EU policies on border checks, asylum and immigration. Frame.

34 European Council on Refugees and Exiles (2017). The concept of vulnerability in European asylum procedures. [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1kry0kLXuAhU1RxUIHcGNCpgQFJAAegQIA-hAC&url=https%3A%2F%2Fwww.asylumineurope.org%2Fsites%2Fdefault%2Ffiles%2Fshadow-reports%2Faida\\_vulnerability\\_in\\_asylum\\_procedures.pdf&usg=AOvVaw3pbcjpwSekpzdXtAMMQbr](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj1kry0kLXuAhU1RxUIHcGNCpgQFJAAegQIA-hAC&url=https%3A%2F%2Fwww.asylumineurope.org%2Fsites%2Fdefault%2Ffiles%2Fshadow-reports%2Faida_vulnerability_in_asylum_procedures.pdf&usg=AOvVaw3pbcjpwSekpzdXtAMMQbr)

35 Peroni, L. & Timmer, A. (2013). Vulnerable groups: The promise of an emerging concept in European Human Rights Convention Law. Oxford University Press and New York University School of Law.

36 Ibid.

37 Sözer, H. (2019). Humanitarianism with a neo-liberal face: vulnerability intervention as vulnerability redistribution. Journal of Ethnic and Migration Studies.

rects the response and screening of protection-seekers. This situation necessitates more research on the ground to depict and determine the weight of the intrinsic and extrinsic factors of vulnerability in a refugee setting to better direct the policies and responses in this regard. Accordingly, we believe that the rest of this report will be helpful in depicting the impact such approaches have on addressing vulnerabilities. In the next section, we present a more practical approach to the concept and introduce some of UNHCR's practices of vulnerability assessments in different contexts.

### C. A glance into UNHCR's vulnerability assessment tools

Moving away from the theoretical debate, we hereunder briefly present practical vulnerability assessment tools implemented by the main refugee agency, i.e. the UNHCR, in different contexts.

In humanitarian contexts, and following the Syrian crisis refugee influx, in 2013 UNHCR developed the Vulnerability Assessment Framework (VAF) which is used as a reference in Jordan. To manage UNHCR's limited resources, VAF serves as a framework to define the vulnerability of those fleeing the war in Syria. The VAF defines vulnerability as: "the risk of exposure of Syrian refugee households to harm, primarily in relation to protection threats, inability to meet basic needs, limited access to basic services, and food insecurity, and the ability of the population to cope with the consequences of this harm."<sup>38</sup>

To make this assessment, the VAF includes both a targeting component, which allows for the collection of data on the vulnerabilities and assistance required by each case, and a prioritization component, which acknowledges that certain cases require different (more and/or faster) assistance than others.<sup>39</sup>

We were unable to find a similar clear and comprehensive document in Lebanon that provides comparable background information for all the annual vulnerability assessments. This raises questions as to why the same agency would not adopt one common document on assessing refugees' vulnerability under the Regional Refugee and Resilience Plan?<sup>40</sup> Adopting such a document would provide a common guidance on assessing vulnerability for the different countries taking part in one regional response.

On the other hand, the UNHCR uses the Vulnerability Screening Tool<sup>41</sup> (VST) for granting asylum purposes. The criteria and definition of vulnerability in resettlement contexts differ from the rather socio-economic approach of the VAF. This tool is utilized by the UNHCR to guide the assessment of Syrians' resettlement or detention.<sup>42</sup> The VST is a tool primarily designed to assist front-line decision makers, immigration officials and other practitioners who are responsible for making decisions concerning the asylum or migration process, in particular placement and support arrangements.<sup>43</sup>

VST acknowledges that situations of vulnerability are not fixed and will change over time with changing circumstances. The VST focuses on Vulnerability domains such as the following:

38 UNHCR. Vulnerability assessment framework guidance note. <https://reliefweb.int/sites/reliefweb.int/files/resources/VAF101.pdf>

39 Sözer, H. (2019). Humanitarianism with a neo-liberal face: vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

40 See The regional Refugee and Resilience Plan covers Egypt, Iraq, Lebanon, Jordan and Turkey at [www.3rpsyriacrisis.org](http://www.3rpsyriacrisis.org)

41 UNHCR & the International Detention Coalition (2016). Vulnerability Screening Tool. <https://www.unhcr.org/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html>

42 Sözer, H. (2019). Humanitarianism with a neo-liberal face: vulnerability intervention as vulnerability redistribution. *Journal of Ethnic and Migration Studies*.

43 UNHCR & the International Detention Coalition (2016). Vulnerability Screening Tool. <https://www.unhcr.org/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html>

- i. **Child** (Unaccompanied or separated child; Child accompanied by parent/s, other family members or guardians);
- ii. **Sex, Gender, Gender Identity, Sexual Orientation** (Pregnant woman or girl, or nursing mother; Sole or primary carer/s (of dependent child, elderly person or person with a disability); Woman at risk of sexual or gender-based violence, or adult or child experiencing family violence, exploitation or abuse; Person at risk of violence due to their sexual orientation and/or gender identity (LGBTI);
- iii. **Health and Welfare Concerns** (Physical and mental health; Risk of suicide; Disability; Elderly person; Substance addiction; Destitution);
- iv. **Protection Needs** (Refugee and asylum-seeker; Survivor of torture and trauma; Survivor of sexual or gender-based violence or other violent crime; Victim of trafficking in persons; Stateless person);
- v. **Other.**

The difference in prioritizing and assessing the vulnerability of refugees depending on the regimes and stakeholders conducting the assessment mirrors the inconsistency of this approach in refugee settings. While the VAF takes account of socio-economic realities and of the hardship of all the refugee community, the VST on its end focuses on specific intrinsic factors related to the refugee individual. It is unclear and sounds illogical if one considers it. In both cases, the concerned refugees are facing similar vulnerabilities. The purposes behind those two regimes are not transparent. A vulnerable refugee under the VAF facing hardship to provide for his/her need would not be vulnerable under the VST for simply being a male who has no apparent disability or health problems.

In conclusion, it is evident that the definition of what would constitute a refugee's vulnerability needs further examination. Our aforementioned analysis reveals that the purposes it serves differ between resettlement and humanitarian contexts. This is problematic as to the consistency of this concept since it seems that there is a gap when it comes to providing protection to the same people depending on where they stand in their forced displacement journey; for instance, in some contexts, the same population of refugees are **all/most** vulnerable while in others only **some of them** are vulnerable.

While the opinions converge when it comes to defining "vulnerability", as to refer to the situation where a person is facing heightened risks to harm and an inability to meet basic needs, the same cannot be said as to the criteria, objectives, practical implementation, and assessment techniques of a refugee's vulnerability. Thus, we argue that what truly requires solid identification are the purposes the concept of vulnerability is asked to fulfill in forced displacement settings. The main question is does it aim to provide for the vulnerable or the most vulnerable? And on what grounds?

One can argue that based on the current state of affairs, the use of vulnerability to shape the response to refugees' needs, and the fragmentation and division of the refugee population based on an assumed type and extent of vulnerability, appears rather as a tool to manage a situation of scarcity where funds and durable solutions are lacking.

Now that the concept of vulnerability has been outlined and the debate in its regard well-established, the next chapter attempts to study the interaction between the vulnerabilities of refugees and the legal and policy framework governing this category's lives in Lebanon.



## Chapter Two: Vulnerability under Lebanon's asylum legal and policy framework

Taking into consideration the widespread poverty and increasing needs of refugees in Lebanon, one must examine the arena in which these interact with the legal framework and the implemented policies. The law and policy cannot be separated from the vulnerability experienced by refugees. In fact, vulnerability is to a high extent a result. Accordingly, we start in Section A by shortly portraying the forced migration in Lebanon as to highlight the complexity of the issue in Lebanon, one that has led to a multitude of actors where State actors, donors, UN agencies and international and national NGOs contribute to assessing, addressing, and impacting the refugee's vulnerability. The multiplicity of actors will be explored in Section B while section C digs deeper into the issue and contextualizes the vulnerability through a view into the legal and policy framework that apply to receiving, managing, and protecting refugees in Lebanon.

### A. Portraying forced migration in Lebanon

Lebanon hosts the largest concentration of refugees per capita in the world.<sup>44</sup> However, it has not developed an asylum legislation offering the possibility to people fleeing the atrocities in their countries to seek refuge in it. Thus, people seeking refuge in Lebanon have no special status and are requested to obtain entry and stay documentation.<sup>45</sup> The official public narrative, as it has been highlighted in interviews with public officials and judges, is that Lebanon is only a country of transit and that it cannot afford the price of integrating refugees.

Lebanon has been a member of the executive committee of UNHCR since 1963,<sup>46</sup> but still refuses to sign and ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The main reasons for refusing its ratification were summed up<sup>47</sup> as: i. the widespread uncertainty and misunderstanding as to the obligations that come with the Convention, including a belief that the Convention would require Lebanon to allow permanent settlement of refugees on its territory; ii. the fact that UNHCR is already assuming the responsibility of shouldering for refugees which has made Lebanon less inclined to become a party to the Convention; and iii. The "good neighborliness" argument as to avoid being put in positions that could violate the good neighbor principle.

Lebanon's only legal provision on the possibility of seeking asylum is stated under its 1962 immigration law on the entry and exit of foreigners to Lebanon; it states that political asylum is possible upon a decision of a committee to be established.

Since its independence in 1943, Lebanon has received three main influx of refugees, one that started in 1948 upon the occupation of Palestine by the Israeli forces and lasted until 1970 culminating in approximately half a million Palestinian refugees. The latter are registered with both UNRWA and the General Directorate of Political Affairs and Refugees (DPAR) at the Ministry of Interior in Lebanon. There are a few discrepancies between the figures of those two entities due mainly to the fact that registration was voluntary.<sup>48</sup>

44 UNHCR (2018). Vulnerability Assessment of the Refugees of Other Nationalities.

45 NRC & IRC (2015). Legal Status of Refugees from Syria: challenges and consequences of maintaining legal status in Beirut and Mount Lebanon.

46 UNHCR. Executive Committee's Membership by year of admission of members. <https://www.unhcr.org/excom/announce/40112e984/excom-membership-date-admission-members.html>.

47 Janmyr, M. (2017). No country of Asylum: Legitimizing Lebanon's rejection of the 1951 Refugee Convention. *International Journal of Refugee Law*, 2017, Vol 29, No 3.

48 LPDC. Palestinian refugees. <http://www.lpdc.gov.lb/palestinian-refugee/2/en>

The Palestinian refugee population in Lebanon (PRL),<sup>49</sup> were denied their basic rights. They can access only a few professions. To make it worse, in 2001, a new law was adopted by the Lebanese parliament adding to the marginalization of Palestinians and denying them the right to own and transfer real estate property. The needs of Palestinian refugees in Lebanon are mainly guaranteed by UNRWA, which provides for their basic needs (health, education, livelihood, protection, and others).

The second influx of refugees to Lebanon was the Iraqi refugees after the invasion of Iraq in 2003. It is estimated that around 40,000 Iraqi refugees entered Lebanon via Syria.<sup>50</sup> Lebanon did not recognize their refugee status and subjected them to arrest and detention. In 2003, Lebanon's General Security (GS) signed an MoU with UNHCR where asylum-seekers were granted temporary residents until UNHCR found them durable solutions. UNHCR estimated that 500 Iraqis were detained in 2015 in Lebanese prisons for illegal stay; the majority were released upon agreeing to return to Iraq.<sup>51</sup>

The third influx started in 2011 with the eruption of the armed conflict in Syria that rapidly deteriorated into a war. Accordingly, Lebanon received more than a million refugees from Syria. The Lebanese state adopted an open border policy until the end of 2014.<sup>52</sup> Then, when the number of registered refugees reached around 1.2 million, the Lebanese government adopted drastic measures to counter this trend and issued a decision in a cabinet meeting in October 2014 to decrease the numbers of refugees from Syria by limiting their access to the Lebanese territory.<sup>53</sup> It is estimated that around 1.5 million refugees from Syria live in Lebanon, of which 879,529 are registered refugees.<sup>54</sup>

People displaced from Syria are not recognized as refugees by the Lebanese government but as "persons displaced from Syria" or "displaced Syrians".<sup>55</sup> Under the LCRP, the UN "characterizes the flight of civilians from Syria as a refugee movement, and considers that these Syrians are seeking international protection and are likely to meet the refugee definition."<sup>56</sup> This is obviously not logical from a conceptual perspective since the definition of a displaced apply to those "who have not crossed an internationally recognized state border".<sup>57</sup> However, Lebanon has decided not to recognize their refugee status and has been recounting, on all occasions and venues, that it is not an asylum country and that it only hosts people temporarily.

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49 The Palestinian Refugees who fled the conflict in Syria are referred to as Palestinian refugees from Syria (PRS).

50 Trad, S & Frangihe, G. (2007). Iraqi Refugees in Lebanon: continuous lack of protection. *Forced Migration Review: Iraq Special Issue*.

51 Al-Zubaidi, T. (2016). Imprisonment and deportation of Iraqi refugees in Lebanon. *Forced Migration Review*, 52.

52 Restrictions to the entry of the Palestinians from Syria reportedly started prior, in summer 2013.

53 More information on these policies will be provided in Section C of this Chapter.

54 Syrian Regional Refugee Response, Operational Portal, accessible at: <http://data2.unhcr.org/en/situations/syria>.

55 Government of Lebanon and the United Nations (2020). Lebanon Crisis Response Plan 2017-2020, 2019 Update.

56 Ibid

57 OCHA (2004). Guiding principles on internal displacement. <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

While Palestinian refugees reside in 12 camps and 156 gatherings, the Lebanese government has not allowed the establishment of formal camps for the people displaced from Syria. Thus, they remain dispersed in over 1,700 localities all over Lebanon's six districts.<sup>58</sup> According to Lebanon Crisis Response Plan (LCRP) developed by both the Lebanese Government and the UN Humanitarian Coordinator, 87% of the displaced from Syria are hosted by 251 of the most vulnerable Lebanese cadastres. These same cadastres host 67% of the deprived Lebanese.<sup>59</sup>

In addition to the Syrian and Palestinian refugees in Lebanon who count for more than 95% of refugees, there are according to UNHCR's data around 18,200 refugees or asylum-seekers from other nationalities, 79% of which are Iraqi, 10.5% Sudanese in addition to Ethiopians (3.6%), Egyptians (1.8%), others (6.1%).<sup>60</sup> In addition, more than 100,000 workers, including domestic workers and semi-skilled workers, primarily from Egypt and African and South East Asian countries reside in Lebanon.<sup>61</sup>

This brief contextualization of forced migration in Lebanon reveals the first and perhaps more relevant feature of its policies, the multiplicity and heterogeneity of the responses to refugees' arrivals and needs in Lebanon. The policies, rights and reception measures differ greatly based on the origin of the refugees and affect to a high extent the vulnerability and access to protection. In fact, Lebanon deals with refugees as foreigners residing temporarily on its territory and does not give any consideration to adopting policies that would mitigate the impact on the hosting areas and communities. In the next section, we determine and delimit the role of the main state and non-state actors in responding to the reception and protection needs of a refugee. Determining the role of the main actors contributes to understanding the way vulnerability is being addressed, assessed, or exacerbated.

## B. A myriad of forced migration actors in Lebanon

The lack of legislation and of an official homogeneous policy to govern refugees' presence and livelihood in Lebanon has led to a myriad of actors in this domain. Two main trends in State's response can be traced. On the one hand, a security response (1) that takes account of issues such as refugees' access to legal residency and legal documentation in addition to their liberty of movement in Lebanon. On the other hand, the humanitarian response (2) is led by non-State actors in coordination with State's national and local social services institutions. Lebanon's involvement in the humanitarian response witnessed a deep change after 2014 when the government integrated the Lebanon Crisis Response Plan (LCRP) and co-led the response. This section introduces the main actors and their role in receiving and providing protection for refugees.

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58 Cherri, Z., Gonzalez, P.A. & Delgado, R.C. (2016). The Lebanese-Syrian crisis: Impact of influx of Syrian refugees to an already weak state. *Risk Management and Healthcare Policy*, 9: 165-172.

59 Government of Lebanon and the United Nations (2020). Lebanon Crisis Response Plan 2017-2020, 2019 update.

60 UNHCR (2018). Vulnerability Assessment of the Refugees of Other Nationalities.

61 Cherri, Z., Gonzalez, P.A. & Delgado, R.C. (2016). The Lebanese-Syrian crisis: Impact of influx of Syrian refugees to an already weak state. *Risk Management and Healthcare Policy*, 9: 165-172.

## 1. Security response: Main actors

The securitization of refugees sees to in their presence a threat to the security, infrastructure, and economy.<sup>62</sup> The lack of a clear and comprehensive policy and national response led to fragmentation of the response. Thus, each state actor based its response on its stated mandate and security information without centralized guidance. In this section, we will examine the role of the General Security (GS), the Lebanese Army Forces (LAF), in addition to local authorities.

**General Security:** The Directorate of the General Security (GS) in Lebanon is tasked with functions relating to collecting data concerning political, economic and social issues for the government, issues relating to media censorship and to the maritime, air and land borders. The main tasks of the GS in relation to our study include the following:

[D]elivering permanent and/or temporary residence permits; Organizing and delivering traveling documents for the Palestinian refugees residing in Lebanon or coming from abroad; Issuing entry visas; Supervising all the procedures regarding naturalization requests and civil status; Monitor the entry of foreigners to Lebanon, their stay, their residence, and their departure, attempting therefore to ensure their security; Preparing the correspondences related to the deportations of foreigners and incidents that hamper and compromise national security; and coordinating with foreign missions in Lebanon.<sup>63</sup>

Accordingly, the GS is the main authority in Lebanon that manages and impacts the lives of foreigners, asylum-seekers and refugees. It acts as the Lebanese government implementing agency of its policies towards refugees. Accordingly, the first signs toward a shift in policies in refugees' residency in Lebanon can be observed on the level of this directorate's decisions.

Lebanon explicitly dissociated UNHCR refugee status from accessing legal residency. Thus, being registered as a refugee with UNHCR does not provide protection against arrest and in some rare cases deportation. Furthermore, it was reported in some of our interviews with some local NGOs and lawyers that even when all legal and document requirements were provided to the GS office, these applications were rejected in many instances by the regional offices for no specific reasons.

When it comes to GS officials' attitude and practices towards refugees, we received conflicting messages from the ground. On the one hand, we held three interviews with officials from the GS in which they insisted that the regional GS bureaus are not arbitrary in their decisions on granting residency permits but that applications submitted by the displaced are incomplete and that the GS "does not compromise in case of errors or incomplete applications." In 2016, a human rights division in GS was established, aimed at increasing and incorporating a human rights approach to their work. We noticed during the research that human rights focal points are being established in different state institutions, especially in those with security concerns. The impact of these bureaus can only be assessed after a time. The director of the

62 O'Driscoll, D. (2018). Donor response to refugee tension in Lebanon. *K4D*. <https://reliefweb.int/report/lebanon/donor-response-refugee-tensions-lebanon>

63 General Security website, accessible at <https://www.general-security.gov.lb/en/posts/3>.

Human Rights Clinic at *La Sagesse* University stated that considering the circumstances, “the GS is doing its best when one takes into consideration the fact that the legislator did not leave room for the General Security to maneuver in managing the refugees’ crisis and the latter tried its best through circulars and decisions to manage the situation.”

On the other hand, local humanitarian actors highlighted the arbitrariness in granting residency permits such as the GS confiscating IDs and passports, the lack of standard practices at the level of GS offices, and the many and quick changes of residency policies and the chaos it leaves.

**Lebanese army forces:** Another actor in the security response is the Lebanese Army Forces (LAF) and the military court in Lebanon. In fact, LAF plays a leading role in enforcing the security response of the state under the pretext of fighting terrorism. Our interviews with lawyers and local NGOs focusing on providing protection to refugees revealed that the LAF arbitrarily detained and tortured refugees in many instances further to raids on refugee camps and shelters. Lawyers we interviewed highlighted the cases where deaths of refugees under torture had been documented. One lawyer emphasized that this use of torture, illegal under Lebanon’s international obligations and internal legislation, had been arguably covered and justified by the military court. The latter is an exceptional court in Lebanon and many activists were calling for its dismantling.

For instance, agencies working with refugees in Lebanon have reported that the number of forced evictions carried out by the Lebanese authorities increased in 2015, with more than 7,000 people forcibly evicted in the first quarter of the year.<sup>64</sup> The same source then gives the example of a raid conducted by the LAF where it arrested people because their residency permits were expired.

The situation for Syrian refugees in Lebanon witnessed a drastic change after the military operation led by the LAF in Aarsal (North-East of Lebanon) in August 2014 against Salafist groups operating in the border area of Aarsal. During this operation, at least 30 members of the LAF and the Internal Security Forces (ISF) were abducted by Salafist groups. Some of them were killed, while others remained in the hands of their captors for long periods. As a result of these events, the Lebanese government began to adopt restrictive policies.<sup>65</sup>

**Local authorities’ role:** Lebanese municipalities adopt mostly a security approach towards refugees seeing them as a threat.<sup>66</sup> In late 2013, following a meeting with over 800 municipalities and municipal unions, the MoIM put forward a security plan<sup>67</sup> that strengthened the role of municipalities in the provision of security.<sup>68</sup> In responding to the refugee presence in local areas, the local authorities in Lebanon assumed mainly a police role towards refugees as to impose lockdown and curfews on them. Refugees were dealt with differently by each municipality due to the autonomy they received.<sup>69</sup> As of 2017, at least

64 Amnesty International (2015). Pushed to the edge: Syrian refugees face increased restrictions in Lebanon.

65 Dionigi, F. (2014). The Syrian refugee crisis in Lebanon: State fragility and social resilience. *LSE Middle East Centre Series 15*.

66 Jagarnathsingh, A. (2018). Legal and policy framework of migration governance – Lebanon country report. [https://zenodo.org/record/1418581#YA2-leBS\\_MJ](https://zenodo.org/record/1418581#YA2-leBS_MJ)

67 Circular from Ministry of Interior and Municipalities to Governors, “Recommendations Related to the Operation of Municipal Police Taken during the Biel Meeting of 5 September 2013.”

68 The plan called for, among other provisions: arming municipal police; establishing joint patrols between ISF and municipal police; compiling a list of organizations within each municipality that provide security within its boundaries; confiscating the documents of displaced Syrians in every town/village and overseeing the issue of aid and assistance.

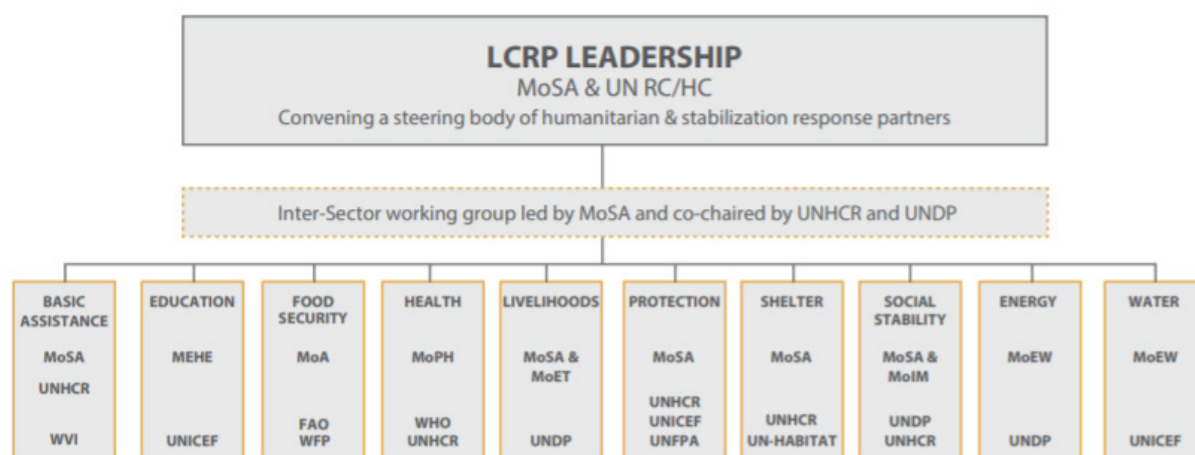
69 Dionigi, F. (2014). The Syrian refugee crisis in Lebanon: State fragility and social resilience. *LSE Middle East Centre Series 15*.

142 municipalities have imposed evening curfews on Syrian refugees, restricting their movements.<sup>70</sup> In fact, a poll conducted amongst male refugees revealed that “the high proportion of respondents [identified] local authorities as the most frequent cause of perceived threats to their personal safety.”<sup>71</sup> The 2019 VASyR revealed that according to the respondents, 94% of lockdowns were imposed by municipalities.<sup>72</sup>

## 2. Humanitarian response: Main actors

Lebanon incorporated the LCRP, a joint plan between the Government of Lebanon and the UN Humanitarian Coordinator in 2014. Under the plan co-led by UNHCR and UNDP, UN agencies, international and local NGOs are collaborating under the defined 10 sectors.<sup>73</sup> It is the first time the Lebanese Government acknowledges and participates in a response to the needs of refugees whereas it did not previously take an official role in the humanitarian response to Palestinian and Iraqi refugees’ needs. However, this participation is mainly for coordination purposes. The funding is mostly secured by international donors. The LCRP covers vulnerable Lebanese, Syrians, and Palestinians.

The LCRP defines its main actors under each of the sectors as the figure below reflects.



Graph 1: LCRP structure (2020 update of the LCRP 2017-2020)

Accordingly, under the LCRP, a huge coordination effort is taking place. Different Lebanese ministries are collaborating with international agencies and other NGOs to provide for the sectors they are concerned with. The LCRP refers to around 124 entities partnering under this plan.<sup>74</sup> These encompass ministries, UN agencies, and international and national NGOs. Nevertheless, our interview with one of these partner organizations, local one, revealed harsh criticism to the way UNHCR and its leading partners operate<sup>75</sup>:

70 Yahya, M. (2018). Unheard voices: What Syrian refugees need to return home. *Carnegie Middle East Centre*.

71 International Rescue Committee (2016). Vulnerability Assessment of Syrian Refugee Men in Lebanon.

72 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

73 These include Basic Assistance, Education, Food Security, Health, Livelihoods, Protection, Shelter, Social Stability, Energy and Water.

74 Government of Lebanon and the United Nations. Lebanon Crisis Response Plan 2017-2020, 2019 Update, p. 12. <https://data2.unhcr.org/en/documents/details/67780>

75 We prefer at this stage to keep the identity of the organization confidential.

“To be honest, our experience with UN agencies is really bad as we were not able in those nine years to establish with them a long-term partnership.” The same interviewee claimed that based on his NGO assessment, refugees’ first concern is the insecurity they feel adding that both the Lebanese state and the UNHCR contributed to this.

Although the plan targets vulnerable Palestinians as well, UNRWA’s involvement in the leadership is not reflected in the LCRP structure. We briefly present the role and involvement of the two main humanitarian actors responding to refugees’ needs in Lebanon, UNRWA and UNHCR.

UNRWA was established as a subsidiary organ of the United Nations General Assembly on 8 December 1949 and became operational on 1 May 1950. Seventy years after its establishment, the Agency continues to provide essential services for the well-being, human development and protection of Palestine refugees, pending a just solution.<sup>76</sup> UNRWA’s programs include the following: education, health, micro-finance, protection, emergency programs, infrastructure and camp improvement, relief, and social services. However, UNRWA’s mandate provides Palestinian refugees only relief, not protection.<sup>77</sup>

In Lebanon, over 470,000 refugees are registered with UNRWA, with 180,000 estimated for planning purposes to be residing in the country. About 45 percent of them live in the country’s 12 refugee camps. Conditions in the camps are dire and characterized by overcrowding, poor housing conditions, unemployment, poverty and lack of access to justice.<sup>78</sup>

UNRWA’s work in Lebanon provides for 65 schools, with 36,817 students, including 5,254 Palestinian refugees from Syria; One Vocational and Technical Training Centre with about 900 students on two campuses; 27 health centers and it provides 61,672 beneficiaries from Social Safety Net.<sup>79</sup>

Based on their legal status and registration with UNRWA, Palestinian refugees in Lebanon can be categorized into four groups:

- “Registered” refugees (“Palestine refugees”), which are registered with UNRWA and the Lebanese authorities;
- “Non-registered” Palestinian refugees, which are not registered with UNRWA, but are registered with the Lebanese authorities;
- “Non-ID” Palestinian refugees, who are neither registered with UNRWA nor with the Lebanese authorities;
- Palestine refugees from Syria, who have arrived in Lebanon since 2011.<sup>80</sup>

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76 About UNRWA, accessible at: [https://www.unrwa.org/sites/default/files/about\\_unrwa\\_two\\_pager\\_english\\_2020.pdf](https://www.unrwa.org/sites/default/files/about_unrwa_two_pager_english_2020.pdf) [last accessed on October 30<sup>th</sup> 2020].

77 Suleiman, J. (2006). Marginalized community: The case of Palestinian refugees in Lebanon.

78 UNRWA Lebanon, available at <https://www.unrwa.org/where-we-work/lebanon>.

79 Ibid.

80 UNHCR (2016). The situation of Palestinian refugees in Lebanon.

On the other hand, the UNHCR which was created by UNGA resolution 428(V) on December 14, 1950, has a mandate of protection as well as to search for durable solutions.<sup>81</sup> UNHCR provides for all the other nationalities (other than Palestinian). Lebanon has long been reliant on UNHCR to conduct registration, documentation, and RSD. In addition, the UNHCR provides assistance and seeks durable solutions for all non-Palestinian refugees.<sup>82</sup>

In 2003, UNHCR managed to sign an MoU with the General Security which was developed in light of the Iraqi refugee crisis, following increased numbers of detention and deportation by GSO, rendering the 1963's Gentlemen agreement between UNHCR and the Lebanese authorities ineffective.<sup>83</sup> The MoU has been referred to as a "mistake" in that UNHCR obligates itself to resettle a specific category of refugees within a certain timeframe, a promise UNHCR hardly should or could make.<sup>84</sup>

When it comes to responding to the arrival and needs of Syrian refugees, the lack of an updated MoU pertaining to the Syrian refugee influx is currently problematic as the Lebanese Government does not generally give legal effect to the UNHCR's recognition of refugee status and treats most Syrian refugees as illegal immigrants liable to arrest.<sup>85</sup> UNHCR has exerted efforts to negotiate a new MoU which is more detailed but failed in doing so. The draft agreement was 'closer to the 1951 Refugee Convention'. It addressed key protection gaps identified in the 2003 MoU, and included issues such as non-refoulement, refugee status determination, registration, detention and the right of refugees to work as well as durable solutions.<sup>86</sup>

UNHCR registered at first most Syrians through a prima facie registration process that included a short interview along with other formalities; then they were given access to the aid provided by the UNHCR according to their specific needs.<sup>87</sup> Starting at the end of 2014, the registration of new refugees from Syria was halted as we will further see in the below section. UNHCR considers most Syrians in Lebanon as refugees but has in practice come to differentiate between registered, unregistered and 'recorded' refugees, i.e. the latter consist of Syrian refugees who have approached UNHCR after the government's ban on new registrations.<sup>88</sup>

However, UNHCR is still registering refugees from other nationalities. For instance, 2,359 non-Syrian refugees registered with UNHCR in Lebanon during 2018.<sup>89</sup>

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81 Suleiman, J. (2006). Marginalized community: The case of Palestinian refugees in Lebanon.

82 Janmyr, M. (2016). Precarity in exile: The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

83 Jagarnathsingh, A. (2018). Legal and policy framework of migration governance – Lebanon country report. [https://zenodo.org/record/1418581#YA2-leBS\\_MJ](https://zenodo.org/record/1418581#YA2-leBS_MJ)

84 Janmyr, M. (2016). Precarity in exile: The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

85 Janmyr, M. (2016). Precarity in exile: The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

86 Janmyr, M. (2017). UNHCR and the Syrian refugee response: Negotiating status and registration in Lebanon. *The International Journal of Human Rights*.

87 Dionigi, F. (2014). The Syrian refugee crisis in Lebanon: State fragility and social resilience. *LSE Middle East Centre Series* 15.

88 Janmyr, M. & Mourad, L. (2018). Categorizing Syrians in Lebanon as Vulnerable. *Forced Migration Review*.

89 UNHCR (2018). Vulnerability Assessment of Refugees of Other Nationalities in Lebanon. <https://reliefweb.int/report/lebanon/vulnerability-assessment-refugees-other-nationalities-lebanon-2018>



**On resettlement:** As local integration in Lebanon is not an option provided by the Government, third-country resettlement remains an important protection tool for refugees. To access resettlement, vulnerability plays a huge role such as prioritizing survivors of violence/torture, women and girls at risk, [and those with] medical needs or disabilities. The reliance on vulnerability has been criticized for excluding vulnerable refugees.

*“Many resettlement programmes for Syrian refugees appear to restrict access to resettlement for single Syrian men, despite the vulnerability they experience.”<sup>90</sup>*

One UNHCR staff member explained: *“Firstly we [UNHCR] do a selection where we pick out those who are most vulnerable. And then we look closer and closer: are you really vulnerable? Yes, but really, really vulnerable? And that’s how the pool all the time decreases.”<sup>91</sup>*

In our fieldwork and through our interviews, we were not able to gather much information on resettlement in Lebanon since it is mainly conducted by the UNHCR. However, a university professor specialized in migration issues revealed that many people do not understand UNHCR’s work when it comes to resettlement, their vulnerability set is not known to the GS and other leading state and non-state actors. It seems that UNHCR resettlement programs are seen as ambiguous and lack transparency for the different stakeholders and to refugees themselves.

The GS supports and provides facilitation when resettlement has been granted for individuals. Our interview with a public official at GS revealed that in addition to UNHCR’s resettlement programs, there are other legal pathways for admission to third countries:

One can access third countries’ protection according to one of the following: 1) resettlement programs; 2) acceptance for humanitarian reasons; 3) family reunion; and 4) private application (Canada; Australia; churches; universities; through embassies). Not only UNHCR provides resettlement opportunities for protection-seekers, many other NGOs (especially those linked to churches) and embassies do that directly.

As for the numbers of resettled individuals, in our interview with an official at the Human Rights, Organizations and Migration Division at GS, he mentioned that resettlement reached its highest figure in 2016 where more than 47,000 refugees were resettled. Around 60% of those were Syrian refugees and the rest non-Syrian refugees. However, these figures dropped in 2019, with less than 7,000 (Syrian refugees) resettled. These figures correspond to refugees whose resettlement was processed through the GS.

Other main actors in the field of migration in Lebanon are international and national NGOs. There are around 124 partner organizations coordinating under the 10 sectors of the LCRP.

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90 Janmyr, M. & Mourad, L. (2018). Categorizing Syrians in Lebanon as Vulnerable. *Forced Migration Review*.

91 Ibid.

In general, NGOs working with refugees reported being able to register and work in Lebanon without hurdles.<sup>92</sup> However, it had been revealed that Syrian civil society actors in Lebanon have difficulties working in Lebanon since the security authorities exert pressure on these organizations.<sup>93</sup> The same source links the challenges to operation to the topic, goals and objectives of the organization, or the presence of foreign persons, particularly of Syrian nationality, and/or the inclusion of the word “Syria” in the title of the organization. Another reason for this pressure relates to organizations working on empowering refugees in the areas of vocational training and medical intervention since it contradicts the policy of the Lebanese Government in repressing foreign labor, especially Syrians.<sup>94</sup>

Now that we have introduced some of the main actors in responding to refugees’ needs, we can better understand one main characteristic of the asylum response, its security-humanitarian schism. For each, different actors are contributing. This exacerbates the vulnerability of refugees since they can be subjected to different decisions or treatment.

Graph 1 reflects the LCRP structure; however, it does not clearly show the positionality of the security response actors in it. For instance, the role and coordination with main institutions such as the GS, ISF and LAF are not clear. Should we consider that the MiOM coordinates with them to disseminate the LCRP commitments? This is probably not the case. One would legitimately doubt that the security response actors aim at ensuring the protection of displaced Syrians, vulnerable Lebanese, and Palestinian refugees as the LCRP pretends.<sup>95</sup> Thus, there are inconsistencies in the State’s response to the vulnerabilities of refugees where it pretends to acknowledge and address their needs in the LCRP only to adopt policies that would do the contrary through other state institutions.

Accordingly, this report will move to scrutinize the legal and policy framework in the specific case of refugees. This will further clarify the relationship between vulnerability and state’s policies in Lebanon.

### C. Asylum law and policies footprints on refugees’ vulnerability

The cornerstone legislation regulating foreigners’ entry and stay in Lebanon, whether regular or forced migrants, is the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon.<sup>96</sup> It regulates forced migration under chapter 8 on Political Asylum. Accordingly, articles 26 to 31, regulate the lives of all foreigners, refugees and displaced in Lebanon. The immigration law conditions the granting of asylum to the decision of a committee that so far had granted asylum on one occasion, in 2001, to a member of the Japanese Red Army.<sup>97</sup> Article 27 states that the committee’s decisions are final and require no explanation for the reasons of rejecting an application.<sup>98</sup>

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92 Fakhoury, T. (2017). Governance strategy and refugee response: Lebanon in the face of Syrian displacement. *International Journal of Middle East Studies*, 49.

93 ACHRights (2020). Fear of Civil Society Organizations amid government restrictions. <https://www.achrightrights.org/en/2020/09/24/11456/>

94 Ibid.

95 Government of Lebanon and the United Nations. Lebanon Crisis Response Plan 2017-2020, 2019 Update, p. 12. <https://data2.unhcr.org/en/documents/details/67780>

96 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country. Law No. 28. (1962).

97 Janmyr, M. (2017). No country of asylum: legitimizing Lebanon’s rejection of the 1951 refugee convention. *International Journal of Refugee Law*.

98 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country. Official gazette. No. 28. 10 July 1962.

The scope of political asylum as defined in 1962 Law is not clear enough. Article 26 states that asylum would be granted to “foreign nationals subject of prosecution or a conviction by an authority that is not Lebanese for a political crime or who his life or freedom is threatened for political reasons.”<sup>99</sup> The 1962 law refers to the Lebanese Criminal code to define political offenses for which Lebanon would give asylum. Article 196 and 197 of the criminal code define political offences as the “intentional offences committed by the perpetrator for a political motive. They are also offences committed against general and individual political rights unless the perpetrator was prompted by a selfish and base motive.” This leaves large room for interpretation. It is not clear if displaced people and refugees reaching Lebanon would fall under political asylum or security concerns.

Lebanon has not developed nor enforced these legal provisions and thus does not acknowledge possibilities of seeking refuge in Lebanon. With the lack of both binding international regulations and domestic law on asylum to govern the lives of millions of refugees, Lebanon has subjected its response on the matter to the general provisions of other laws. It has exploited the silence and gaps to enforce security measures towards its refugee population. In fact, Lebanon has been governing the Syrian crisis through governmental decisions rather than legislation.<sup>100</sup> These decisions have created sporadic policies where mainly a securitization of the response can be traced. The securitization theory prioritizes migrants as a “problem” and a “security threat,”<sup>101</sup> which is exactly the case in Lebanon.

We explore below the main components of the response to refugees’ needs when it come to their entry and stay in Lebanon. As we will see, these policies leave little space to people seeking refuge in Lebanon to provide for their own needs. The official response is characterized by a fluctuating residency policy (1), arbitrary labor policy (2), and a conditioned humanitarian shift of responsibility (3). These will be presented to showcase their impact on vulnerability.

### **1. A fluctuating residency policy conditioning legal vulnerability**

Lebanon lacks an asylum-seeking regime although it hosts the most refugees per capita. Thus, it is intriguing to understand under which category or appellation its 1.5 million refugees reside on its territory and what guarantees a relieving response to their vulnerability.

Lebanon adopted an open border policy to respond to the influx of people from Syria until the end of 2014. This policy was based on three bilateral agreements signed between Lebanon and Syria in 1993 that guaranteed the free movement of goods and people and the freedom to reside, work, and practice economic activity.<sup>102</sup> During this period, Lebanon’s generosity, and attitude towards those fleeing the war in Syria was praised. However, in February 2014, a new government was formed and in October 2014, the government adopted a decision on Syrian displacement to Lebanon where it specifically aimed at,

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99 Ibid.

100 Janmyr, M. (2016). Precarity in exile: The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

101 Apatzidou, V. (2020). Securitizing migration. Act for Displaced.

102 Jagarnathsingh, A. (2018). Legal and policy framework of migration governance – Lebanon country report. [https://zenodo.org/record/1418581#.YA2-leBS\\_MJ](https://zenodo.org/record/1418581#.YA2-leBS_MJ)

among others, reducing the numbers of Syrian refugees in the country by reducing access to territory and encouraging Syrian nationals to return to Syria in addition to increasing the regulation of the Syrian population presence in Lebanon.<sup>103</sup> It is worth highlighting that the PRS were subjected to restrictive policy starting summer 2013.<sup>104</sup>

On December 31, 2014, GS issued a circular introducing new visa entry and residency for Syrian nationals.<sup>105</sup> These took effect on January 5. The new visa categories applying to the access of people from Syria to Lebanon are the following: 1) tourism, work, trade, and ownership or rent of real estate (temporary visa); 2) entrance for study; 3) transit to the airport or maritime ports upon provision of documentation showing the purpose of travel (short-term temporary permits); 4) explicitly says that Syrians with the “status of displaced” are not to be admitted in Lebanon, with two exceptions: those previously registered as “displaced” and those who meet certain conditions set by the MoSA. Qualifying for these exceptions is difficult. The conditions for humanitarian admittance set by the MoSA are strict, only applying to minors, disabled people who have already been resettled in other countries, and those who are in need of life-saving health treatment. In fact, according to a ministerial source, between January 2015 and May 2015, only ten people have been guaranteed a “displaced” status on a humanitarian basis.<sup>106</sup> 5) entry into Lebanon for medical reasons; 6) access to embassies; and 7) allows Syrians to enter Lebanon on the basis of “prior liability commitment” to a Lebanese employer.

Lebanon imposed a USD 200 fee as well for the renewal of residency for Syrian migrants and refugees. This regulation was amended in 2017 whereas the renewal of residency permits for a UNHCR registered refugee became free of charge.

Furthermore, Lebanon asked UNHCR in January 2015 to halt new registration of Syrian refugees, then requested in April 2015 to deregister around 1,400 Syrian refugees who had arrived in Lebanon after January 5, 2015.<sup>107</sup> While the number of registered Syrian refugees in Lebanon dropped afterwards, from 1.017 million in 2016 to 879,529 in 2020,<sup>108</sup> this does not mean that refugees numbers in Lebanon has decreased but that those with UNHCR’s refugee status has decreased.

More recently and in April 2019, the Higher Defense Council issued a decision calling for the deportation of all Syrian refugees who entered Lebanon illegally after April 26, 2019. This fluctuation of residency policies and the their implementation has left around 78% of registered Syrian refugees (above 15 years old) in Lebanon without legal residency permits in 2019.<sup>109</sup>

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103 NRC & IRC (2015). Legal Status of Refugees from Syria: challenges and consequences of maintaining legal status in Beirut and Mount Lebanon.

104 Ibid.

105 Ibid.

106 Dionigi, F. (2014). The Syrian refugee crisis in Lebanon: State fragility and social resilience. *LSE Middle East Centre Series* 15.

107 Janmyr M. (2016). The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

108 UNHCR, Syrian Regional Refugee Response, accessible at <https://data2.unhcr.org/en/situations/syria/location/71>

109 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

In addition, the VARON reveals that around 62% of the refugees of another nationality above 15 years old (other than Syrian and Palestinian) lack legal residency.<sup>110</sup> The VASyR for 2018 reveals that the reasons of this lack goes back to the high cost of renewing (70%); GS kept telling them to come back (22%).<sup>111</sup> However, in 2019, a drastic change occurred as 16% of respondents mentioned that while registered with the UNHCR, GS asked them to obtain a Lebanese sponsor. The 2019's assessment does not cite the high cost of renewing as a reason for non-renewal of legal residency<sup>112</sup> as it was the case in 2018. This probably goes back to the fact that GS made renewing residency free of charge for refugees who are registered with the UNHCR.

The lack of legal documentation results in a precarious situation for refugees and has detrimental impacts on their mobility, access to documentation, and services, most importantly of which are healthcare and education. The overall policies in Lebanon led to several categories of refugees i.e. registered, recorded<sup>113</sup> and unregistered;<sup>114</sup> this impacts on the extent of access to protection for each of them.

These constantly changing residency policies were accompanied by instances of arrest of Syrian refugees. Our interviews with judges and civil society actors revealed that most of the detentions of refugees relate to residency permits.

Interviews conducted with judges and local NGOs showcase that the practices in this matter differed pre- and post-Syrian crisis and pre- and post-Covid-19 pandemic. The information we received from the different interviews reflect the following: more recently, Syrian refugees are not being arrested but given grace periods to regularize their stay. The public prosecution usually gives a one-month grace period to regularize the stay/situation. In this case, the person is released and asked to review the GS office after this period. Experts and NGO interviews link this positive development to the Covid-19 spread risks and the overcrowding in prisons and detention centers and are doubtful as to the fact that it reflects a new rather permissive policy.

While displaced from Syria benefit from these policies, the same cannot be said for Iraqi and Sudanese refugees who are subjected to different policies as arrest and deportation are still the norm for this category of refugees.

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110 UNHCR (2018). Vulnerability Assessment of Refugees of Other Nationalities in Lebanon. <https://reliefweb.int/report/lebanon/vulnerability-assessment-refugees-other-nationalities-lebanon-2018>

111 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

112 Ibid.

113 Recorded refugees refers to the Syrian refugees who approached UNHCR after the Government requested it to halt all registration of new Syrian refugees.

114 Janmyr, M. & Mourad L. (2018). Modes of ordering: Labelling, classification and categorization in Lebanon's refugee response. *Journal of Refugee Studies* Vol. 31, No. 4.

Another repercussion of the residency policy is the refoulement of refugees. Lebanon is theoretically bound by the non-refoulement principle under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>115</sup> that Lebanon signed and ratified. However, the constitutional principle of international obligations taking precedence over national law has seldom been practiced in Lebanese courts. Many of our interviewees, especially lawyers and local NGOs, highlighted the fact that judges ignore or reject the international sources of law to which Lebanon has adhered. One participant called on judges to display more courage in dealing with cases.

## **2. Labor policies in Lebanon and their impact on socio-economic vulnerabilities**

Refugees enjoy few rights in Lebanon, especially when it comes to integrating the labor market on legal grounds. A 2014 International Labor Organization survey indicates that 92 per cent of Syrian refugee workers in Lebanon had no legal contracts, while 56 percent were employed on a daily or weekly basis.<sup>116</sup> Very recently, a rapid assessment conducted by the ILO and Fafo for the impact of Covid-19 on vulnerable workers revealed that 95% of employed Syrian refugees lacked valid work permits.<sup>117</sup>

Annually, the labor minister is mandated to issue a decision that requires that jobs limited to Lebanese are enumerated. Usually, Palestinian refugees are excluded from this restriction. Nevertheless, they are still requested to get a job permit. Most refugees and displaced in Lebanon work in the black market. This not only facilitates their exploitation by their employers but also creates competition for the poor Lebanese communities in urban areas that rely on working in agriculture and construction; Syrian refugees are willing to do any job for a wage 2–3 times lower than that of Lebanese laborers.<sup>118</sup>

Within the structure of the Ministry of Labor, a department for Syrian laborers' affairs is responsible for granting work licenses to Syrian refugees. In 2017, 551 new work permits were issued while 1655 permits were renewed amidst the presence of around 1.5 million Syrian refugees in Lebanon; these figures attest to the extent to which Syrian refugees work in the informal market.<sup>119</sup>

Moreover, in 2019, without prior consultation with the government, the labor minister issued a plan to fight illegal labor in Lebanon. The plan gave a grace period of one month for foreigners and their employers to legalize their situation.<sup>120</sup> Once the month passed, observers from the ministry began a crackdown on foreign workers to ensure they have valid work permits.<sup>121</sup> This plan was widely criticized by human rights actors, especially since it targeted the Palestinian workers as well some of whom are present in Lebanon since 1948.

Highlighting the struggle faced by refugees to legally access the job market and to provide for their needs aims at stressing on the impact that state policies and practices have on the vulnerability and resilience opportunities of the refugee population in Lebanon.

115 UNGA (1984). Convention against torture and other cruel, inhuman or degrading treatment or punishment, resolution 39/46.

116 Yahya, M. (2018). Unheard voices: What Syrian refugees need to return home. *Carnegie Middle East Centre*.

117 ILO and Fafo (2020). Facing multiple crisis: Rapid assessment of the impact of Covid-19 on vulnerable workers and small-scale enterprise in Lebanon.

118 Kukrety, N. (2016). Poverty, inequality and social protection in Lebanon. IFI-AUB and Oxfam.

119 General Directorate of the Ministry of Labor. Annual report for 2017. <https://www.labor.gov.lb/Temp/Files/4e04a400-44b7-49f2-b43d-7dbc0ad2fe95.pdf>

120 Ministry of Labor (2019). Plan to fight illegal foreign labor on the Lebanese territory.

121 Hamdan, H. (2019). Palestinians reject Lebanon's move to regulate foreign labor. *Al-Monitor*.

### 3. Characteristics of the humanitarian response

Lebanon shifted the humanitarian response to provide shelter, food, education, health and even protection to its refugee population to international and national organizations. It integrated the Lebanon Crisis Response Plan in 2014 and since has been a major player in co-leading it through MoSA. Still, Lebanon's government interfered in UN's work with refugees on many occasions and imposed restrictions to its work. In fact, UNHCR has arguably become increasingly exposed to governmental interference in its operations.<sup>122</sup> For instance, Lebanon has requested the UNHCR to halt registration of new Syrian refugees, to deregister several refugees, and does not directly acknowledge UNHCR's status identification.

Furthermore, the humanitarian response to the refugee influx had to acknowledge the vulnerability of Lebanese themselves to ease the tension between the host communities and refugees. Thus, UNHCR and other agencies targeted assistance not only to refugees that are in need but also to the vulnerable Lebanese.

In fact, UNHCR invests money as well in infrastructure and supports the host community. Accordingly, in 2017, UNHCR allocated USD 33.9 million to support host communities and institutions.<sup>123</sup> This included USD 18.9 million in 2017 in direct support to the Ministry of Education and Higher Education (MEHE), the Ministry of Public Health (MoPH), the Ministry of Social Affairs (MoSA), the Ministry of Interior and Municipalities (MoIM), the Ministry of Foreign Affairs (MoFA), the Ministry of Energy and Water (MoEW) and the Ministry of State for the Displaced Affairs (MoSDA), to cover equipment, trainings, supplies, and operational staffing costs. In addition, USD 15 million was allocated in 2017 to support the most vulnerable Lebanese communities.

The extent of the role UN agencies plays in mitigating the impacts of the Syrian refugee influx on both refugees and Lebanon will be under increased pressure. Both UNHCR and UNRWA are unable to collect the requested funds for their response. As of November 10, 2020, only 55% of the USD 607.5 million financial requirements for UNHCR's 2020 response had been guaranteed.<sup>124</sup> This lack of funding has repercussions on UNHCR's mandate in aiding and protecting refugees.

While Lebanon is profiting from the funds, the decrease in available funds might be seen as an opportunity for the national authorities to adopt more restrictive measures towards refugees. These would push them to more vulnerability, illegality, and deprivation.

This chapter revealed the extent to which actors and policies impact the vulnerability of a refugee. Once arrived at a country away from the country of origin, there is automatically a whole legal and policy regime that regulates a refugee's ability to live, move, work and access services. It impacts their ability to take initiatives, invest their skills, and exercise resilience. This does not mean that Lebanon is bound to hosting and caring for all refugees; one cannot be idealistic especially that Lebanon is facing dire economic conditions. However, highlighting the legal and policy role in inducing vulnerability helps direct the debate to the root causes of vulnerability.

122 Janmyr, M. (2017). UNHCR and the Syrian refugee response: Negotiating status and registration in Lebanon. *The International Journal of Human Rights*. <https://www.tandfonline.com/doi/full/10.1080/13642987.2017.1371140>

123 UNHCR Lebanon. Support to host communities. <https://www.unhcr.org/lb/support-to-host-communities>

124 UNHCR (2020). Funding update 2020: Lebanon. <https://reporting.unhcr.org/sites/default/files/fundingupdates/2020-11-10/Lebanon%20Funding%20Update%2010%20November%202020.pdf>

While the 2018 Global Compact on Refugees acknowledges that hosting countries have national ownership over the response, the extent to which this ownership or sovereignty can go in inducing vulnerability for refugees is not well-addressed.

In Lebanon, an extensive partnership has been set under the LCRP to respond to the needs of the host community and refugees. Nevertheless, this partnership between state national authorities, the UN and international and national organizations is not reflected in the legislation, policies and/or practices. Furthermore, the increasing lack of funding of the humanitarian response indicates that more sustainable solutions must be adopted.

In Lebanon, the vulnerability of refugees is influenced by the balance of power between the securitization of the response and the extent to which humanitarian actors are allowed and able to respond to refugees' needs.

One main finding of this chapter is the extent to which the external and situational factors of vulnerability in addition to the precariousness weigh on a refugee's vulnerability. Thus, at least in a humanitarian context, the precarious and extrinsic factors of vulnerability define on their own a large portion of a refugee's vulnerability. Intrinsic factors of vulnerability are relevant as the next chapter will showcase; however, it would be blind to decide in advance which categories to prioritize when a whole population is affected by restrictive and arbitrary measures.

We have presented so far, the legal and policy repercussions on the vulnerability of refugees in Lebanon. In fact, before delving into the way the needs and vulnerabilities of refugees are addressed, it was necessary to showcase that the vulnerability stems as well from the environment they find themselves in. Now that the legal and policy impact on vulnerability is well set, we will examine Lebanon's legal guarantees and response to refugees' vulnerability. Acknowledging that Lebanon does not recognize refugees as such, we resorted to unpacking the different types of protection the legal and policy frameworks offer to those in Lebanon's jurisdiction.



## Chapter Three: References to vulnerability in Lebanon's legal framework

Lebanon has no direct references to the vulnerability of refugees under its legislation. However, there are legal provisions that provide protection applicable to individuals falling under vulnerable categories/groups. The law does not discriminate between nationals and foreigners; it is supposed to provide protection to individuals regardless of their nationality and status. However, when an illegal refugee's rights are breached in Lebanon, the rules and laws vary. They depend on deciding whether the authorities apply the Immigration Law (criminalizing the refugee for illegal residency in Lebanon) or the legal provisions providing protection for the same refugee. This is an important dilemma that if addressed, can extend protection to refugees when their rights are violated. The protection provided to vulnerable categories will be examined in Section A below.

At a later stage, Section B examines the infiltration of terms such as refugees and displaced who are vulnerable; this infiltration remains at the level of soft law<sup>125</sup> and lacks any binding force.

### A. The vulnerable categories under Lebanon's legislation

Recently, the Lebanese legislator has adopted protective legislations recognizing the need to provide certain groups and categories with additional protection and guarantees.<sup>126</sup> In this section, we present the summary of our findings on the cases where Lebanon's legal framework recognizes the vulnerability or the special needs or risks of an individual or category and accordingly provides them with protection. We analyzed legislation, regulation, and court decisions that apply to each of the following categories: domestic violence victims, protection of minors at risk, fighting human trafficking, victims of torture. The last section covers the other categories in Lebanon's legal framework, mainly the elderly and the LGBTQI+ community. We included people with disabilities under this last part since they explicitly exclude non-Lebanese. These categories were examined based on the group enumeration under para. 59 of the Global Compact on Refugees. We included the groups where a legislative or regulatory framework applies.

It is important to keep in mind when going through the legislation and regulations that these apply within Lebanese jurisdiction, meaning theoretically they apply to foreigners and refugees as well. Moreover, taking into consideration the increased fears and vulnerability of those lacking legal residency status in Lebanon, our interviewees revealed that the state prosecutor issued a circular in 2017 where he notified Syrian refugees that if they do not possess legal documentation or residency, this shall not constitute an obstacle to their access to justice. For instance, and according to a judge who participated in this study, a Syrian woman who lacks legal status will not be detained when she files a complaint. This fact is, however, not confirmed, and refugees still fear approaching authorities when they lack residency permits.

#### **1. Minors/ Juveniles**

Lebanon's legislations and practices refer to minors as juveniles. This issue is governed by international and national laws. On the international level, Lebanon ratified the Convention on the Rights of the Child; the latter defines a child as "*a person below the age of 18 unless the laws of a particular country set the legal age for adulthood younger.*"<sup>127</sup>

<sup>125</sup> This term refers to the soft legal sources such as administrative guidelines, action plans and policies.

<sup>126</sup> Most legislations we will present were adopted after year 2000.

<sup>127</sup> Convention on the Right of the Child, Resolution No. 44/25, Article 1, UNGA (1989).

The protection of children’s rights in Lebanon lacks a common comprehensive law and is handled through different laws.<sup>128</sup> For instance, the criminal code<sup>129</sup> increases the penalty in cases where crimes are perpetrated against a minor. The labor code<sup>130</sup> also forbids minor labor in specific cases under Articles 22 and 23.

The most prominent legislation in this domain is the **Law No. 422/2002: “the law to protect juvenile offenders or juveniles at risk.”**<sup>131</sup> Article 1 of this law defines a juvenile as one who has not completed the age of 18 years old. The law is divided into two main parts. The first part states the special procedures applicable to a juvenile who has breached the law. Accordingly, the law introduces educational and rehabilitation measures as an alternative to imprisonment.

The second part of the law is dedicated to juveniles at risk. It gives judges wide authority to provide protection for a juvenile. Article 24 makes it clear that those protection measures apply to all juveniles regardless of their age (Article 24). Article 25 enumerates the situations in which a juvenile is considered at risk:

- a. Juveniles that are surrounded by conditions that expose them to abuse or threaten their health, safety, morals, or the circumstances of their upbringing.
- b. Juveniles that are exposed to sexual abuse and physical violence that exceeds the limits of what is culturally acceptable as non-harmful disciplinary beating. [NGOs aim to amend this provision as it protects against all forms of violence].
- c. Children are found begging or vagabonding.

Unfortunately, Article 18 allows a possibility to deport a foreign minor who has breached the law.<sup>132</sup> This fact was confirmed in our interviews with a judge specialized in juvenile affairs; juveniles are treated as a “legal situation” by judges, but mitigation measures could be implemented if the minor proves to be an asylum seeker. The same judge participant added that one other reason judges resort to deportation is the lack of other means (lack of detention centers or shelters).

However, and as our research and most interviews revealed, deportation is rarely practiced in Lebanon. Moreover, in the case of a minor, a leading human rights investigation judge stated in an interview that in general, foreign minors are not being deported and that if the “judge assumes that a minor is at risk in case he was sent back to his country of origin, he [the judge] can open a protection case and keep him in Lebanon or ask an organization for his resettlement (as long as this minor does not threaten public interest or security).”

At the level of the judiciary, Law No. 422/2002 gives the juvenile judge wide-ranging authorities. One other investigation judge working in rural areas compared a juvenile judge to an “emperor” in the field of juvenile protection. Interviewed judges stated that they are using their margin of appreciation to release the minor in cases of theft, especially since these cases have increased post Covid-19. The public prose-

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128 Committee on the Rights of the Child (2015). Consideration of reports submitted by States parties under article 44 of the Convention: Lebanon.

129 Lebanese Penal code, Legislative Decree No. 340 (1943).

130 Lebanese Labor code. Official Gazette. No 40. 23 September 1946.

131 Law to Protect Juvenile Offenders or Juveniles at Risk. No. 422. Official Gazette No. 34. 6 June 2002.

132 Ibid.

cution in Lebanon does not sentence a minor under 15 years of age in case of illegal residency or entry. However, a public prosecution judge in the Bekaa made it clear that overlooking these violations would not apply if the minor committed a serious crime; in this case, normal procedures are applied, but a social worker<sup>133</sup> should be present (otherwise the local mayor or father or mother must be present).

Although Lebanon has a comprehensive legal framework that can provide protection to its juvenile population, the practical realities are not as promising. In fact, our interviews revealed an acute lack of implementation tools, whether implementation decrees or the lack of safe house and shelters.

On the one hand, Lebanon seriously lacks shelters to receive the minors at risk. A juvenile judge we interviewed highlighted that juveniles are sent to shelters as a last resort, the judge would always prefer to keep him/her with the family, taking the child's best interest into consideration. Keeping that in mind, most of our interviews with judges revealed the lack of shelters to place minors in, describing this gap as a real struggle especially when looking at shelters for foreign minors. This gap is extreme to the extent where one of the interviewed judges had to place a minor at a social representative's<sup>134</sup> house for four to five months.

On the other hand, since the promulgation of Law No. 422/2002, no implementing decree has been issued specifying the details that go into the application of the law. The head of the Juvenile Division at MoSA stated that the lack of implementation decrees is not in favor of vulnerable groups, especially minors and that there is a need to define procedures, roles, responsibilities, and coordination between concerned official bodies.

We already mentioned that Lebanon's legislation does not discriminate, a fact confirmed by the interviewed state officials and judges that are specialized in minors' affairs; one leading official working at MoSA declared that "the law applies to all children on Lebanese territory, Lebanese or non-Lebanese - registered or non-registered." However, the head of Juvenile Division at MoSA highlighted the fact that Syrian displaced juvenile access to protection under Law No. 422 intersects with the legality of their parents' residency in Lebanon. This was confirmed in our interview with a judge responsible for juvenile affairs at the MoJ; if juveniles at risk are foreigners who do not possess official documents (residency, etc.), there are real obstacles and challenges to find them shelter.

To illustrate some of the acute challenges faced by refugee minors in Lebanon, a recent survey has shown that 73% of the surveyed beggar children originate from Syria. The surveyed children beggars worked mainly as street vendors (46%), beggars (26%), and shoeshiners (11%).<sup>135</sup>

The number of working minors, the beggars who are minors, and others are examples of the extent of the problem to which the law can hardly singlehandedly respond to. For instance, a leading NGO estimates that between 60 to 70% of Syrian refugee children work.<sup>136</sup> This reflects the gap between what the law says and the means and capacity to enforce it.

133 The presence of the social worker throughout the juvenile offender criminal proceedings, from the preliminary inquiries to the reintegration phase, is now required by law.

134 The social representative is a social worker who is present with and assists the juvenile in all judicial follow-up stages. The representative is affiliated to the Union for the Protection of Juveniles in Lebanon.

135 ILO, UNICEF, Save the Children and the Ministry of Labor (2015). Children living and working on the streets in Lebanon: profile and magnitude. Consultation & Research Institute.

136 The Freedom Fund (2016). Struggling to survive: Slavery and exploitation of Syrian refugees in Lebanon. <https://freedom-fund.org/our-reports/%EF%BF%BCstruggling-survive-slavery-exploitation-syrian-refugees-lebanon/>

In the next section, we examine the legal framework and practices regarding human trafficking in Lebanon and the protection it can provide to refugees.

## **2. Victims of human trafficking**

Since 2002, Lebanon concluded agreements with several countries to fight against crime in all forms, especially in the areas of human trafficking.<sup>137</sup> Nevertheless, the cornerstone of Lebanon's anti-human trafficking policy resides in recent legislation which was adopted on September 11, 2011 i.e. **the Law No. 164 on the Punishment for the Crime of Trafficking in Persons**. This law added new articles to the Penal Code<sup>138</sup> and to the Criminal Procedure Law to add protection procedures for the crime of trafficking in persons.<sup>139</sup>

### **Article 1 of the law No. 164/2011 defines the crime of trafficking as:**

To attract, transfer, receive, detain a person or find him a shelter: a) By means of threat or use of force, abduction, deception, the abuse of power or of a position of vulnerability, the giving or receiving of sums of money or benefits, or the use of these means on a person having authority over another person. b) For the purpose of exploiting him or facilitating his exploitation by others. The consent of the victim shall be deemed insignificant if any of the means mentioned in the present article is used.<sup>140</sup>

Unfortunately, and as is the case with other legislation, the law suffers from limitations that could have easily been prevented. First and most importantly, the victim is criminalized unless s/he brings proof of her/his victimhood. This requirement is very difficult to fulfill since most victims are vulnerable refugees, children, workers, or women holding artist visas. Moreover, while the law offers protection mechanisms for witnesses of trafficking, these protective measures do not apply to victims of trafficking. When we interviewed a judge leading on human trafficking cases, he admitted that the concept of "victim" of human trafficking is not activated and implemented by the courts in Lebanon.

Another gap in the law is that it did not adopt protective measures to apply to victims of trafficking. However, Article 586/9 gave the Minister of Justice the authority to conclude agreements with specialized local institutions and organizations to provide assistance and protection for victims of trafficking. Accordingly, the Lebanese state and institutions do not directly provide victims of human trafficking with assistance and protection. Shelters, counselling, support, legal information, and advice services for survivors of human trafficking are provided by national institutions and NGOs such as KAFA, Caritas, and ABAAD.

According to the law, the judge is able to grant the foreign victim of trafficking a legal residency for the period of investigation.<sup>141</sup> However, a Mount Lebanon investigation judge stressed that this provision necessitates the coordination of different authorities; mainly between the judicial authorities and the GS.

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137 These agreements were ratified through the following laws: No. 408/2002, No. 474/2002, No. 682/2005, No. 739/2006; decree No. 3631/2010, decree No. 4986/2010.

138 Adding a chapter to the Chapter Eight of Book Two of the Penal Code; articles 586.1; 586.2; 586.3; 586.4; 586.5; 586.6; 586.7; 586.8; 586.9; 586.10; and 586.11. In addition, article two of the Law No. 164/2011 amended articles 524 and 525 of the Penal Code.

139 Under Section Seven bis of the Criminal Procedure Law, articles 370.2; 370.3; 370.4; 370.5; 370.6.

140 Law on the Punishment for the Crime of Trafficking in Persons. No. 164. Official Gazette. No 40. 24 August 2011.

141 Lebanese Penal Code. Legislative Decree No. 340. Official gazette No. 4104. 1 March 1943.

Currently, it had been observed by the judges heading the human trafficking portfolio at the Ministry of Justice that ongoing efforts are taking place at the level of the Ministry of Justice, in coordination with the International Organization of Migration (IOM), to amend the law on human trafficking to include all international standards.

Our research uncovered that the increasing state institutions' efforts in fighting trafficking can be traced back to international pressure on Lebanon. Leading judges at the Ministry of Justice referred to the pressure and annual follow-up by the American embassy in this domain. Lebanon reports annually to the American embassy on its human rights developments and it was under the risk of being downgraded to tier 3 in countering human trafficking efforts down from tier 2.

At the initiative of the Institute for Human Rights at the Beirut Bar Association,<sup>142</sup> a "Practical Indicators for the Crime of Trafficking in Persons" was adopted in 2018. Based on this initiative, vulnerability is stated as one indicator. It states that vulnerability includes:

- Difficult living conditions (poverty, destitution, ...)
- Vulnerable groups (women, children, people with special needs, female domestic workers, children exiled from their families, ethnic minorities, persons without identification documents, street children, refugees, displaced people, ...)
- Unfamiliarity with the local language and laws

This is the only direct reference of the term vulnerability. Refugees and displaced people are cited as a vulnerable group. A leading human rights judge participant assured that while the guide is part of the soft law, stakeholders who participated in its development guarantee that it is not theoretical and that it got the approval of all concerned state institutions.

To confirm this, and based on these practical indicators, a binding **Memorandum No. 2.4/339** was issued by the General Directorate of ISF in cooperation with ABAAD on the "**principles on how to investigate and treat cases that deal with human trafficking, sexual assault and how to offer the right support for victims.**" The same provisions of the practical indicators were adopted. This memorandum states procedures that officers must adhere to when dealing with and investigating the victim / survivor, in order to ensure the dignity and health of the victim, and to secure psychosocial support for her, among them: "Conducting the first interview in appropriate conditions, preserving privacy, and free from interruptions due to incoming communications to mobile phones, taking pictures or videos, or because of third parties."

Nevertheless, it is worth mentioning that one participant who is a judge and a university professor highlighted the fact that the work of the bureau for countering human trafficking at ISF necessitates recruiting professionals in the field of countering human trafficking because the investigation phase has a crucial impact on the type of offense; he added that:

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142 The drafting Committee consisted of the Ministry of Justice, the Ministry of Interior and Municipalities, the Ministry of Social Affairs, the Ministry of Labor, the Directorate General of Internal Security Forces, the Directorate General of General Security, the Higher Council for Childhood and the Institute for Human Rights of the Beirut Bar Association.

*'I worked on many cases where it was obvious to me that the ones who led the investigations were normal people [amateur/ not specialized in conducting human-trafficking investigations]. The questioning is simplistic while it should be focusing on the vulnerability criteria of the person such as why did you do that? What were the circumstances? The family status? Why did you leave Syria? What do you spend the money on? In most of the cases, we have to investigate further to obtain information to get the answers to these questions and to understand the situation. The investigation of the bureau is unprofessional.'*

Interviews with Caritas and judges revealed that migrant workers are falling victim to human trafficking. Nevertheless, our study of the case laws in Lebanon for the years 2015 and 2016 revealed that in most of the cases, Syrians are part of human trafficking cases in front of investigation and judgement judges.<sup>143</sup>

When it comes to refugees that are victims of human trafficking, judges do coordinate with the UNHCR whereas the latter reach out and inform them that this specific person has a file that they are following-up on. According to a judge interviewee, UNHCR is interested in cases that include a) juvenile/minor cases and 2) women who are minor or pregnant.

It had been reported that almost no anti-trafficking activities have been specifically developed for the refugee population in Lebanon<sup>144</sup> although the IOM and UNHCR signed a Memorandum of Understanding on identifying and protecting victims of trafficking. An investigation judge in a rural area highlighted the exploitation and vulnerability state of Syrians that are victims of human trafficking whereas they:

*'[S]ometimes receive cases of prostitution and exploitation of refugees' women. In most cases, these women lost their husband, mom or dad in the conflict in Syria; thus, they became homeless and wanted to flee the war. Criminal networks promised them with decent work in Lebanon such working in a restaurant, or as a secretary. Once in Lebanon, their personal documents are seized (in the case that they have any), and they are "imprisoned" by this network in a motel or furnished apartment or rooms. Then they are obliged to sleep with customers or to go to hotels or nightclubs to "catch" customers.'*

In this regard, in 2020, KAFA published the result of a study<sup>145</sup> on prostitution in Lebanon – prostitution being one form of human trafficking. According to the study, Syrian women may be trapped in prostitution much more frequently than other nationalities: Syrian women comprised consecutively 63% (2015), 50% (2016), 63% (2017), and 50% (2018) of the total number of women arrested by the Internal Security Forces (ISF) for engaging in prostitution activities. These figures link the vulnerability of Syrian women to sexual exploitation.

143 Analysis of the summary of case laws in front of Lebanese courts. These are presented in two reports submitted by the Ministry of Justice to the American embassy covering the 2 periods 1/1/2015 to 30/3/2016 and 1/4/2016 to 31/3/2017.

144 The Freedom Fund (2016). Struggling to survive: Slavery and exploitation of Syrian refugees in Lebanon. <https://freedomfund.org/our-reports/%EF%BF%BCstruggling-survive-slavery-exploitation-syrian-refugees-lebanon/>

145 KAFA (2020). Exit: Challenges and needs of Lebanese and Syrian women in prostitution. [Kafa.org.lb](https://kafa.org.lb). <https://kafa.org.lb/en/node/438>

We were able to access 15 case laws related to human trafficking. We accessed these through the registry of both Beirut’s Criminal Court and Indictment Chamber. Accordingly, we analyzed these case laws to look for the role of vulnerability or similar notions in courts’ approach. Decisions do not refer to refugees or displaced but to Syrian and other foreign victims. The below table presents the main findings:

Vulnerability dictated by economic needs and poverty	Child beggars	Transferring Syrians across the borders
<p>The vulnerability and weakness of victims are linked to economic indicators such as need and poverty. In one decision rendered by the Criminal Court, the exploitation of foreign victims was linked to their poverty and needs. In another one rendered by Beirut’s Indictment Chamber, the needs of the victims were referred to as “vulnerability.” However, the poverty factor is dominant in the decision.</p>	<p>For cases involving beggars who are minors, the judges made a distinction between the crime of begging and human trafficking.</p> <p>The determinant element of distinction is the “exploitation.” If the offense was undertaken with the intent to exploit the minor, it would be characterized as human trafficking. However, if the court concluded that the reason behind parents pushing the child to beg is due to economic deprivation and poverty, the defendants’ offense would fall under begging governed by article 618 of the Criminal Code.</p>	<p>Defendants, whether traffickers or victims of trafficking, were criminalized.</p> <p>The defendants who were trafficked to Lebanon were convicted under Article 32 of the Immigration Law.</p>

*Table 2: Analysis of human trafficking case laws*

We can conclude from the table above that judges, at least in Beirut, link vulnerability to poverty. Courts always consider the economic situation of the defendant and victims when issuing their decision.

Two reports<sup>146</sup> that we were able to access on human trafficking reveal that, in many instances, minors who are victims of human trafficking were referred to organizations and shelters. This was the most common type of referral among victims.

Women are exposed to other forms of discrimination in Lebanon. The law which criminalizes domestic violence was recently adopted in 2014. The next section will look into the protection afforded to women under this law.

### **3. Women protection under the law**

Article 7 in the Lebanese Constitution states that all Lebanese are equal before the law and equally enjoy civil and political rights. However, this is completely different from reality. When Lebanon ratified and acceded to the CEDAW<sup>147</sup> in 1997, it stated three reservations touching on the right to give the nationality (Art. par.2), personal status issues (certain paragraphs of Article 16), and arbitration related provision

146 Ministry of Justice, reports submitted to the American embassy covering the periods January 1, 2015 to March 30, 2016 and April 1, 2016 to March 31, 2017.

147 Convention on the Elimination of all Forms of Discrimination Against Women. Resolution No. 34/180. UNGA. (1979).

(Art. 29).<sup>148</sup> A recent study conducted by KAFA on the extent of enforceability of the other binding CEDAW provisions in front of Lebanese courts revealed that the CEDAW was “completely absent from the court decisions and rulings issued in the year 2009 by both the Criminal Court and the Court of Criminal Appeals in Beirut.”<sup>149</sup>

Actually, and unlike its constitution equality principle, Lebanese society is still a patriarchal one where discrimination against women can be found on many levels and in several legislations – whether criminal code, labor laws, code of commerce, and most importantly the personal status law. To sum the repercussion on women in Lebanon, Human Rights Watch said that “Lebanon’s religion-based personal status laws discriminate against women across the religious spectrum and don’t guarantee their basic rights.”<sup>150</sup>

In recent years, Lebanon has witnessed several important changes to its legislative framework governing the gender dimension to provide more protection to women and less discrimination. This was the result of a battle led by women activists and organizations that has placed huge pressure on policy makers through effective campaigning.

The main achievement in these past years was the adoption of **Law No. 293 on the Protection of Women and Family Members from Domestic Violence on April 1, 2014**. Requests and campaigns to amend Law No. 293/2014 started from the moment it was adopted. The call for amendments includes Article 3 so that it covers all forms of criminal offenses; delete the provision on the fulfillment of marital rights (art. 3 par. 8); delete the provision that links the protection order to the custody age of the child (art. 12 par. 2); and amend article 13 to give the public prosecutor the authority to issue protection orders.<sup>151</sup>

As informed by a judge frequently tasked with ordering protection orders, a request submitted to the courts does not require assigning a lawyer; it is exempt from fees; it takes into consideration the weakness of the victim; the protection request can be submitted in the victim’s place of temporary residence and not necessarily in the place of residence of the defendant as the law states (an exception to the general principles).

The law includes several mechanisms aimed at protecting women from family violence, mostly by allowing judges to issue temporary restraining orders against husbands of abused women within 48 hours of receiving a request for protection by a victim (article 13). Article 21 of Law No. 293 calls for a special fund to be created to “assist the victims of domestic violence.” However, this provision has still not been implemented.

Our research revealed that many organizations in addition to MoSA’s SDCs provide a myriad of services that are gender-centered. These services cover women empowerment; case management services for survivors of SGBV; raise awareness for the community SGBV; provide safe space centers in collaboration with MoSA or other social associations made up of specialized teams; and psychological support clinic, legal services, etc.

148 KAFA (2011). From Theory to Practice, CEDAW before the Lebanese courts. KAFA Violence and Exploitation. <https://www.euromedwomen.foundation/pg/en/documents/view/5517/from-theory-to-practice-cedaw-before-lebanese-and-jordanian-courts>

149 Ibid.

150 Human Rights Watch (2015). Lebanon: Laws discriminate against women. <https://www.hrw.org/news/2015/01/19/lebanon-laws-discriminate-against-women>

151 KAFA and National Coalition for a Law to Protect Women from Family Violence (2014). Law on protection of women and family members from domestic violence.



Many of our NGO participants highlighted the fact that a good proportion of their beneficiaries are refugees, specifically Syrian refugees. For instance, our interview with ABAAD revealed that from the beginning of the Syrian crisis and starting in 2013, women beneficiaries of shelters are split in half between Syrian refugees, on one hand, and Lebanese women and other nationalities make up the other half.

Women organizations partnered with State institutions such as MoSA and are active on SDCs levels. They (mainly KAFA and ABAAD) managed to establish strong partnerships with the ISF.

Many obstacles hinder the access of a woman refugee in Lebanon to this protection. These obstacles mainly consist of:

- Lack of legal residency can seriously impact access to protection. Although the public prosecutor can issue a decision asking officials to disregard the lack of legal residency for the displaced seeking protection, it is not clear to what extent this is being implemented especially that women are afraid to approach public authorities.
- Cultural values obstruct the access to justice. In fact, “while there are anecdotal reports of violence against women, assessments on the prevalence of violence against women are scarce (UNHCR, 2015). Underreporting is common due to shame or fear of stigmatization. (...) In Lebanon, all victims of torture or survivors of sexual and gender-based violence will be covered for up to 100 percent after the incident; however, Syrian refugee women typically do not report incidents.”<sup>152</sup>

#### **4. Victims of torture in Lebanon**

The Global Compact on Refugees mentions survivors of torture as refugees with specific needs. Unfortunately, not only does Lebanon not acknowledge them as such, but it is common for Lebanon’s security institutions to resort to the use of force and torture against detainees and those accused of crimes. In fact, a lawyer participant stated that “torture is a systematic tool being used in certain types of crimes and specifically felonies (threatening state security including terrorism and spy, drugs, homicide)” adding that it would not be an exaggeration to say that torture is used in more than 90% of such cases.

The Prison Committee at the Tripoli Bar Association (TBA) in north Lebanon documented and monitored more than 40 cases of torture, but there has not been any perpetrator held accountable.<sup>153</sup>

In 2000, Lebanon ratified the Convention Against Torture (CAT) and its Optional Protocol (OPCAT) in 2008. Furthermore, it adopted Law No. 65 on 19 September 2017<sup>154</sup>, which defines torture and criminalizes it. This law is inconsistent with the CAT in terms of definition, statute of limitations, and the victim’s compensation. Due to those gaps and others, it has not been implemented till now.

The Law amends Article 401 of the criminal code to establish a crime of torture, including acts that lead to severe physical or mental pain or suffering. Lebanon did not previously have a law criminalizing torture, though article 401 narrowly criminalized the use of violence to extract confessions. Shortcomings in the new law include a statute of limitations for prosecuting torture and ongoing jurisdiction of military

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152 Samari S. (2017). Syrian Refugee Women’s Health in Lebanon, Turkey, and Jordan and Recommendations for Improved Practice. World Medical and Health Policy. [10.1002/wmh3.231](https://doi.org/10.1002/wmh3.231)

153 Tripoli Bar Association (2015). UPR Lebanon – Continuous Deterioration of Human Rights in Lebanon.

154 Law on the Punishment for the Crime of Trafficking in Persons. No. 164. Official Gazette. No 40. 24 August 2011.

courts over certain torture cases.<sup>155</sup> The new law precludes any excuse or justification for the use of torture, prohibits the use of testimony extracted under torture as evidence except against a person accused of committing torture, and provides special procedures for investigating allegations of torture and witness protection. It also provides for rehabilitation and compensation for victims but includes no detail or guidance for carrying out those provisions.

In practice, interviewed lawyers reported that very few judges are responsive when it comes to documenting acts of torture that are perpetrated by State institutions. In addition, while the law calls for the prosecution of acts of torture by regular judicial courts, this is not reflected on the ground where Lebanon's military courts continue to hear such cases.<sup>156</sup>

As for the rehabilitation provisions, Article 401 of the criminal code provides the court with the discretion in deciding to rehabilitate victims of torture crimes in addition to their benefiting from personal compensation. Accordingly, the Ministry of Justice signed an MoU with Restart Association on the issue of rehabilitating victims of torture at Tripoli's Courthouse holding facilities. The support will be granted to any person without any consideration of their nationality. A delegate from the Restart Center will be asking detainees if they require medical or psychological examination. However, our interview with a lawyer leading on this project with Restart revealed that to date, only Lebanese nationals benefit from this project (second phase for non-Lebanese).

While victims of torture are accounted for as vulnerable individuals under international asylum regimes, Lebanon still resorts to torture especially for acts linked to "countering-terrorism" efforts. The state of torture in Lebanon reflects on the insignificance of national legislation when a will to implement these laws is lacking. For instance, many international and national provisions forbid torture but still state's institutions use it, and some courts cover these practices. Human Rights Watch highlighted a case where the judiciary ignored acts of torture which led to the death of a Syrian refugee.<sup>157</sup>

### **5. Other groups: PWD, elderly and LGBTQI+ communities**

**People with Disabilities:** The legal framework on the rights of persons with disabilities in Lebanon is limited, and not enforced. In 2007 Lebanon signed, but did not ratify the UN Convention on the Rights of People with Disabilities (CRPD). Domestically, following pressure from civil society, Lebanon adopted on 29 May 2000 Law No. 220/2000 on the rights of persons with disabilities.<sup>158</sup> To date, the Lebanese government and parliament have done very little to set up the decrees, procedures, policies, budget lines, and public bodies that are provided for under Law No. 220/2000. In addition, Law No. 220/2000 focused on physical disability (medical model) and did not consider the other forms of disability.

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155 Human Rights Watch (2017). Lebanon: New torture law positive, but incomplete. <https://www.hrw.org/news/2017/11/13/lebanon-new-torture-law-positive-incomplete>

156 Ibid.

157 Human Rights Watch (2019). Lebanon: Judiciary ignoring 2017 anti-torture law. <https://www.hrw.org/news/2019/09/19/lebanon-judiciary-ignoring-2017-anti-torture-law>

158 Law on the rights of persons with disabilities. No 220. Official Gazette No. 25 pp. 1923-1946 (2000).

All Lebanese citizens with a disability can register for a disability card through the Ministry of Social Affairs (MoSA). This necessitates that they meet the disability definition.<sup>159</sup> Cardholders are entitled to a wide range of healthcare services, including primary, secondary, and rehabilitation services, to be covered in full by the relevant ministries. MoSA has a special “Division of Specialized Care for the Disabled Affairs,” whose duties are determined by decree No. 5734. This division addresses disabled issues, and provides individual and institutional services directly or through significant programs and service.

Refugees with disabilities do not benefit from national legislation. Humanitarian organizations subsidize several services for Syrian refugees including those with disabilities; they give refugees access to primary healthcare (PHC) services via the Ministry of Public Health’s (MoPH) PHC network or through mobile clinics. PRS access PHC and secondary care through UNRWA clinics. UNHCR gives priority to refugees with specific needs and vulnerabilities, including physical or mental disability, chronic illness, temporary illness or injury, serious medical condition, and people who need support in basic daily activities.

Nevertheless, both the MoPH and humanitarian organizations face funding issues. Furthermore, the refugee crisis has placed a heavy burden on both primary and secondary healthcare in Lebanon in terms of infrastructure and financial sustainability, especially in the North and Beqaa governorates.<sup>160</sup>

Despite all of the aforementioned, Lebanese, and non-Lebanese PwDs still face several barriers to accessing healthcare, resulting in unmet needs, and having a detrimental impact on their physical and mental wellbeing.<sup>161</sup> This puts them at a high risk of exclusion from public and private services, of exploitation, and of violence.

**Elderly:** Lebanon does not have any written legislation about end-of-life issues and palliative care, although the proportion of elderly in Lebanon is currently the highest in the region. However, elderly people are mentioned somehow in different legislation, mostly in the Social Security Law promulgated by Decree No. 13955 on 26/9/1963, where every Lebanese has the right to opt into the National Social Security Fund under many conditions.<sup>162</sup>

In addition, Lebanon does not have a uniform old-age/retirement pension plan. Plans are largely dependent on the type of employment. Obviously, those who have never been employed, the majority being women, are not eligible for any type of pension plan or health care coverage.<sup>163</sup>

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159 Article 2 of the law 220/2000 defines a PwD as any “person whose capacity to perform one or more vital functions, independently secure his personal existential needs, participate in social activities on an equal basis with others, and live a personal and social life that is normal by existing social standards, is reduced or non-existent because of a partial or complete, permanent or temporary, bodily, sensory or intellectual functional loss or incapacity, that is the outcome of a congenital or acquired illness or from a pathological condition that has been prolonged beyond normal medical expectations.”

160 Baroud, M. (2017). Improving healthcare access for persons with disabilities in Lebanon: together for justice in service provision. AUB IFI’s Policy Brief #7/2017.

161 Combaz E. (2018). Situation of persons with disabilities in Lebanon. *K4D*. [https://gsdrc.org/wp-content/uploads/2018/07/Disability\\_in\\_Lebanon.pdf](https://gsdrc.org/wp-content/uploads/2018/07/Disability_in_Lebanon.pdf)

162 The beneficiary has reached the age of sixty-four and the beneficiary must not be direct or indirect beneficiary of other health benefits such as by being a member of: Cooperative of state employees; Health schemes for military personnel, general security and state security forces; Cooperative of judges and any other similar mandatory cooperatives; Other branches of the National Social Security Fund; Schemes related to professional trade unions of all kinds, if they cover the health benefits of registered retirees.

163 Chemali, Z., Chahine, L.M. & Sibai A.M. (2008). Review: Older adult care in Lebanon: Towards stronger and sustainable reforms. *Eastern Mediterranean Health Journal*, Vol. 14, No. 6.

According to the UN Population Fund (UNFPA), six percent of the Syrian population was above the age of 60 before the conflict, only 2.5 percent of refugees in Lebanon are that age. Elderly people struggle to register with the UN Refugee Agency (UNHCR) because they cannot easily reach the registration centers.<sup>164</sup> This situation demands that the humanitarian response to the needs of older refugees be holistic in nature. Greater coordination between NGO service providers is needed to maximize the effectiveness of aid provided to the elderly. Furthermore, elderly people should not be viewed in isolation, but rather as important members of families and communities.<sup>165</sup>

Interviews with heads of the Social Development Centers affiliated with MoSA showed that the activities targeting elderly are mainly to engage them in activities for the elderly (no discrimination between Lebanese and Non-Lebanese). Our interviews with heads in different areas revealed that the vulnerable and the poor elderly, in particular the abandoned, benefit from public health services and chronic disease medicine, but they suffer from the lack of some drugs, medicines and specialized projects targeting them. The abandoned elderly are kept in homes affiliated with MoSA, and the SDC follow their conditions on a monthly basis. Also, some SDCs organize sport activities to help the elderly physically, and lunch gatherings with the help of volunteers from the local community who serve them.

Nevertheless, Lebanese, and especially older Syrian and PRS<sup>166</sup> refugees in Lebanon, especially those living in tents or houses far away from other refugees, still face poverty; a gap in age-specific services for older refugees; several barriers to physical and mental health; access to medical care; limitations on mobility and aid devices; and food insecurity and poor dietary quality.<sup>167</sup>

**LGBTQI+:** Lebanon still prosecutes LGBTQI+ relations under Article 534 of the Penal Code, which states: “any carnal union against the order of nature shall be punished with imprisonment for up to one year.” Even if the Judiciary system seems to progressively evolve towards a decriminalization of LGBTQI+ relations, Article 534 remains extremely ambiguous and is still being used by security forces as grounds for their arrest on the sole basis of their gender identity or sexual orientation. LGBTQI+ people in Lebanon are part of vulnerable communities, victims of unpunished discriminations from private individuals, or public institutions and public officers. Still, the LGBTQI+ question was not highlighted as a priority issue facing refugees in Lebanon. Usually, these would confidentially inform the UNHCR of their situation to provide them with resettlement options. The question of LGBTQI+ did not appear in any of our interviews; only one participant referred to them as a resettlement priority.

Since 2007, there have been multiple case laws in Lebanon that were promising for the recognition of LGBTQI+ human rights:

- 2007: Judge Mounir Suleiman stops a criminal investigation of two men arrested for same-sex conduct, disputing that homosexuality was “contrary to the order of nature” and arguing that sexual conduct perceived to be “unnatural” is often a reflection of social mores.

164 IRIN (2013). Needs of elderly Syrian refugees in Lebanon “widely ignored.” <https://www.refworld.org/docid/522eff4e4.html>

165 Chahda, N., Sayah, H., Strong, J. & Varady, C. (2013). Forgotten voices: an insight into older persons among refugees from Syria in Lebanon. Caritas Lebanon Migrants Center.

166 Older Palestinian refugees from Syria were found to be in worse condition compared to older Syrian refugees.

167 Chahda, N., Sayah, H., Strong, J. & Varady, C. (2013). Forgotten voices: an insight into older persons among refugees from Syria in Lebanon. Caritas Lebanon Migrants Center.

- 2009: A judge acquits a defendant charged under Article 534 of the Penal Code by arguing that the concept of nature is a socio-cultural construct, and therefore it is impossible to determine that any behavior is categorically unnatural.
- 2014: A court dismisses a case against a transgender woman and cisgender man, stating that homosexuality was not “unnatural.”
- 2017: Judge Rabih Maalouf argues that “homosexuality is a personal choice, not a criminal offence.” He refers to Article 183 of the Penal Code which states, “an act undertaken in the exercise of a right without abuse shall not be regarded as an offense.”
- 2018: After the issuance of four trial judgments, the Appeal Court of Mount Lebanon announced that homosexuality is not a crime. On December 12, 2018, the decision was rendered announcing the enshrinement of a different judiciary that started with the previous four judgments.

Lebanon has no specific legal binding provisions that explicitly address a refugee’s vulnerability. However, people falling within Lebanese jurisdiction are supposedly able to enjoy the protection provided to vulnerable groups by the law since it does not discriminate. The coordination between state authorities and NGOs is managing to fill some of the gaps and provide support and protection to these groups. However, the lack of legal residency, lack of shelters, and the low enforceability of law hinder access to justice and protection. This access to justice problem was highlighted by a poll that was conducted in 2016. In this poll, 50% of Syrian refugees and 8% of Lebanese respondents reported assaults; out of the Syrians who reported assaults, 72% of them did nothing about it.<sup>168</sup>

A recent access to justice project has been initiated and it brings together the UNDP, UNHCR, Ministry of Justice, Beirut Bar Association (BBA), and Tripoli Bar Association (TBA).<sup>169</sup> The project, which is soon to start, tackles this access to justice problem. Our interview with an MoJ judge revealed that the project aims at providing legal advice to the most weak and deprived categories and it aims at benefiting all who cannot afford to hire a lawyer. Another judge participant confirmed that the aid will be provided with no consideration whatsoever of the beneficiary’s nationality or legal residency status. According to UNDP’s Access to Justice coordinator, the services of these legal desks include the following: legal information session (once per week); counselling and assistance; alternative dispute resolution; legal representation; and judicial aid. Legal services cover all fields of law (civil/labor/personal status/financial/contracts and obligations/ administrative). The first offices will open in Baalbek and Saida at the end of 2020.

Since access to justice is one main challenge in Lebanon, this project, if well-implemented, can increase refugee understanding of the law and access to protection and perhaps to legal residency.

This section explored the protection provided by national legislation to vulnerable groups and their categories. The protective approach to disadvantaged groups is rather recent since most of these legislations were adopted recently. When it comes to refugees, they can benefit from this legislation as long as they are able to access justice. However, practical impediments exist, such as lack of shelters, and in some cases the law itself is not enforced on nationals and foreigners.

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168 USJ (2017). Syrian refugees in Lebanon between Resilience and Vulnerability.

169 The MoU between these parties was signed in September 2019.

While these provisions apply to refugees, those who have no legal stay can hardly access them. This situation further marginalizes them and sheds light on the legal aspect of the vulnerability of a refugee in Lebanon. Findings from Lebanon indicate that the legal vulnerability that refugees are suffering from is a central hinderance to accessing rights, services, and protection for them.

These protection regimes can constitute an interesting entry point to providing protection to vulnerable groups such as GBV, minors at risk, victims of human trafficking and torture, etc. However, these legislations and their implementation require serious amendments to guarantee their effectiveness. In addition, they will necessitate an increased processing ability of the judicial and police systems who already suffer from understaffing and underfunding.

We previously mentioned that Lebanon is regulating its forced migration portfolio through decisions and not legislations. Therefore, we will examine non-binding sources of law to determine the soft legal sources stance on issues of forced migration. Accordingly, the next section traces references to the needs or vulnerability of refugees in the soft law.

## B. Soft law provisions and the recognition of vulnerability, refugees, and displaced

Early on in our literature review, we managed to find references to displaced and refugees in several state institution instruments. This was rather curious considering Lebanon's solid stance on rejecting references to Syrians as refugees. Below, we will provide some examples of instruments, not binding, issued by Lebanese authorities where references are made about the vulnerability of refugees or displaced: (1) vulnerability under the LCRP; (2) category 4 of visas entry to Lebanon from Syria (humanitarian emergency criteria); (3) the code of conducts of both the General Security and Internal Security Forces.

### **1. Vulnerability under the Lebanon Crisis Response Plan (LCRP)**

The Lebanese government integrated the response to the Syrian Crisis in Lebanon in late 2014. Since then, the plan is being updated each year and issued on governmental level. Its 2020 version refers 442 times to "vulnerable" people and mentions "vulnerability" 105 times. When one sees this high rate of references, s/he might think that vulnerability is a cornerstone of the state's response; however, this is far from the truth. In fact, the LCRP text does not define vulnerability. Moreover, it is used to refer indiscriminately to people, areas, cadastres, and localities.

The vulnerability under the LCRP is not a concept that targets refugee contexts. It encompasses the Lebanese, Palestinians, and Syrians without prioritizing one vulnerability over the other.<sup>170</sup> The use of the concept of vulnerability under the response plan is mainly a socio-economic one that refers in many instances to groups that are traditionally the most vulnerable. Examples of most vulnerable categories under the LCRP include persons with specific needs, female heads of household, children, older persons, persons with disabilities, and other minority groups at risk of violence. While the plan steadily refers to "vulnerability," "most vulnerable," and "acute vulnerability," as well as "vulnerable groups," it does not provide a definition of these words and expressions; it uses them throughout its 191-pages plan in a non-homogeneous manner.

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170 Government of Lebanon and the United Nations. Lebanon Crisis Response Plan 2017-2020, 2019 Update, p. 12. <https://data2.unhcr.org/en/documents/details/67780>

The only definition set in the LCRP is dedicated to the “most vulnerable.” It states that:

The term “most vulnerable” is currently defined within the sectors, mainly using socio-economic, geographic, or categorical concepts of vulnerability. These concepts have informed sectors in targeting their response. Understanding vulnerability by focusing on risks will facilitate a more multi-disciplinary and integrated approach that incorporates different perspectives and promotes involvement of a wide-range of actors. It will allow for a tailoring of interventions to the specific context. Circumstances and factors at the individual, community, and institutional level can increase a person’s vulnerability and/or reduce their capacity to cope with a particular situation. The LCRP will move towards a multi-dimensional understanding of vulnerability – considering internal risk factors, likelihood to experience harm, capacity to recover and adapt to new situations, ability to resist and insurance against new shocks - to better harmonize the response. Programming decisions and targeting of displaced populations will be informed through a comprehensive analysis of risk, considering vulnerability in relation to threats and coping capacities.

What is remarkable under the LCRP is that its main stakeholders deliberately decided to exclude migrants, refugees, and asylum-seekers from nationalities other than Syrians and Palestinians from its scope. An interviewee working within the LCRP structure, but who preferred to remain anonymous, revealed that this was “a very political decision and isn’t the organization’s decision” and added that:

A lot of the work and discussions held this year with donors was to be flexible on the criteria related to nationality knowing that the needs and the vulnerabilities are not limited to certain nationality groups. They [refugees from other nationalities] are benefitting from services, but I am not sure to the same extent as Syrians.

While LCRP accounts for the humanitarian response, the other references we are examining below are related to the security response.

## **2. Visa categories to enter Lebanon from Syria**

As mentioned previously, the General Security adopted new entry regulations starting January 2015. Accordingly, only Syrians who hold valid identity documents can enter Lebanon. Another layer of conditions is imposed and a person can enter under one of these categories: (1) tourism, shopping, business, landlords, and tenants; (2) studying; (3) transiting to a third country; (4) displaced; (5) medical treatment; (6) an embassy appointment; and (7) those entering with a pledge of responsibility (a Lebanese sponsor).

Only category 4 can be applied to refugees, the “displaced” according to Lebanese authorities. For a period after issuing the new visa categories, no further details were shared on the means of implementation of category 4. At the beginning of April 2015, the criteria for this last requirement were disclosed under the name “humanitarian exceptions criteria” and it allowed Syrians to apply for “Unaccompanied and/or separated children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; persons who will be resettled to third countries.”<sup>171</sup>

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171 General Security Site (2020). Organizing the entry and stay of Syrian national to Lebanon. <https://www.general-security.gov.lb/ar/posts/33>

By adopting these cases, Lebanon opted for the group definition of special needs of refugees and referred to them as vulnerable groups. However, it is a restrictive application of group vulnerabilities since it requires the child or person with disabilities to have a registered parent/relative already living in Lebanon. This clearly means that the new regulations do not leave room for people fleeing armed conflict, violence, or persecution to seek safety in Lebanon.<sup>172</sup> A MoSA representative revealed that exceptions are assessed on a case-by case basis, at the discretion of the Minister and made it clear that fleeing persecution and violence in Syria does not fall under category 4's humanitarian criteria.<sup>173</sup>

After the adoption of these visa categories by the General Security, a Syrian national who was refused entry to Lebanon along with two human rights' organizations in Lebanon filed a lawsuit with the State's Council (Lebanon's higher and only administrative court). Accordingly, the Council issued a decision<sup>174</sup> clarifying that the competent authority that can amend conditions for Syrian entry and residency is the Council of Ministers, whereas General Security's role is confined to applying these terms.<sup>175</sup> Accordingly, these measures were annulled by the State Council. However, these categories are still being implemented.

### 3. Codes of conduct

The General Security and the Internal Security Forces each adopted a code of conduct that were developed in close coordination with the OHCHR. They both share basic principles when dealing with people.

The GS's main Code of Conduct<sup>176</sup> principles include: Non-discrimination based on race, color, religion, language, gender, or opinion, political, national origin, or on any other basis; Non-discrimination or differentiation between persons according to their nationality, ethnicity or area of origin, and dealing with them within the framework of respecting humanitarian, moral and legal obligations; take into consideration the human condition of the elderly, the minors, the children, the sick and especially people with special needs; exert sufficient effort and care in dealing with vulnerable groups (the displaced, refugees to a third country, victims of trafficking and exploitation); Resort to female agents when dealing and investigating with detained women to guarantee the respect of their privacy; Allocating weak and vulnerable groups, victims of abuse, exploitation and trafficking, a special treatment in line with their conditions.

The ISF's main Code of Conduct<sup>177</sup> principles include: Non-discrimination based on Sectarian, Regional, or based on national origin, gender, or age or social status or any other basis; Take into account the situations of people with special needs and victims; The elements of the security forces must take into account the situation of persons with disabilities, special needs and victims, whether they are elderly, children, refugees, domestic workers...and provide the necessary assistance to them; Pay attention to issues of domestic violence and trafficking in persons; Pay attention to and provide all possible support to victims (especially women and juveniles).

172 Janmyr, M. (2016). Precarity in exile: The legal status of Syrian refugees in Lebanon. *Refugee Survey Quarterly*.

173 Amnesty International (2015). Pushed to the Edge: Syrian Refugees Face increased Restrictions in Lebanon. <https://www.amnesty.org/en/documents/mde24/1785/2015/en/>

174 State Council Decision No. 421/2017-2018, 8/2/2018.

175 Jagarnathsingh, A. (2018). Legal and policy framework of migration governance – Lebanon country report. [https://zenodo.org/record/1418581#.YA2-leBS\\_MJ](https://zenodo.org/record/1418581#.YA2-leBS_MJ)

176 Directorate General of the General Security, Code of Conduct, December 2016.

177 Directorate General of the Internal Security Forces, Code of Conduct, second edition, 2016.



The main idea in this section is to shed the light on the lack of compatibility and homogeneity in State responses. When one examines these documents and their enumeration of refugees and displaced as vulnerable groups, s/he would think that refugees are accounted for under Lebanon's legislations or policies. However, how would a GS or an ISF official apply these codes when faced with a situation of a refugee who has no legal valid residency presenting to their office. These codes and the LCRP's drafting are influenced to a high extent by international actors' intervention and collaboration with State institutions. This collaboration has managed to infiltrate the concept of refugee vulnerability into the soft law.

On the other end, resorting to soft law to take account of refugees and displaced might be a repercussion of the paralysis of parliament and government. Accordingly, state institutions that are at the forefront of dealing with refugees are limited to a very restricted legal regime. Lebanese parliament is not legislating and the government is not taking any decisions; this dysfunction and paralysis pushed institutions such as GS, ISF, and MoSA's SDCs to enter into partnerships and coordination with different UN agencies and NGOs to fill the gaps left by the state's inaction.

To conclude this third chapter, legislation and subsequent protection measures governing certain vulnerable groups benefit all individuals pertaining to one of these groups. The soft law on its end is more direct and clearer in referring to refugees and displaced as a vulnerable or weak category. However, lacking a binding force, these provisions have little impact on guiding practices in this regard.

The infiltration of references to refugees and displaced as vulnerable in Lebanon's soft law and response plans can be attributed to the influence of UN agencies and NGOs on Lebanon's legal and policy reforms. However, this infiltration cannot compensate for the many challenges hindering refugee access to their rights.

Furthermore, before adopting approaches to vulnerability that are marketed by international actors such as UN agencies and calling for its incorporation in Lebanon's legal and policy framework, one should define the determinant factors and groups of vulnerability witnessed in Lebanon and its asylum context.

Defining vulnerability through refugee perception will be undertaken at a later stage of this project. As for the humanitarian response approach to the vulnerability of refugees in Lebanon, the next chapter unpacks the references and uses of this concept by UN agencies and NGOs.

## Chapter Four: Lebanon's humanitarian vulnerability approach

In this report, we focused on vulnerabilities addressed by public policies and legal framework. We had to scrutinize and look at all levels of public response since there is no unified policy and response to the refugee crisis. Chapters Two and Three revealed that vulnerability has no legal structure or presence in the Lebanese legal framework. However, sporadic legislations were adopted and provide protection to vulnerable groups.

Investigating the way vulnerabilities are addressed and assessed becomes easier to conduct on the humanitarian front. Addressing the needs and vulnerability of refugees is at the center of UN and NGO responses to refugee needs, and providing protection for vulnerable groups is an extensive practice of these entities.

Accordingly, Section A of this chapter presents and reflects on the way vulnerabilities are assessed and addressed by humanitarian actors. Then, before concluding this chapter and report, Section B critically reflects on the approaches to refugee vulnerability in Lebanon (B).

### A. Vulnerability in UN's response in Lebanon: A complex vulnerability approach that mixes factors and groups

Since 2012, three UN agencies (UNICEF, UNHCR, and WFP) partnered to issue annual assessments of Syrian refugees' vulnerability i.e. the VASyR. Based on this experience, UNHCR decided to assess and issue starting 2017 an annual assessment of the vulnerability of refugees from other nationalities, the Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON). These assessments serve many purposes. For instance, they constitute an essential tool for planning, decisions, and needs-based program design, help building targeting models and their results are used by the sectors under the LCRP.<sup>178</sup>

Under these assessments, vulnerability is not defined but indicators to assess vulnerability are cited; these include sectors such as access to protection, shelter, WASH, education, health, food consumption, in addition to measuring the economic vulnerability, livelihoods and income, food security, assistance and household assets and energy.

The data is gathered through face-to face interviews in refugees' homes based on a sample of registered refugees. For the year 2019, the survey team, for instance, visited 4,727 randomly selected Syrian refugee households in Lebanon, covering all of Lebanon.<sup>179</sup> Accordingly, a questionnaire consisting of 486 questions was used to collect the data. Consequently, these indicators are used in a "desk formula" to determine the beneficiaries of a cash assistance program.

The "desk formula," based on Proxy Means Testing (PMT) can predict expenditure per capita, and therefore assign an economic vulnerability score to displaced Syrian families based on variables observed in the UNHCR database. These variables include, but are not limited to, data on arrival date, household size and characteristics, head of the household gender, dependency ratio, presence of members with disabilities, and specific needs.<sup>180</sup>

178 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

179 Ibid.

180 Government of Lebanon and the United Nations. Lebanon Crisis Response Plan 2017-2020, 2019 Update, p. 12. <https://data2.unhcr.org/en/documents/details/67780>

One consultant working with the Minister of Social Affairs and leading on the LCRP when commenting on this desk formula said: “They [UNHCR] adopt a desk formula for the inclusion and exclusion of families; as a result, neither them, nor us, understand on what basis the exclusion and inclusion occurred. It is a numeric issue.”

The assistance and protection’s needs uncovered under the assessment are not all addressed. For instance, while all Syrian displaced in need received winter assistance, as of mid-2019, only 58,000 vulnerable households out of the 147,000 severely economically vulnerable received multi-purpose cash assistance on a regular basis.<sup>181</sup> A partner NGO under the LCRP mentioned in an interview that although education and health services are accessible to all refugees, it had been mentioned in a meeting she attended that a percentage not exceeding 25% receive concrete help such as cash assistance and winterization.

The assessment adopts a rather socio-economic approach to refugee’s vulnerability. Under each sector special attention is given to people with specific needs. The term specific need “refers to any of the following characteristics: Physical or mental disability, chronic illness, temporary illness or injury, serious medical condition or needing support in basic daily activities.”<sup>182</sup> This process aims at taking account of the multilayered nature of vulnerability. UNHCR reports that it is proactively identifying and supporting refugees with specific needs through the prevention and response mechanisms available with public institutions, and with social workers and civil society partners. With the aim of further strengthening national institutions, UNHCR continues to support MoSA’s SDCs, where refugees with all backgrounds can access services and counseling and take part in activities and skills training spanning from livelihood to literacy, to boost their resilience.<sup>183</sup> Refugee access to the SDCs has been confirmed by our interviews with four heads of these centers in different Lebanese localities.

The VASyR results for the year 2019 showcase the extreme socio-economic vulnerability of Syrian refugees. This vulnerability is increasing from year to year. It is expected that 2020’s assessment will reveal disastrous figures factoring in the many blows Lebanon took during 2020. They show an increasing vulnerability of refugees.

Following the Covid-19 outbreak in Lebanon, UNHCR had to respond rapidly to the risks of a spread of the pandemic in refugee camps and shelters. Moreover, the lockdown seriously impacted their livelihoods and refugee access to work opportunities; the UNHCR admitted that around 90% of refugees live below the extreme poverty line. This was made worse due to the curfews imposed by local authorities on refugees fearing they would contribute to the spread of the disease.

UNHCR is not the only actor and humanitarian responder. Prior to UNHCR’s involvement in Lebanon, UNRWA had been assisting Palestinian refugees. UNRWA does not provide protection services. It only provides relief. The vulnerability concept is missing from UNRWA’s literature and public discourse. In fact, UNRWA provides for all its beneficiary population. Our research revealed that a vulnerability assessment was implemented by UNRWA only once. In 2015, UNRWA published a vulnerability assessment for PRS

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181 Ibid.

182 UNICEF, UNHCR, WFP (2019). 2019 Vulnerability Assessment for Syrian Refugees in Lebanon. <https://data2.unhcr.org/en/documents/details/73118>

183 UNHCR. Lebanon Persons with Specific Needs. <https://www.unhcr.org/lb/persons-with-specific-needs>

titled “Profiling the Vulnerability of Palestine Refugees from Syria living in Lebanon”.<sup>184</sup> It adopts the same vulnerability criteria as the VASyR. Same year, UNRWA partnered with AUB to publish a survey on the socioeconomic status of Palestinian refugees in Lebanon.<sup>185</sup> This survey showcased different indicators focusing on the following: money-metric poverty, education, labor market outcomes, health, food security, conditions of the dwelling, security, and multi-dimensional poverty.

Our interview with UNRWA confirmed that a vulnerability approach that excludes individuals is an exceptional measure they would resort to when funding is short. The coordinator of legal aid at UNRWA stated that UNRWA education, health, and relief and social services are available for all registered PRL and PRS. In addition, all PRS registered with UNRWA receive monthly cash payments as multipurpose assistance and cash for food due to their status in Lebanon which makes them particularly vulnerable. As for PRL, only those included in the Social Safety Net Program receive small amounts of cash assistance that is paid on a quarterly basis due to their/their family’s vulnerable situation. UNRWA also provides additional services for people with a particular vulnerability such as disability or mental health and psychosocial issues.

We were able to conclude that this concept does not play a vital role in targeting assistance at UNRWA. Still, one fears that it will be introduced with the increasing shortage of funding. More refugees will be excluded from assistance.

Before concluding on humanitarian actors’ use and assessment of vulnerability, we will highlight two other responses: Oxfam and IOM. In a study conducted by Oxfam<sup>186</sup> on cash assistance in Lebanon, Oxfam differentiates in the way targeting is taking place and calls for more community-based approaches and targeting using community focal points and SDC staff. The type of targeting was found to be valuable in helping to identify those most in need of assistance but without sufficient access to support.<sup>187</sup> However, Oxfam warned about the challenge it will face in securing funding since donors currently have a preference for funding UN agencies and WFP to increase the numbers of beneficiaries reached through the desk assessment formula.

Regarding IOM, it adopts a more comprehensive approach to vulnerability of a migrant in Lebanon. IOM’s migrant vulnerability emphasis is that all migrants who are vulnerable should be afforded the protection and assistance services that they require regardless of category or status. IOM’s vulnerability model considers:

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184 Abdulrahim, S. & Harb, J. (2015). Profiling the vulnerability of Palestine refugee from Syria living in Lebanon. American University of Beirut and UNRWA.

185 Chaaban J., Salti, N., Ghattas, H. & Ismail, T. (2016). Survey on the socio-economic status of Palestinian refugees in Lebanon 2015. American university of Beirut and UNRWA.

186 Oxfam (2018). Cash assistance in Lebanon: using short-term support to help families survive economic shock. <https://reliefweb.int/report/lebanon/cash-assistance-lebanon-using-short-term-support-help-families-survive-economic-shock>

187 Ibid.

[B]oth risk factors (which contribute to vulnerability) and protective factors (which improve capabilities to avoid, cope with or recover from harm), and the way that the two interact. The model recognizes that migrants and the households/families, communities and groups to which they belong are all situated in a broader social environment. It considers both resilience and vulnerability to be determined by the presence, absence and interaction of risk and protective factors at different levels: individual, household/family, community and structural.<sup>188</sup>

Our interview with IOM's staff reflected this approach where IOM combines between the situations of vulnerability of the person and the way s/he copes with resilience mechanisms. The focus on resilience is increasing in humanitarian's response and our interview with an LCRP consultant working with UNHCR revealed that the latter is working on adding a fourth factor to its approach to vulnerability. In addition to assessing the person, environment, and support s/he can benefit from, the resilience/capacity of this person should be taken into account and assessed.

The research conducted for this report revealed that the socio-economic situations and the vulnerabilities of refugees is high regardless what system of targeting they are subject to. For instance, PRL who supposedly have no legal vulnerability problems, 66.4% of Palestine refugees in Lebanon were poor in 2010, and 6.6% were extremely poor.

The vulnerability model and criteria that are set by UN agencies under VASyR and VARON help target assistance and protection considering the shortage of funding to the humanitarian response. However, the response is struggling to take account of the existing needs, and while the model is built on socio-economic indicators, the livelihood conditions of refugees in Lebanon keep on deteriorating. Therefore, one can legitimately question the efficiency of this targeting model.

Nevertheless, UN assessment modalities acknowledge the important livelihood aspect of the needs of refugees. By doing so, it differentiates itself from the vulnerability approaches that would focus on the specific needs of specific refugee groups. When international and regional instruments refer to the specific needs of refugees by referring to specific groups, one can wonder why economic and social needs are not enumerated, although they condition the situation of the refugee community prior to examining an individual's vulnerability.

Humanitarian actors in Lebanon should be more cautious when putting the "specific needs of refugees" approach into practice since they risk excluding the other categories from protection and assistance. The pre-defined vulnerable groups approach risks ignoring the other factors contributing to the vulnerability of refugees such as the role policies play in weighting on refugees' access to their rights and needs; many of our interviewees highlighted the fact that male refugees are excluded in many cases from accessing specific services and protection. Defining the specific needs of refugees and of vulnerable groups should be done based on empirical scientific data.

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188 IOM (2019). IOM handbook on protection and assistance for migrants vulnerable to violence, exploitation and abuse. <https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse>

Furthermore, this section reflected on the trend in Lebanon’s humanitarian definition and implementation of vulnerability that is leaning towards including resilience as a component of vulnerability. By resilience, the capacity of individuals is taken into account. However, this report has revealed the major contribution of policies in aggravating the vulnerability of refugees. Adding resilience to determining the vulnerability in the case of forced migration does help in reducing the perceived passivity of a refugee. However, it does not offer much in terms of addressing and easing these vulnerabilities. For instance, policies in Lebanon limit the access to labor which hinders refugee agencies. It is unlikely that adding this layer to assessing vulnerability would help addressing the problem if the possibility of exercising resiliency is facing serious impediments.

Our interviews with most participants did show that Lebanese stakeholders are upset with the way these indicators and criteria had been defined as the next section will further present. The last section below will briefly present the main outcomes of the interviews regarding the concept itself.

## B. Critical reflection on vulnerability

The 42 interviews were rich in providing critical and insightful information about the vulnerability of refugees in Lebanon. Below, we categorize and analyze the main findings of the interviews in this regard.

### **1. Defining vulnerability**

Most of our participants defined the vulnerability of refugees in ways that intersect with the definition provided by scholars. We reproduced some of the expressions used to define these vulnerabilities by our participants:

- “People who need support whether legal, social, psychological or other.”
- “Vulnerability equals needs.”
- “Situation where you are not able to deal with the difficulties.”
- “The practices and law make a person vulnerable.”
- “Being unable to fulfill its rights and status within the current legal framework.”
- “A category that is traditionally more at risk.”
- “A person who cannot access his rights.”
- “A person who cannot protect himself and feels unprotected by his environment.”
- “Risk of discrimination.”
- “Inability to move and act freely, it is more a legal vulnerability.”
- “A person who quickly breaks down and isn’t coherent internally as a result of his/her psychological weakness.”
- “Likelihood to be exposed to a higher protection risk.”

We noticed two main exceptions to this tendency to define vulnerability stemming from four interviews. Two of our interviewees, who work with local NGOs partnering with the UNHCR, responded to this question with “we see it as the donor sees it”. This is interesting when we consider the critics to UN’s approach as imposing approaches originating from the Global North<sup>189</sup> to Lebanon’s context. On the other hand, public officials at the General Security provided a completely different definition, linking vulnerability of a refugee to the violation of legal provisions and thus consider that the person places oneself in a situation of vulnerability by breaching the law.

## 2. Vulnerability factors

Based on our interviews, we were able to highlight the main factors that impact a refugee’s vulnerability in Lebanon’s context. To start with, the “legal vulnerability” appears as a determinant factor of a refugee’s vulnerability. This is linked to the lack of an appropriate legal framework and to refugee weak legal status. For instance, UNDP Access to Justice Project’s coordinator considers that one main problem in their work is to serve refugees who are “illegally” present in Lebanon who approach their legal help desks. Lacking legal residency would obstruct refugee access to justice for fear of being arrested.

One other main determinant of refugees’ vulnerability would be poverty and the economic situation. For many of our interviewees, the economic situation of the refugee is seen as an important indicator of vulnerability; there are many foreigners and refugees in Lebanon who are in a good economic situation and not vulnerable and thus vulnerability is not linked to nationality.

Another factor relates to the area of residence and type of shelter of refugees. For many interviewees, the place of residence (in a camp, outside a camp, close to the city, etc.) plays a major role in refugees’ vulnerability. For instance, the situation of a refugee who lives in a camp is different than the situation of one who rented a house. Another example we were given to illustrate this type of vulnerability is that refugees living in the North and in the South are the most vulnerable and marginalized in contrast to the Bekaa region that attracts most aid.

Furthermore, numerous interviewees considered that cultural values impact the vulnerability of refugees. For instance, within the refugee population, societal norms see marrying minor girls as a way to protect the girls. These social norms place children at risk. One other example is the fact that societal considerations would limit Syrian women refugee access and request of protection seeing it as taboo.

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<sup>189</sup> These approaches were referred to as Western paradigms as well.

### 3. Critics to refugees' vulnerability approach in Lebanon

The main critics, gathered in our interviews, to the current approach to the needs of refugees in Lebanon can be categorized and summarized in the below table:

Themes	Participants' opinions
<b>Pre-defined groups</b>	<ul style="list-style-type: none"> <li>- Some participants see added value in the lack of a legal categorization of vulnerable refugees since it leaves room for the judges to interpret the law. In addition, for local NGOs, ground realities necessitate a different approach and having pre-defined categories impedes the work. "We are not robots".</li> <li>- Pre-defined categories exclude many vulnerable people who would fall out of the defined criteria.</li> <li>- Categorizing refugees in the response is a privilege that does not fit Lebanon's realities.</li> <li>- Group approach fragmentizes people and issues and is the result of a failure to address the overall migration problem. "This approach goes with the reasoning that we were not able to free the society, so we will free the women. We were not able to protect the society, so we will protect the children".</li> <li>- Defining vulnerable categories is an intellectual exercise whereas "the more we understand society, the more vulnerable categories we can create".</li> </ul>
<b>Western paradigm</b>	<ul style="list-style-type: none"> <li>- Partner NGOs conducting the vulnerability assessment for UNHCR has no say in the criteria and adhere to the criteria set by the donor.</li> <li>- State officials on their end refuse "canned criteria" and define their own criteria.</li> <li>- The categories are defined abroad and do not necessarily fit Lebanon's reality where any person, a previous fighter and unemployed youth are very vulnerable.</li> </ul>
<b>Lack of funding as a cause to resort to vulnerable criteria</b>	<ul style="list-style-type: none"> <li>- Constructing vulnerability criteria and targeting assistance is based on how much money there is.</li> <li>- The shortage of funding leads families to rethink the benefits of registering with UNHCR.</li> <li>- In UNRWA's work, vulnerability is an exception exercise applied only when funding is short.</li> <li>- One leading staff on the LCRP stated that they are currently working on an exit plan to pull people out of poverty and vulnerability since the budget will be drained if we continue giving money to the poorest families).</li> </ul>



<p><b>Deficiencies in humanitarian targeting and vulnerability model</b></p>	<ul style="list-style-type: none"> <li>- The current model does not target those in need but the one who can better showcase their needs [the expression “make more noise” was used].</li> <li>- Serious lack of empowerment which not only reinforces vulnerability but creates tension with the surrounding environment.</li> <li>- There is a gap created by donors and humanitarian actors’ involvement; for instance, single men are left without assistance and protection. Palestinian gatherings fall between the cracks of the different targeting regimes.</li> <li>- Vulnerability assessments adopt a validation methodology rather than discovery. The same participant added that the UNHCR is not trying to understand the needs of the refugees. Rather, their approach to vulnerability is designed in a manner that does not allow them to discover new elements of vulnerability but to keep up what is already being implemented. It is currently using popular and western assumptions – the obvious ones. It is ignoring the deeper layers of vulnerability. The current causality makes sense and is logical but there are other causalities that we do not know of and we do not want to look for because if we found them, we might not be able to help. This “if formula” is based on assumptions.</li> </ul>
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*Table 3: Participants’ main reproaches to the vulnerability approach in Lebanon*

No other alternative in sight: participants did not suggest alternative modalities to target assistance. They agreed that although vulnerability assessment looks discriminatory, it is still the best approach to help people due to current policies in place and legal and societal discrimination. However, one main finding of our interviews is that the resilience component is occupying an increasing place in measuring vulnerability. It is already part of IMO’s approach; furthermore, and based on an interview with an international consultant who requested to remain anonymous, UNHCR is currently considering adding the resilience component to the approach to vulnerability and to focus on the person’s capacities (added to the three dimensions i.e. the person, the environment, and the support the person can benefit from).

On a separate note, and with regard to the pre-defined group under para. 51 of the Global Compact on Refugees, these groups are suffering from acute vulnerability according to our interviews. However, many of our participants felt focus should be on other groups or individuals who face heightened threats and risks in Lebanon. For instance, interviews with lawyers and local NGOs highlighted the heightened risks faced by refugee men since they face threats of arbitrary detention, torture, exploitation, and assault. An LCRP leading consultant highlighted that UNHCR staff face difficulties in providing help to single refugee men since the system is designed to help women and children. Regarding Syrian refugee men vulnerability, a community-based assessment<sup>190</sup> revealed that:

Over two-thirds of refugee men individually surveyed reported experiencing threats to their personal safety. Incidents of abuse and/or exploitation were recounted by 17.74% of respondents, with over half of those incidents related to work. Both in cases of threats to personal safety and exploitation incidents, refugee men reported not seeking help from authorities

190 International Rescue Committee (2016). Vulnerability Assessment of Syrian Refugee Men in Lebanon. UNHCR. [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjby8mAOLbuAhVIXRUIHYSGCF8QFJA-CegQIARAC&url=https%3A%2F%2Fwww.rescue.org%2Fsites%2Fdefault%2Ffiles%2Fdocument%2F464%2Firclebanonrefugeemensvulnerabilityassessment.pdf&usg=AOvVaw3d2sr-2r\\_Dlj9pXqGU56PY](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewjby8mAOLbuAhVIXRUIHYSGCF8QFJA-CegQIARAC&url=https%3A%2F%2Fwww.rescue.org%2Fsites%2Fdefault%2Ffiles%2Fdocument%2F464%2Firclebanonrefugeemensvulnerabilityassessment.pdf&usg=AOvVaw3d2sr-2r_Dlj9pXqGU56PY)

due to lack of confidence that justice would be afforded them. Nationally, fewer than one in ten individually surveyed refugee men reported receiving assistance in the 30 days prior to the survey (8.12%), and of those who did receive it over 55% described it as only “somewhat useful.”

Local NGOs and lawyer interviewees referred to youth in Lebanon as another vulnerable category amongst refugees. They stressed on youth loss of hope and loss of motivation, unemployment, and the link with risky behavior (drug abuse, crimes, joining extremist groups).

In fact, if we analyze our interviewee perception of vulnerable groups, a trend can be concluded: Judges, public officials, and NGOs specialized in one form of vulnerability (GBV and children at risk) did refer to the traditionally defined vulnerable groups when asked to enumerate the most vulnerable. However, and on the other hand, lawyers and local NGOs would enumerate other and non-conventional vulnerable groups. Thus, the perception as to which group is vulnerable differs based on the background of the interviewee. This conclusion supports the argument that the way the vulnerability system is structured will necessarily showcase the same types of vulnerabilities and miss seeing other types and sources.

In conclusion, we can say that the forced migration domain in Lebanon is subject to many vulnerability assessment approaches. Mostly numerical and not categorical, these assessments are largely marked by their inability to address the causes and sources of vulnerability. As a result, they deal with consequences. Accordingly, vulnerability assessments became sad witnesses to the extent of increased vulnerability and challenges facing refugees in Lebanon.

They differ largely from the vulnerability or needs’ categories enumerated under the 2018 Global Compact on Refugees. In Lebanon, the indicators of vulnerability are a combination of socio-economic factors and pre-defined categories.<sup>191</sup>

If one wishes to confront the findings of the above legal and policy framework repercussions on vulnerability and the assessments conducted by humanitarian actors, it becomes evident that the vulnerability approach falls short of compensating for the legal and policy framework. We can argue that the precariousness and external/situational factors of vulnerability are large determinators of refugee vulnerabilities.

This was confirmed in the set of interviews we conducted where the legal, socio-economic, and cultural factors are seen as determinants of the vulnerability of refugees. Accordingly, if UN agencies, donors and the other NGOs are not able to ease the precarious nature of vulnerability and the fact that it is policy-induced, the figures coming out of the vulnerability assessments will only deteriorate over the years. Accordingly, any intervention by any party will be short-sighted and creates a dependency relationship between the donor and recipient (state, local NGOs, and ultimately refugees).

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<sup>191</sup> Below Annex 2 provides a detailed enumeration of VASyR’s factors and people with specific needs.

In addition, the vulnerability-targeting approach itself and the way it is being implemented is conceived differently by different entities. For instance, Oxfam relies more on community referrals compared to the desk formula adopted by UN agencies to determine the beneficiaries. UNRWA targets everyone with its relief services without discrimination. Adopting one approach to determining vulnerability is not an obligation. Nevertheless, actors must share lessons learned and identified gaps to enhance this targeting tool that affects the lives of vulnerable people. If the notion of refugee vulnerability will be further relied on in international, regional, and national responses, its conceptualization and application should be defined based on empirical data. Accordingly, same, or at least similar tools and measures of vulnerability should be used to measure, assess, and address the needs and vulnerabilities of the different refugee populations. Otherwise, we risk discriminating between refugees based on the available funding schemes, donors, and countries' own understanding of what constitutes a vulnerability.

One last observation from this chapter is the role an actor on the ground plays in defining vulnerability; the perception as to which person or group is vulnerable differs. This conclusion supports the argument that the way the vulnerability system is structured will necessarily reflect the same types of vulnerabilities it is built upon; it will overlook the other types and sources of vulnerability. Pre-defined categories increase the risk of omitting other vulnerabilities, especially if these categories are not defined based on empirical ground data from Lebanon and other host countries.

## **IV. CONCLUSION**

References to vulnerable groups or to refugees with specific needs is increasing in the international and regional emerging protection system. Nevertheless, the theoretical and empirical framework of refugees' vulnerability still lacks clear definition.

This report examines the way "vulnerabilities" of refugees are conceptualized in Lebanon's legal and policy framework and practices. In addition, it examines the protection mechanisms that were set to address these vulnerabilities. The study focused on detecting and uncovering the responses to the needs and vulnerabilities of refugees from the state and nonstate actors. In doing so, our report distinguished between the securitization and the humanitarian responses. Both a desk review and 42 one-to-one interviews were conducted to cover all the components of the response. To do so, the report studies the legal instruments, policies, and non-state vulnerability approaches. It considers the multitude of actors who contribute, impact, and address these vulnerabilities.

### **Summary of findings**

The report looked into three layers of responses to vulnerabilities of refugees: legal, policy, and humanitarian response.

The study highlights the lack of an asylum legal regime in Lebanon, which means that neither seeking asylum nor the vulnerability of refugees are institutionalized under Lebanon's law. The law does not target refugees with specific regulations, facilitations, and support based on their needs or weaknesses. Refugees are characterized in Lebanon as displaced, foreigners, or illegal residents.

Nevertheless, the report traced the protection these vulnerable groups can access under these legislation, regulations, and practices. Refugees falling under categories such as GVB, juveniles at risk, human trafficking and torture are governed by specific legislations where protection is provided. In doing so, Lebanon does not discriminate based on nationality and, therefore, refugees are supposedly able to access the set mechanisms. However, their access to justice and protection face challenges related to the lack of legal residency and the acute shortage of shelters specially for non-Lebanese. In addition, the legislations for these groups do not provide solid protection. Still, these can constitute a gateway to enhance access to protection for some refugees.

The study also revealed a minor infiltration of the concept of vulnerability in the soft law (code of conducts, general policies, etc.); yet, this remains at the level of recognizing refugees and displaced as vulnerable categories and has no real tangible impact such as enhancing their access to justice and protection. On the policy level, there is no clear and homogeneous policy to receive and protect refugees. This vacuum left by the lack of a unified national response - where processes, roles and responsibilities are not set - has led to a state of governing through institution decisions. Two main features in the responses were uncovered and examined in their impact on the vulnerabilities of refugees. On the one hand, there is the security response that sees refugees as a threat. On the other hand, there is a humanitarian response co-lead by MoSA and UN agencies (through the LCRP). The security-humanitarian response suffers from contradictions between Lebanon's adherence to the LCRP and its non-permissive and rather hostile policies

and practices towards refugees. The need to carefully balance between these two responses and agendas define to a large extent the vulnerability of refugees. Overall, it is evident, at least in Lebanon, that the legal and policy framework defines to a large extent refugee vulnerability and negatively impacts their access to rights, services, and protection.

In addition to the role of the state, non-state actors play a leading role in the humanitarian response to the needs of refugees in Lebanon. Accordingly, the report looked at UN agencies and other international and national NGOs' vulnerability understanding and approaches. As is the case with the VAF, the UN-led assessments in Lebanon adopt both a targeting and a prioritization component to targeting aid or relief. The former assesses the needs and vulnerability of refugees, while the latter acknowledges and prioritizes the needs of specific groups. In doing so, these assessments distinguish themselves from the pre-defined vulnerability group that dominates the international discourse. Data from the interviews tell us that this approach better serves the perceived indicators of vulnerability since it acknowledges the impact of certain factors on vulnerability; factors such as access to legal status and legal documentation in addition to economic vulnerability and livelihood.

While it is mostly numerical rather than categorical, the assessment of vulnerability by humanitarian actors in Lebanon largely lags behind in addressing and responding to the needs of the refugees. While huge funding efforts are deployed, humanitarian actors are not able to address the source of vulnerability and are not addressing structural barriers such as laws and policies. This goes back to the lack of international response, the lack of funding, and the precariousness of State policies. The vulnerability approach appears as a tool to "effectively" manage the scarcity of both funding and durable solutions. When it comes to approaching the vulnerabilities in refugee contexts, the results from our research show that targeting and prioritizing models based on pre-defined vulnerable groups necessarily lead to overlooking some groups while marginalizing others. Our interviews expose the impact that a defined vulnerability assessment system has on reflecting the same types of vulnerabilities. Pre-defined vulnerable categories and the consequent vulnerability assessment methodologies and formulas validate the assumptions; they increase the risk of overlooking other vulnerabilities. In asylum contexts, one cannot only prioritize the traditionally disadvantaged groups; for instance, the securitization response sees male refugees as the main source of threat, yet the vulnerability of this group is overlooked.

On a policy level, the vulnerability of refugees in Lebanon became the result of the interplay between the security response that mostly aggravates vulnerabilities and the humanitarian response that attempts to ease it. However, while securitization causes vulnerabilities, the humanitarian response only mitigates the consequences. In the medium and long term, this formula will lead to increasing them.

The study sheds light on the dichotomy or interruption between the approaches to vulnerabilities in different contexts. For instance, in a humanitarian context, the legal status, livelihood and access to services are the first preoccupation for refugees. In a resettlement context, the group approach to vulnerability is favored. This dichotomy entails that resettling countries are not necessarily choosing the most vulnerable but the acceptable ones for them. Accordingly, one can assume that **the resettlement vulnerability indicators are a policy choice** afforded to countries that are choosing amongst protection-seekers. On the other end, the **humanitarian vulnerability indicators are practically dictated** and imposed on the responses in host countries who do not get to choose whether to receive refugees or not but face a dire humanitarian crisis.

Vulnerability in refugee responses necessitates a unified and homogeneous conceptualization. For instance, it should be made clear whether this concept is used to take account of the vulnerabilities of refugees or to provide for the most vulnerable amongst them. In addition, the rationale behind this policy decision should be expressly stated. Taking such a policy-decision should be based on knowledge and data generated from the ground. Furthermore, the concept should leave space for contextualization based on the location and the time of the response. Vulnerabilities are temporary and depend on the characteristics of the place of the response.

Accordingly, the next phase of work will focus on assessing and analyzing the way refugees in Lebanon perceive their own vulnerabilities. This assessment will take into consideration the role law, policies, and practices contribute to easing or aggravating these vulnerabilities. The findings will be compared to the set factors, sectors, and groups for assessing vulnerability amongst refugees.

## Annex 1 – Tables on Implementation Practices

The below tables presents a schematic overview of the various factors of vulnerabilities identified in Lebanon’s legal and policy documents and the corresponding implementing practices.

Reception Conditions		
<i>International Law / Policy documents at global level</i>	<i>Domestic Law / Administrative Guidelines</i>	<i>Implementing Practices (as documented empirically)</i>
<p><b>Global Compact on Refugees (para. 59)</b></p>	<p><b>The Law No 28/1962 on Regulating the Entry and Stay of Foreigners in Lebanon</b></p> <p><b>General Security visa categories for the entry of people from Syria</b></p>	<p>- The only domestic legislation that governs foreigners in Lebanon is the “Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country.”</p> <p>- Lacking reception and asylum possibilities, Lebanon refers to refugees as displaced, foreigners, or illegal residents.</p> <p>- The General Security (GS) issued in 2015 visa categories for people entering from Syria and UNHCR was requested to stop registering new refugees from Syria. The visa categories are: 1) tourism, work, trade, and ownership or rent of real estate; 2) study; 3) transit to the airport or maritime ports; 4) displaced and only in exceptional situations decided by MoSA; 5) medical reasons; 6) access to embassies; and 7) on the basis of a “prior liability commitment.”</p> <p>- Syrians who are registered as refugees with the UNHCR should submit a residency application to the GS. The request and stay permit are free of charge for this category.</p> <p><b>Implementation practices:</b></p> <p>Our interviews with public officials at the General Security revealed the following:</p> <ul style="list-style-type: none"> <li>- Lebanon is not ready to be an asylum country. Lebanon sees refugees from Syria as “displaced” and “immigrants” but not “refugees.”</li> <li>- Since 2015, the General Security introduced the visa regime to govern Syrian entry to Lebanon. For a Syrian or other foreigner to reside in Lebanon, s/he should fit into one of the legal visa categories.</li> <li>- Based on the refugee card received from UNHCR, the Syrian displaced can get a residency as long as they provide the following: a registration certification from UNHCR; a residence certificate from the UNHCR; identification documents; and s/he signs a pledge to respect regulations and legislations for the period of his/her stay on Lebanese territory.</li> </ul>

Reception Conditions		
<p><b>Global Compact on Refugees (para. 59)</b></p>	<p><b>The Law No 28/1962 on Regulating the Entry and Stay of Foreigners in Lebanon</b></p> <p><b>General Security visa categories for the entry of people from Syria</b></p>	<p>Accordingly, the displaced is granted a yearly residency permit for free that can be renewed as long as he holds a valid refugee certification from UNHCR.</p> <ul style="list-style-type: none"> <li>- As for the humanitarian circumstances according to which a displaced would be accepted in Lebanon, the minister of Social Affairs should refer these cases to the General Security. In the past two years, no such cases were referred to the GS by MoSA and thus no one has been admitted to Lebanon under this provision.</li> <li>- The special measures/procedures that apply to the Syrians in Lebanon do not apply to Iraqi and others.</li> </ul> <p>Our interviews with judges revealed the following regarding reception:</p> <ul style="list-style-type: none"> <li>- In Lebanon, the main law governing this issue is the Foreigners' Law. Article 32 of this law tackles the illegal entry to Lebanon while Article 36 tackles the illegal residency. As judges, we are obliged to apply these two articles since many of the displaced enter Lebanon illegally and they do not hold a Lebanese residency permit.</li> <li>- However, due to the overcrowding at the prisons and detention centers, both the public prosecution and judges are being tolerant with regard to implementing these articles especially due to the overcrowding of prisons and the spread of Covid-19.</li> <li>- Thus, when a foreigner is arrested for illegal entry or residency, the public prosecution usually gives him a one-month period to regularize his stay/situation. In this case, he is released and asked to review the GSO after this period.</li> </ul> <p>In addition, in practice, differentiation is made between those who entered illegally to Lebanon before and after 26-4-2019 (date of the decision by the Higher Defence Council).</p>



<b>Asylum Procedure (Refugee Status + Complementary Protection Statuses)</b>	
<b>Domestic Law and Administrative Guidelines</b>	<b>Implementing Practices (as documented empirically)</b>
<b>Circulars issued by the GS</b>	<p><i>Lebanon does not recognize the refugee status that the UNHCR gives to an individual. However, registered Syrian refugees can access residency if they submit, amongst others, a request based on their registration with the UNHCR.</i></p> <ul style="list-style-type: none"> <li>- Lebanon is obliged by the principle of non-refoulement of refugees based on Article 3 of the CAT that it ratified. However, the constitutional principle of international obligations taking precedence over national law has seldom been practiced in Lebanese courts.</li> <li>- More recently and in April 2019, the Higher Defense Council issued a decision to deport all the Syrian refugees who entered Lebanon illegally after April 26, 2019. Since the outbreak of Covid-19, instances of deportation halted but our interview with GS on September 9, 2020 revealed that approval was granted to deport 4 to 5 Syrian individuals (reasons not provided).</li> </ul>
<b>UNHCR and UNRWA</b>	<p>UNHCR conducts registration, documentation, and RSD of refugees from nationalities other than Palestinians. The latter are registered with the DPAR. Lebanon does not recognize UNHCR's refugee registration and sees refugees as displaced, foreigners or illegal residents.</p> <p>The report revealed that UNHCR registered most Syrians at first through a prima facie registration process that included a short interview along with other formalities then they were given access to the aid provided by the UNHCR according to their specific needs. Toward the end of 2014, the registration of new refugees from Syria was halted due to a request by state authorities. Still, UNHCR considers most Syrians in Lebanon as refugees but has in practice come to differentiate between registered, unregistered and "recorded" refugees, i.e. the latter consist of Syrian refugees who have approached UNHCR after the government's ban on new registrations. However, UNHCR is still registering refugees from other nationalities. For instance, 2,359 non-Syrian refugees registered with UNHCR in Lebanon during 2018.</p> <p>For a UNHCR partner local NGO, the only difference between registering and recording a refugee is the lack of a formal document where a picture of the person is shown. When recorded, refugees benefit from specific assistance like health and education.</p>

Resettlement	
	<p><b><i>Implementing Practices (as documented empirically)</i></b></p> <p>As local integration in Lebanon is not an option provided by the Government, third-country resettlement remains an important protection tool for the refugees.</p> <p>The GS is providing facilitation to refugees or foreigners who receive approval for their resettlement in a third country. Based on our interviews with a public official at GS, not only UNHCR provides resettlement opportunities for protection-seekers, but many other NGOs (especially those linked to churches) and embassies provide legal pathways to third countries. These are accessible according to one of the following: 1) resettlement programs; 2) acceptance for humanitarian reasons; 3) family reunion; and 4) private application (Canada, Australia, churches; universities; through embassies).</p> <p>As for the numbers of resettlement, in our interview with a GS official, it was mentioned that resettlement reached its highest figure in year 2016 where more than 47,000 refugees were resettled. Around 60% of those were Syrian refugees and the rest non-Syrian refugees. However, these figures dropped in year 2019, with less than 7,000 getting resettlement; all of them are Syrian refugees. These figures correspond to refugees whose resettlement was processed through the GS.</p>
<p><b>State approach to resettlement</b></p>	<p>- We were not able to gather much information on resettlement in Lebanon since it is mainly conducted by UNHCR. However, a university professor specialized in asylum issues revealed that many people do not understand UNHCR's work when it comes to resettlement, their vulnerability set are not known to GS and others.</p> <p>- UNHCR website reveals that in 2020, UNHCR aims to submit up to 8000 Syrian refugees and 900 refugees of other nationalities for third country resettlement. UNHCR has determined that more than 10% of the registered refugee population (111,400) in Lebanon will be in need of resettlement or humanitarian admission in 2020, vastly outnumbering the resettlement places likely to be available.</p> <p>According to an interviewed NGO partnering with UNHCR, the UNHCR does not provide resettlement as a service to refugees. UNHCR works on resettlement in a very restrictive manner.</p>
<p><b>UNHCR's resettlement and other legal pathways to third countries</b></p>	

Legal framework applicable to vulnerable groups in Lebanon		
<p><b>Children, adolescents and youth</b></p>	<p><b>Juveniles at risk</b></p>	<p>Lebanon’s legislations and practices refer to minors as juveniles. The most prominent domestic legislation in this domain is <b>Law No. 422/2002 “the law to protect juvenile offenders or juveniles at risk.”</b> Unfortunately, Article 18 of Law No. 422/2002 provides for the possibility to deport a foreign minor who violates the law.</p> <p><b>Implementation practices:</b> Interviews with judges and MoSA’s officials allowed us to gather practical information about the protection provided to juveniles. When it comes to judges, here’s a summary of their practices:</p> <ul style="list-style-type: none"> <li>· In each Lebanese district, a juvenile judge (to protect juveniles) is appointed. The law gives the judge wide margins of power and authority.</li> <li>· The Ministry of Justice (MoJ) issued a circular about the number of shelters to refer minors to. If the juvenile at risk is a foreigner in Lebanon who does not possess official documents (residency, etc.), there are real practical obstacles and challenges to find a shelter.</li> <li>· When it comes to the practices with regard to deportation of foreign minors who breached the law, a judge at the MoJ specialized in juvenile affairs said that juveniles are treated as a “legal situation” by judges, but mitigation measures could be implemented if the minor proves to be an asylum seeker. The same participant added that one other reason judges would resort to deportation is the lack of other means (lack of detention centers or shelters). However, our interviews with other judges revealed that in general, minors are not being deported.</li> <li>· If the judge assumes that this minor is at risk in case he is sent back to his country of origin, he can open a protection case and keep him in Lebanon or ask an organization for his resettlement. By doing so, the judge is no longer bound to the provisions of the criminal code provisions.</li> <li>· The capacity of juvenile courts does not allow for follow-up and processes all cases of juveniles at risk. For instance, juvenile judges and social representatives surely know about the children beggars who fill the streets but there is no capacity to deal with them all.</li> <li>- For foreign juveniles at risk who does not possess legal residency, a juvenile judge mentioned that s/he does not raise this issue and tries to ignore this fact. However, if the public prosecution raises this specific issue of illegal residency, the judge must incriminate the minor under Article 32 or 36 of the 1962 Law.</li> </ul> <p>Interviews with public officials at MoSA revealed that:</p> <ul style="list-style-type: none"> <li>· The law No. 422/2002 does not distinguish based on race, nationality, ethnicity, or any situation whether registered or not. Consequently, the law applies to all children on Lebanese territory, Lebanese or non-Lebanese - registered or unregistered.</li> </ul>

Legal framework applicable to vulnerable groups in Lebanon		
<b>Children, adolescents and youth</b>	<b>Juveniles at risk</b>	<p>· The Syrian displaced juveniles' access to protection under Law No. 422 intersects with the legality of their parents' residency in Lebanon. In the case of the illegal residency of the Syrian family, it is possible that the juvenile will be assisted, but at the same time the parents will be legally pursued. Some judges are being responsive and give the parents delays to regularize their stay.</p> <p>While the law benefits all children, the Syrian children who are not registered have no equitable access to the specialized services.</p>
<b>Children, including those who are unaccompanied or separated</b>	<b>Juveniles at risk</b>	<p>Law No. 422/2002 provides protection for juveniles at risk. Article 24 enumerates the cases of risk. Accordingly, an accompanied child can benefit from protection.</p> <p>UN agencies and NGOs support by providing protection and resettlement for this category of minors.</p> <p><b>Implementation practices:</b> The head of the division of the juvenile protection at MoSA made it clear in an interview that Lebanon does not refer or use the Best Interest principle. She added that some judges may accept the best interest determination upon the suggestion of the Union for the Protection of Juveniles in Lebanon.</p> <p>Unaccompanied children face challenges such as access to shelters. An interview with an NGO running a shelter revealed that they prefer girls to be accompanied when they are aged between 0 to 12 years. From 13 to 18 years old, the girl can be unaccompanied but must be referred to the center by a judicial decision of the public prosecution or juvenile justice.</p>
<b>Persons with disabilities</b>	<b>Disabled people</b>	<p>The legal framework on the rights of persons with disabilities in Lebanon is limited, and not enforced. Internationally, in 2007 Lebanon signed and did not ratify the UN Convention on the Rights of People with Disabilities (CRPD) and is also not a party to the 1951 UN Convention on refugees and its 1967 optional protocol. Nationally, Lebanon adopted on May 29, 2000 Law No. 220/2000 on the rights of persons with disabilities.</p> <p>To date, the Lebanese government and parliament have done nearly nothing to set up the decrees, procedures, policies, budget lines, and public bodies that are expected under Law 220/2000.</p> <p>Non-Lebanese are not covered under this law. Their needs are responded to with the support and funding of UN agencies and NGOs.</p>

Legal framework applicable to vulnerable groups in Lebanon		
<b>Persons with disabilities</b>	<b>Disabled people</b>	<p><b>Implementation practices:</b></p> <p>Interviews with the division of disabled people at MoSA confirmed that only Lebanese benefit from the services provided by this unit. When it comes to non-Lebanese disabled persons, there are no official services and support provided to them. There are no financial resources to provide them with services.</p> <p>Interviews with the SDCs affiliated to MoSA revealed that they could not provide services to people with disabilities.</p> <p>The humanitarian response led by the UN agencies and other NGOs consider disabled refugees as vulnerable and people with specific needs and provide tailored assistance and support to them (based on availability of funding).</p>
<b>Older persons</b>	<b>Elderly people</b>	<p>Lebanon does not have any written legislation targeting the rights and needs of Lebanese elderly persons, although the proportion of elderly in Lebanon is currently the highest in the region. Elderly people are mentioned somehow under different national legislation. In addition, Lebanon does not have an end-of-life issues and palliative care legislation and a uniform old-age/retirement pension plan. Since it does not exist for Lebanese, one would expect that no provisions provide for catered protection and care for non-Lebanese elderly.</p> <p><b>Implementation practices:</b></p> <p>Our interview with the staff leading on family planning at MoSA revealed that there is no specific law for this age category in Lebanon. Lately, the interest in this age category increased and initiatives are being launched. There are many draft laws and decrees at parliament and council of minister's levels. There are 3 or 4 SDCs that welcomes the elderly. The shelters are provided by NGOs.</p> <p>The SDCs mainly provide services for the elderly. A summary of practices at this level is that SDCs have sporadic projects that target the elderly, in particular the poor and abandoned elderly. However, this is practiced in a limited number of SDCs. Accordingly, they are provided with chronic disease medicine and follow-up of their health conditions. Some SDCs have clubs for elderly people where activities are organized. After the Syrian crisis, one SDC moved to a larger locality to cover for the increase in the number of beneficiaries of services.</p>
<b>Women at risk</b>	<b>Pregnant Women</b>	<p>There are no legal provisions covering pregnant women's vulnerability.</p> <p>Our interview with Caritas (a Lebanese NGO) revealed that pregnant women or women with children are transferred to a shelter if they reach the GS's detention center. The GS only has one detention center for foreigners in Lebanon. Caritas has an office at the center where it offers different type of services to detainees (health; food; hygiene etc.). Caritas is allowed to send women in certain cases such as pregnant women to shelters after consulting with the GS.</p>

**Legal framework applicable to vulnerable groups in Lebanon**

<b>Single parents with minor children</b>	<b>Women head of the household</b>	<p>The Law does not say anything about this category in Lebanon. However, the UN agencies and NGOs take account of the heightened vulnerability of a women head of a household.</p> <p><b>Implementation practices:</b> When a woman is sent to a shelter for protection, her kids can accompany her under some conditions as revealed in an interview with a Lebanese NGO running a shelter. Accordingly, girls accompanying the mother are girls received regardless of their age. As for boys, the maximum age to receive them with the mother is 11 years old. That is for cultural, social, and religious considerations.</p>
<b>Survivors of (...) trafficking in persons</b>	<b>Victims of Human Trafficking</b>	<p>- The Lebanese national Law No. 164 on the Punishment for the Crime of Trafficking in Persons was adopted on 01/09/2011. Unfortunately, the victim is criminalized unless s/he brings proof of her/his victimhood. Another gap in the law is that it did not adopt protective measures to apply to victims of trafficking. However, it mandates the Minister of Justice the authority to conclude agreements with specialized local institutions and organizations to provide assistance and protection for victims of trafficking.</p> <p>- At the initiative of the Institute for Human Rights at the Beirut Bar Association, a “Practical Indicators for the Crime of Trafficking in Persons” was adopted in 2018. Based on this, vulnerability is stated as one indicator. It states that a position of vulnerability includes:</p> <ul style="list-style-type: none"> <li>» Difficult living conditions (poverty, destitution, etc)</li> <li>» Vulnerable groups (women, children, people with special needs, female domestic workers, children exiled from their families, ethnic minorities, persons without identification documents, street children, refugees, displaced people, ...)</li> <li>» Unfamiliarity with the local language and laws</li> </ul> <p><b>Implementation practices:</b></p> <p>- According to an interview, almost 90% of the human trafficking victims are foreigners while 10% are Lebanese.</p> <p>- Our interview with judges revealed that while the law authorizes the judges to grant victims of human trafficking a legal stay, this requires cooperation between state institutions, especially GS.</p> <p>- On the ground, there are no institutions to protect and rehabilitate the victims. In addition, judges reported that the lack of legal provisions on protection hinder their ability to protect victims of trafficking. In case of a refugee, judges coordinate with UNHCR.</p> <p>NGOs are working to a certain extent, but the effort is not enough since the need is much bigger than the response. The number of victims is very high.</p>
<b>Those with medical needs</b>	<b>Persons with serious illnesses</b>	<p><i>Nothing was mentioned during interviews</i></p>

Legal framework applicable to vulnerable groups in Lebanon		
Those with medical needs	Persons with mental disorders	<i>Nothing was mentioned during interviews</i>
Survivors of torture, trauma, trafficking in persons, sexual and gender-based violence, sexual exploitation and abuse or harmful practices	Victims of torture	<p><b><u>I. Victims of torture</u></b></p> <p>In 2000, Lebanon acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also joined in 2008 the Optional Protocol thereto. In 2017, Lebanon adopted the Law to Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 October 2017. The law does not provide protection and rehabilitation services but mandates the MoJ to enter into agreements with organizations to provide these services.</p> <p><b><i>Implementation practices:</i></b></p> <p>According to an interview with a judge at MoJ, the Ministry signed an MoU with Restart Association on the issue of rehabilitating victims of torture at Tripoli’s Courthouse holding facilities. The support will be granted to any person with no consideration of their nationality.</p> <p>Interviewed lawyers highlighted the recurrent use of torture against refugees in certain types of offenses (mainly those linked to terrorism). The Law No. 65/2017 has to-date been “ink on paper” as it has not been applied. A lawyer working with the Tripoli Bar Association stated that only recently, INGOs dared to work on rehabilitating victims of torture and helping them work and start businesses. A project was set with Search and Restart on this issue. Only Lebanese benefit from this project (second phase for non-Lebanese).</p>
	Victims of domestic violence	<p><b><u>II. GBV</u></b></p> <p>Nationally, the most relevant national law is Law No. 293 on the Protection of Women and Family Members from Domestic Violence adopted on April 1st, 2014.</p> <p>The law includes several mechanisms aimed at protecting women from family violence, mostly by allowing judges to issue temporary restraining orders against husbands of abused women within 48 hours of receiving a request for protection by a victim (Article 13). Article 21 of Law No. 293 calls for a special fund to be created to “assist the victims of domestic violence.” However, this provision has still not been implemented.</p> <p>Our research revealed that many organizations in addition to MoSA’s SDCs provide a myriad of services that are gender-centered. These services cover women empowerment; case management services for survivors of SGBV; awareness-raising for the community on this issue (SGBV); providing safe space centers in collaboration with MOsA or other social associations served by a specialized work teams; psychological support clinic, legal services etc.</p>

## Legal framework applicable to vulnerable groups in Lebanon

<p><b>Survivors of torture, trauma, trafficking in persons, sexual and gender-based violence, sexual exploitation and abuse or harmful practices</b></p>	<p><b>Victims of domestic violence</b></p>	<p>Many of our NGO participants highlighted the fact that a good proportion of their beneficiaries are refugees, especially Syrian refugees. For instance, our interview with a local NGO running a shelter for women revealed that from the beginning of the Syrian crisis and especially starting 2013, the women beneficiaries of shelters are 50% Syrian refugees and 50% Lebanese women and other nationalities.</p> <p>Women organizations have partnered with State institutions such as MoSA and are active on SDCs levels. They managed as well to establish strong partnerships with the ISF (mainly KAFA and ABAAD).</p> <p><b>N.B.</b> Under Lebanese law, victims of sexual exploitation fall under human trafficking.</p>
<p><b>Those who are illiterate</b></p>		<p><i>Nothing was mentioned during interviews</i></p>



## Annex 2 - Analysis of the scope of the VASyR

The below table provides information on the sectors, targeted people, protection and assistance criteria under the Vulnerability Assessment for Syrian Refugee based on 2019 assessment. The VASyR is led by UNICEF, UNHCR and WFP.

Sectors	Targeted people	Protection	Assistance
<p><b>Protection:</b> legal residency and civil documentation; safety and security; community relations; child protection; child labor and child marriage.</p> <p><b>Shelter:</b> the physical conditions of refugees' shelters; the occupancy agreements and rental costs.</p> <p><b>Water, Sanitation and Hygiene (WASH)</b></p> <p><b>Education:</b> the school enrolment rates of Syrian refugee girls and boys, ranging from 3 to 24 years old; the reasons why children and youth were not enrolled in schools; the share of youth who were neither employed nor attending a training.</p> <p><b>Health:</b> the ability of households to access needed care; the barriers to healthcare access.</p>	<p><b>Refugee Household:</b> A "household" is defined as a group of people that live under the same roof, share the same expenses and eat from the same pot. The head of household is the main decision-maker.</p> <p><b>People with specific needs:</b> "Specific need" refers to any of the following characteristics: Physical or mental disability, chronic illness, temporary illness or injury, serious medical condition or needing support in basic daily activities.</p> <p><b>Dependency:</b> Dependents: Household members aged. Dependency ratio: Number of dependents in the household divided by the number of non-dependents in the household.</p>	<p><b>Basic rights:</b> Civil documentation; Birth registration; Access to residency; Legal stay; Safety and security; Community relations.</p> <p><b>Child protection:</b> This section explores child protection issues faced by Syrian refugee children, specifically child labor, child marriage, and violent discipline. The findings detailed below show that Syrian refugee children are at risk of being exposed to exploitation and abuse.</p> <p><b>Child Labor:</b> Defined as a child having performed either economic activities or household chores during the last week for more than the age specific number of hours, or exposure to hazardous conditions during economic activity or household chores.</p>	<p><b>Access to income:</b> Labor force and income sources.</p> <p><b>Food security:</b> The food security status of Syrian refugees in Lebanon is measured using a composite indicator that combines three dimensions of food security: current consumption; food as a share of total expenditure reflecting economic vulnerability; and asset depletion strategies (livelihood coping strategies).</p> <p><b>Basic assistance:</b> The Minimum Expenditures Basket (MEB) is an indicator of the cost of the food and non-food items needed by a Syrian refugee household of five members over a one-month period.</p>

Sectors	Targeted people	Protection	Assistance
<p><b>Food Consumption:</b> Quantity, quality and diversity of food.</p> <p><b>Economic Vulnerability:</b> composition and amount of expenditures, Survival and Minimum Expenditures Basket (S)MEB, and debt.</p> <p><b>Livelihoods and Income:</b> income-generating activities for individuals who have worked during the week prior to the survey.</p> <p><b>Coping Strategies:</b> food coping mechanisms.</p> <p><b>Food Security:</b> the characteristics of food insecure households; the differences in food security levels among districts and governorates.</p> <p><b>Assistance and Household Assets:</b> two main types of assistance aimed to cover their basic needs: cash assistance and in-kind support.</p> <p><b>Energy:</b> the access to electricity; the hours of electricity supplied by the national grid versus private diesel generators.</p>	<p><b>Children and youth with disabilities:</b> Children “below 18”; Youth “between 18 to 24.” Different types of disabilities among children and youth with a disability are: hearing, visual, intellectual, physical, and speaking.</p>	<p><b>Child marriage:</b> Child marriage was measured as children between the ages of 15-19 who were married at the time of the assessment.</p> <p><b>Violent discipline:</b> Violent discipline is any form of psychological, physical, or severe aggression.</p> <p><b>Psychological aggression:</b> Shouting, screaming, or yelling at a child; calling insulting names (dumb, lazy, etc.)</p> <p><b>Any physical aggression:</b> Shaking, spanking, slapping the child on his/her bottom or any body part.</p> <p><b>Severe physical aggression:</b> Hitting or slapping on the face.</p> <p><b>Non-violent discipline:</b> Removal of privileges; explained behavior; offered something else to do.</p>	<p><b>Debt:</b> current amount of accumulated debt that households have from receiving credit or borrowing money.</p> <p><b>Borrowing:</b> households that borrowed money or received credit in the three months prior to the survey.</p> <p><b>Living conditions:</b> Access to drinking water and basic drinking water services; Sanitation facilities; Shelter; Energy (access to electricity, source and hours of electricity).</p> <p><b>Access to services:</b> Education; Health; School enrollment; Primary health care; Technical vocational; Secondary healthcare; Child health.</p>

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