



# Housing, Land and Property Issues of Syrian Refugees in Lebanon from Homs City

November 2018



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For more information:

United Nations Human Settlements Programme (UN-Habitat)

Arab Bank Building, 7th Floor

Riad El Solh - Beirut, Lebanon

Email: [unhabitat-lebanon@un.org](mailto:unhabitat-lebanon@un.org)

Website: [www.unhabitat.org](http://www.unhabitat.org)



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For more information:

United Nations High Commissioner for Refugees (UNHCR)

Khater Building, Dr. Philippe Hitti Street

Ramlet El Baida - Beirut, Lebanon

Email: [lebbe@unhcr.org](mailto:lebbe@unhcr.org)

Website: [www.unhcr.org](http://www.unhcr.org)



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Views expressed in this report do not necessarily reflect the opinion of the United Nations Human Settlements Programme, the United Nations High Commissioner for Refugees or the Ford Foundation.

# **Housing, Land and Property Issues of Syrian Refugees in Lebanon from Homs City**

## **Implications of the Protracted Refugee Crisis**

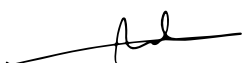
**November 2018**

## FOREWORD

Seven years into the Syrian refugee crisis, Lebanon continues to host over one million registered Syrian refugees, in what is now framed as a protracted crisis. Access to and adequacy of shelter persist as key impediments for Syrian refugees' enjoyment of a number of human rights. Housing, land and property (HLP) rights are crucial for rebuilding the lives of uprooted people. HLP rights are a composite of multiple rights in international human rights law, namely the right to adequate housing, security of tenure, privacy and respect for the home, and freedom of movement. The right to adequate housing is subsequently interpreted by a set of criteria, including legal security of tenure, availability of services, habitability, affordability, accessibility, location and cultural adequacy.

In the context of a protracted crisis where adequate shelter is scarce and inaccessible to the vast majority of Syrian refugees, there is a need to better understand the mechanisms of acquisition of shelter and the market dynamics within which Syrian refugees, and other vulnerable communities, secure shelter. Hence, this study aims to better inform coordinated actions among the Lebanon Crisis Response Plan partners, namely shelter and protection, as well as local authorities. It also aims to improve the crisis response in line with the Sustainable Development Goals and the New Urban Agenda. This study is the second in a series conducted jointly by the United Nations Human Settlements Programme (UN-Habitat) and the United Nations High Commissioner for Refugees (UNHCR). Both agencies recognize the importance of addressing HLP rights through an evidence-based approach that pushes the analysis of collected information beyond the emergency response framework into a more holistic approach, strengthening the capacities of local authorities in responding to the housing needs and issues of vulnerable populations. We look forward to participating in the constructive conversations that this study is promised to promote and to working together to achieve its recommendations moving forward.

Tarek Osseiran  
Country Programme Manager  
UN-Habitat Lebanon



Mireille Girard  
Country Representative  
UNHCR Lebanon



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### External Consultants:

Mona Fawaz, Associate Professor of Urban Studies and Planning, American University of Beirut  
Nizar Saghiyeh, Lawyer, Researcher and Co-founder of The Legal Agenda, Nizar Saghiyeh Law Office  
Karim Nammour, Lawyer and Member of The Legal Agenda, Nizar Saghiyeh Law Office  
Ghida Frangieh, Lawyer and Member of The Legal Agenda, Nizar Saghiyeh Law Office

### UN-Habitat Lebanon:

#### Management Team:

Tarek Osseiran, Country Programme Manager  
Synne Bergby, Programme Planning Advisor  
Marwa Boustani, Urban Knowledge and Policy Officer  
Tala Kammourieh, Housing Policy Analyst

#### Project Coordination and IM/Data Analysis:

Tala Kammourieh, Housing Policy Analyst

#### Editing:

Nanor Karageozian, Social Analyst

#### Data Visualization:

Tala Kammourieh, Housing Policy Analyst  
Ali Saad, IM/GIS Officer  
Ruba Abou El-Houda, Graphic Designer

#### Report Design:

Ruba Abou El-Houda, Graphic Designer

### UNHCR Lebanon:

Protection Unit, Beirut

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## LIST OF ABBREVIATIONS & ACRONYMS

<b>CAT</b>	Convention Against Torture [and Other Cruel, Inhuman or Degrading Treatment or Punishment]	<b>MoL</b>	Ministry of Labour [of Lebanon]
<b>CERD</b>	Committee on the Elimination of Racial Discrimination	<b>MoSA</b>	Ministry of Social Affairs [of Lebanon]
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights	<b>NRC</b>	Norwegian Refugee Council
<b>COC</b>	Code of Obligations and Contracts	<b>OFC</b>	Occupancy free of charge
<b>DNA</b>	Deoxyribonucleic acid	<b>PCH</b>	Public Corporation for Housing
<b>FGD</b>	Focus group discussion	<b>SGBV</b>	Sexual and gender-based violence
<b>HH</b>	Household	<b>SSUs</b>	Small Shelter Units
<b>HHH</b>	Head of household	<b>UDHR</b>	Universal Declaration of Human Rights
<b>HiIL</b>	The Hague Institute for Innovation of Law	<b>UFA</b>	Urban focus area
<b>HLP</b>	Housing, land and property	<b>UN-Habitat</b>	United Nations Human Settlements Programme
<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination	<b>UNICEF</b>	United Nations Children's Fund
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights	<b>UN OHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>IDPs</b>	Internally Displaced Persons	<b>USD</b>	United States Dollar(s)
<b>(I)NGO</b>	(International) Non-governmental organization	<b>VASyR</b>	Vulnerability Assessment of Syrian Refugees in Lebanon
<b>ISF</b>	[Lebanese] Internal Security Forces	<b>WaSH</b>	Water, sanitation and hygiene
<b>ITS</b>	Informal tented settlement	<b>WFP</b>	World Food Programme
<b>LBP</b>	Lebanese Pound(s)		
<b>LCRP</b>	Lebanon Crisis Response Plan		
<b>MP</b>	Member of Parliament		





# Introduction

In 2018, the *Lebanon Crisis Response Plan (LCRP)* estimated the number of Syrian refugees in Lebanon to be 1.5 million (Government of Lebanon and the United Nations, 2018). Successive studies have decried the poor living conditions of this vulnerable population (UNHCR, UNICEF and WFP, 2013; 2015). Seven years into the crisis, Syrian refugee conditions have worsened. Those who had brought along assets (such as jewellery) have sold them in their first years after arrival and those with savings have exhausted them. Despite the large presence of and remarkable efforts by local and international organizations to provide relief and support, most of these refugees have only managed to sustain their livelihoods by joining into the scores of vulnerable populations living in Lebanon, including Palestinian, Iraqi and other refugees; migrant workers; and impoverished Lebanese individuals and communities (Martin, 2015). As unemployment soars and the economic crisis peaks in Lebanon, refugee relief has dwindled.<sup>1</sup> Thus, these vulnerable groups face serious impediments to improving their livelihoods, amid a severely deficient system of public healthcare, education and housing. Among these vulnerable groups, Syrian refugees encounter the additional challenge of the national regulatory framework that governs their presence and work in Lebanon, becoming tighter since 2015, particularly in relation to refugees' ability to maintain a legal stay in the country. The lack of legal status in turn exposes them to exploitation, especially in the context of rising tensions with host communities.<sup>2</sup>

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<sup>1</sup> Funding for the Lebanon Crisis Response Plan (LCRP) in 2017 amounted to USD 1.68 billion, a decrease from USD 1.9 billion in 2016 (Government of Lebanon and the United Nations, 2018).

<sup>2</sup> For more details, see the Annex, particularly the sections titled "Evolution of Laws Concerning Syrian Nationals Regarding Legal Status and Work in Lebanon" and "Implications of Lack of Legal Status: Increased Refugee Vulnerability".



Taking the refugees from Homs City in Syria (Figure 5), hereafter also referred to as Homs,<sup>3</sup> as its target group, the report provides a snapshot of this group's shelter conditions in Lebanon. The main questions that the study seeks to answer are the following: Where have Syrian refugees from Homs settled in Lebanon and why? What type of shelter/housing arrangements have they secured, seven years into the crisis, and how have they accessed them? How stable are their current housing arrangements? Have shelter conditions (e.g. quality of housing, services, crowdedness) improved in this situation of protracted crisis? Zooming in further on the conditions of shelter acquisition, the study examines the factors that influence these refugees' access to housing. It explores the functioning of the rental market through which most of the refugees have accessed housing, and it investigates the impacts of the legal framework on the functioning of the market. After presenting the study findings, the report concludes with a set of recommendations to inform current responses to the refugee crisis in the shelter sector.

In order to address the above-mentioned questions, the study relied on a household survey that assessed shelter conditions during July 2017, as well as seven focus group discussions (FGDs) that followed the survey to validate and complement its findings.

The findings of the survey confirm the bleak picture of poor shelter conditions in which refugees live in Lebanon.<sup>4</sup> They indicate that refugees have accessed shelter largely through an informal rental market, securing substandard accommodations, often in areas where other vulnerable population groups reside. This has taken place within the general context of a country where no affordable shelter strategy has been formulated for decades.

All in all, the report's main takeaway is critical, yet simple: In the absence of a public framework of affordable housing provision in Lebanon, most refugees (and other vulnerable groups) will continue to rely on a weakly regulated rental housing market to fulfil their shelter needs. While extremely elastic in its ability to produce a very large volume of shelters in a short time span, this housing market fails to secure adequate contractual terms for landlords and tenants, ultimately leading to very poor-quality shelter and increasing the vulnerability of refugees. Immediate responses that build on the advantages of these informal markets (e.g. flexibility) while mitigating their severe shortcomings (e.g. by applying some quality control and clear contractual terms) constitute an ideal first step to improve housing quality and reduce negative uncertainties. On the long run, it is imperative to shift the shelter approach away from the crisis response mode towards the adoption of an affordable housing framework in Lebanon, where the social value of housing and consequently the right to adequate shelter (Box 1) are recognized and supported, for all vulnerable populations, whether they are permanent or transient, nationals or foreigners.

#### The obligation to fulfil

"The obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing. States must, for instance, adopt a national housing policy or a national housing plan that: defines the objectives for the development of the housing sector, with a focus on disadvantaged and marginalized groups; identifies the resources available to meet these goals; specifies the most cost-effective way of using them; outlines the responsibilities and time frame for the implementation of the necessary measures; monitors results and ensures adequate remedies for violations."

**Box 1 The Right to Adequate Housing, Fact Sheet No. 21/Rev. 1**  
Source: UN OHCHR (2009)

## PROJECT SIGNIFICANCE

The project contributes to the current knowledge about Syrian refugee populations in Lebanon and, more generally, about refugee trajectories in the context of a protracted refugee crisis, particularly in relation to shelter acquisition.

First, the data generated during the survey and FGDs provide important insights about shelter conditions and refugee trajectories in Lebanon for the formulation of responses whether in the form of targeted interventions or broader developmental policies. The results show that in the absence of an adequate framework of shelter provision, the laissez-faire environment/manner in which housing transactions are occurring among actors in highly differentiated social positions has very negative implications for the refugee community. This can further inform policymakers and other actors in the shelter sector about the current operations of the housing market.

Second, a shelter approach that is broadened beyond the measurement of deficits to outline stakeholders' roles and conditions provides new directions for organizations, academics and policymakers to address the refugee shelter question, and consequently a different set of strategies for refugee shelter responses.

The report carries further academic significance since it draws attention to the impact of social networks and legality on refugees' situations in host countries, especially in cases where aid is dwindling, leaving vulnerable population groups in a precarious situation.

The results reported in this study also aim to raise public awareness about the implications of the absence of affordable housing programmes and the current restrictions that refugees face in Lebanon, as well as the limited ability of Syrian communities to access adequate shelter.



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<sup>3</sup> This should be differentiated from the larger Homs Governorate within which Homs City is located (Figure 5).

<sup>4</sup> According to the 2017 *Vulnerability Assessment of Syrian Refugees*

in Lebanon (VASyR), 73 percent of Syrian refugee households lived in residential buildings, 9 percent in non-residential structures and 17 percent in informal tented settlements (UNHCR, UNICEF and WFP, 2017).

## METHODOLOGY

In attempting to understand housing trajectories and shelter conditions for refugees in a protracted crisis, the study focused on one population group in Lebanon, namely Syrian refugees from Homs. The choice may be justified by the fact that refugees from Homs City constitute a large group among Syrian refugees in Lebanon, totalling around 11,000 registered households (at the time of the survey) that represent about 25.4 percent of the total registered population from Homs Governorate.<sup>5</sup> This constitutes a sizeable group that is representative of an urban population, thus providing important indications of general trends in refugee settlements. This allowed the study to take into account pre-war refugee experiences in investigating settlement trajectories, processes of housing acquisition, and shelter conditions since it was possible to define this population's profile more clearly and distinguish various subgroups among its members. The study thus accounted for important internal differences within the group. At least three points were taken into consideration with regard to internal variations. First, refugees were organized and compared across areas of settlement in Lebanon, documenting the effects of regional economies, political and social attitudes,

and perspectives of decision makers on housing conditions. Second, previous studies (e.g. UN-Habitat and UNHCR, 2014) had shown that social networks play a vital role in refugee settlement and organization, particularly in places where a refugee group historically claims solid social networks with Lebanon, whether through intermarriage or labour migration. Thus, throughout this study, the effects of social networks on displaced households were examined to better understand the transformative nature and role of such networks during a protracted crisis. Finally, the study focused on the internal differences within the group by classifying refugee households into income groups based on the area of original residence in Homs. Like any other city, Homs in the pre-war era comprised neighbourhoods with varying characteristics. Specifically, five urban focus areas (UFAs) were identified and profiled for the purpose of this study (Figure 1). The UFAs group a number of neighbourhoods in Homs and do not reflect official or existing zones or boundaries. Based on an analysis of these UFAs' historical development and economic conditions at the onset of the war, the study categorized refugee households in three income groups that were then used as indicators of socioeconomic status among refugees.

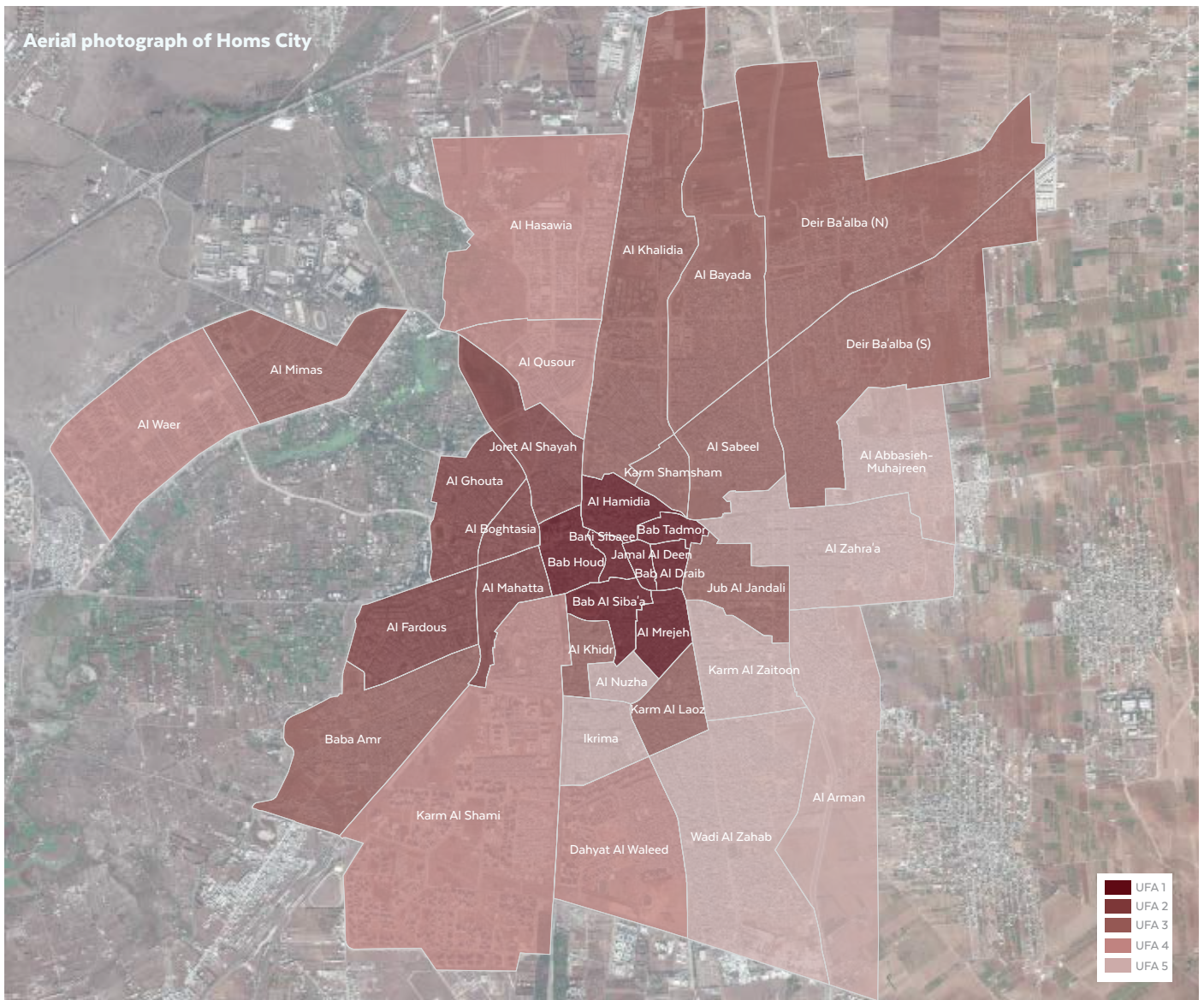


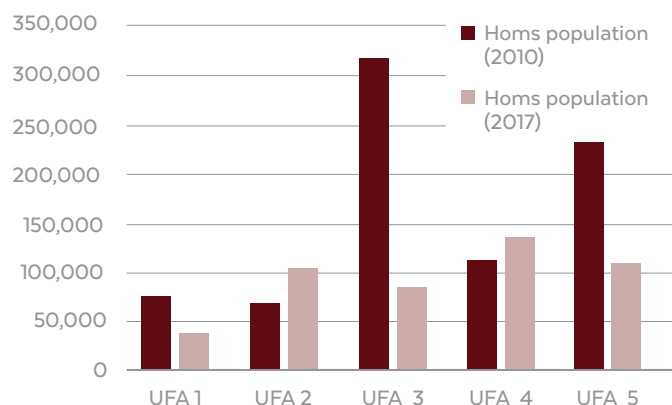
Figure 1 Map of the five UFAs and the corresponding neighbourhoods in Homs, Syria

<sup>5</sup> Registered refugees from Homs Governorate constitute 22 percent of the total Syrian refugee population in Lebanon as of the end of 2017. Refugees from Homs City alone constitute 5.7 percent of the total Syrian

refugee population in Lebanon as of the end of 2017 (UNHCR database, 2017).



UFA 1 corresponds to the Old City of Homs, a traditional, middle-income area that housed mixed-use functions, including residential, commercial and light crafts. The area was severely destroyed during the war. UFAs 2 and 4 are contemporary extension areas with a modern building typology and service networks housing mostly upper-income groups. In this classification, UFA 2 refers specifically to the first planned expansion outside the historic boundaries of the city, while UFA 4 refers to the post-1980s modern expansion of the city. Unlike the above-mentioned three areas, UFAs 3 and 5 comprised mostly informal housing and market areas developed at the outskirts of the old city on the eastern, southern and northern sides for UFA 3, and further away to the east for UFA 5.



**Figure 2** Homs City population in 2010 (before the conflict) and in 2017  
Source: Population census data and Humanitarian Needs Overview (HNO) 2017 Estimates, via UN-Habitat

These areas differed in the impact of the conflict on their physical conditions and displacements; their social compositions; the damage levels they had incurred in the past years; and housing, land and property (HLP) criteria.

A probability sampling strategy was adopted for this research, using random sampling stratified by refugees' area of origin, which was feasible due to the available database of refugees registered with the United Nations High Commissioner for Refugees (UNHCR).<sup>6</sup> This strategy was designed to allow for the generalization of responses to the entire population of Homs City (at least among registered refugees) at an 85 percent level

UFA in Homs City	Number of registered cases in Lebanon* (HHs)	Sample target (HHs)	Surveyed sample** (HHs)
UFA 1	2,304	300	372
UFA 2	254	254	118
UFA 3	6,968	300	483
UFA 4	535	300	253
UFA 5	1,422	300	285
<b>Total</b>	<b>11,483</b>	<b>1,454</b>	<b>1,514</b>

\* Source: UNHCR database

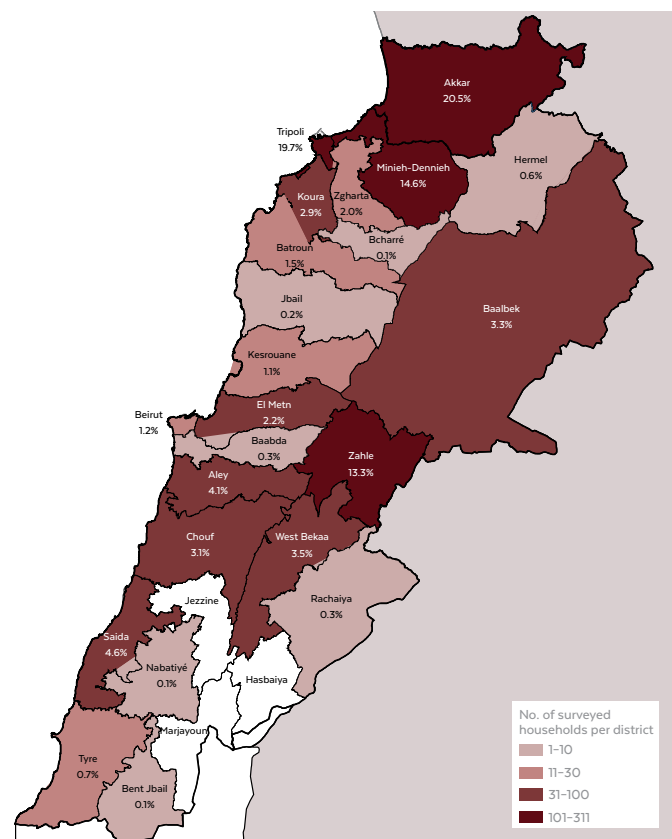
\*\* Source: UN-Habitat and UNHCR household survey (July 2017)

**Table 1** Surveyed sample per UFA of origin in Homs

of confidence. Household samples for each of the five UFAs were randomly drawn from the UNHCR registration database, which records sub-city place of origin in Syria, and these were then geolocated in Lebanon. The number of registered cases in Lebanon from each UFA in Homs City was determined through a first round of pre-sampling via phone interviews (Table 1).

Subsequently, both quantitative and qualitative data-collection tools were used. In the summer of 2017, a household (HH) survey was conducted in Lebanon with a cluster of 1,514 households (covering 6,767 persons) from the five UFAs of Homs. The survey covered questions on HLP issues in both Lebanon and Syria, refugees' civil documentation, displacement (from Syria and within Lebanon), mobility within Lebanon, perceived barriers to return and access to information about their HLP rights. Individuals who responded to the questionnaire were asked to identify themselves as, or their relation to, the head of the household. The survey enquired households about how they accessed shelter, what percentage of their income they spent on rent and other housing costs, what condition their shelter was in, how they negotiated their contracts, whether they had experienced any disputes related to housing and if they faced any eviction threats.

In order to complement the survey results, FGDs were conducted in February 2018 with seven groups of men and women distributed across four Lebanese districts—Akkar, Minieh, Tripoli and Zahle<sup>7</sup>—where most refugees from Homs City reside (Figure 3). The FGDs focused on elucidating unclear findings and aimed to document perceptions and experiences of legality in Lebanon, HLP issues in Lebanon and in Homs, and refugees' mobility.



**Figure 3** Distribution of refugees from Homs City in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)

<sup>6</sup> See "The 2015 Policy Change" section in the Annex.

<sup>7</sup> The first three districts are located in northern Lebanon (in the Akkar and North governorates), while the fourth in the Bekaa Governorate to the central-eastern part of the country.

## LIMITATIONS

There are several limitations to the adopted approach, mostly related to unavailability of data and to sampling-related issues.

One limitation is the lack of data on refugees from Homs throughout the past seven years, and on their mobility in and out of Lebanon before the war. This resulted in the inability to accurately compare changes over the years prior to and after the onset of the war.

Also, although the study compares data to the overall Syrian refugee households, one should not generalize the findings about the surveyed sample to the entire refugee population. For some indicators, data is not available for the overall population, thus hindering the performance of comparative analysis to begin with.

With regard to sampling-related limitations, the sample was drawn only from refugees registered with UNHCR. However, this number almost certainly reflects only a section of Homs refugees who lived in Lebanon at the time of the survey. Indeed, UNHCR has been unable to register refugees since 2015<sup>8</sup> and there is no accurate estimate of the count of unregistered refugees, their distribution in Lebanon, and other relevant indicators. Furthermore, those with sufficient means are less likely to have registered for UNHCR services. This suggests that the data on registered refugees is likely to exhibit a bias towards the poorer segments of the population or exclude very isolated refugee populations with high levels of vulnerability. Some of the questions asked during the survey were not answered by all respondents in the sample.

In addition, the preliminary sampling methodology using phone interviews increased sampling limitations, since it would have excluded households that had not updated their contact information with UNHCR and/or who did not have a phone number listed on the database, thus creating a selection bias.

Moreover, the stratification of the selected population into five subpopulation groups corresponding to the five UFAs described above reflected the pre-crisis population counts of these areas but not the actual number of refugees from each UFA in Lebanon. Furthermore, the target sample size for each UFA set to achieve 85 percent confidence level was not entirely reached in the case of UFA 2 (the first modern urban extension), with difficulties in meeting the figure probably due to the low absolute number of registered refugees from that UFA (Tables 1 and 3). It was also not reached—albeit with a lower shortfall—for UFAs 4 and 5. In contrast, the sample size for UFAs 1 and 3 exceeded the target figures. The statistical confidence level of the findings for each UFA thus varies marginally, in both positive and negative directions, from that anticipated in the methodology design.

Despite these biases, the large size of the overall sample may balance the findings, making them representative of the Syrian population in Lebanon originating from Homs.

## DOCUMENT OUTLINE

This document consists of four sections. Section I provides a brief profile of Homs refugees in Lebanon and their socioeconomic status. Section II outlines their shelter conditions based on the study findings. Section III explores the rental market through which refugees access housing and the types of agreements in that market. It also analyses how social networks mediate the conditions, location and type of shelter that refugees from Homs occupy, and how their shelter situation is influenced by the legal framework, which arguably affects refugees' vulnerability in this sector. And finally, Section IV focuses on the refugees' legal status with respect to the legal framework in Lebanon. The report concludes with a summary of findings and a number of recommendations. The report also includes a legal annex to further contextualize the findings within the legal framework in which Syrian refugees in Lebanon are governed, directly impacting their living and shelter conditions.



<sup>8</sup> UNHCR has suspended the registration of Syrian refugees in Lebanon as of May 2015 per the request of the Government of Lebanon, until further notice.







# 1 Profiling Homs Refugees in Lebanon

This section profiles Syrian refugees in Lebanon originating from the city of Homs, beginning with their trajectories of displacement and their patterns of settlement, and then examining their household profiles, their socioeconomic status, the role of social networks in securing work, their civil documentation, and finally their mobility in Lebanon. Accounting for the diversity of refugee profiles, the analysis correlates, whenever possible, distinctions in refugee settlement locations and labour conditions at the time of the study with data about the pre-war “social” or “economic capital” (collected in the survey) refugees could count on at the time of their arrival.<sup>9</sup>

The section builds essentially on the quantitative findings of the survey described in the methodology section. When possible, illustrative quotes and clarifications have been added based on the FGDs.

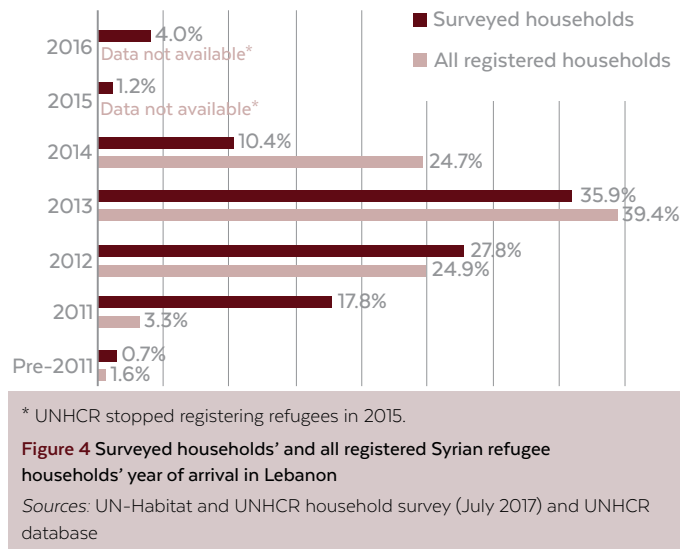
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<sup>9</sup> In this study, social capital refers to the social networks that tied Syrian refugees to Lebanon before the outbreak of the war, including kinship and labour ties, and the benefits they could reap from such relations. Economic capital pertains to the refugees’ socioeconomic status in Homs at the time they had to flee the city. By correlating income and/or social groups with the UFA of origin, comparison was made between three relatively distinct income groups across this population.



## HISTORICAL MIGRATION PATTERNS AND CURRENT DISPLACEMENT

The majority of surveyed refugee households had arrived in Lebanon during the early phase of the war, between 2011 and 2013 (Figure 4). By 2013, almost half of Homs City's population had moved to Lebanon or to other Syrian cities, while the rest remained internally displaced within Homs City (UN-Habitat, 2014).



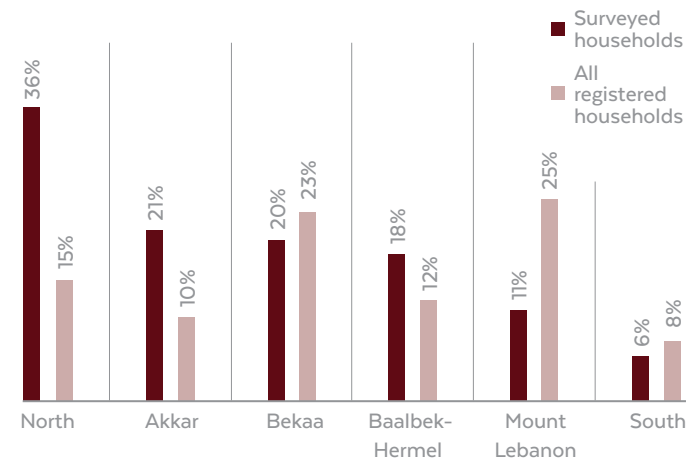
This movement during the first few years of the war may be explained by the early explosions of violence in the Homs area. It may also be related to the social (kin and labour) ties—or capital—that many refugees from Homs City had in Lebanon before the war, facilitating their arrival in the country. These ties are, in turn, reflected in the distribution of refugees in Lebanon (Figures 6, 7 and 8) and in their historical trajectories (Figures 9 and 10), confirming what researchers have described elsewhere as “chain migration” in reference to the important role that pre-established networks play in determining displacement patterns (Aguilera and Massey, 2003; Martin, 2002; Owusu 2000). Geographically, Homs is very close to Lebanon's northern borders and the easy cross-border access before 2015 facilitated inflow to the country (Figure 5).

The importance of pre-established social networks may be demonstrated through the number of surveyed refugee households that reported one or more of their members to have regularly visited Lebanon before the war. Over one third of the



**Figure 5** Location map of Homs  
Source: UN-Habitat (2018)

surveyed households fell in this category, indicating that they came to Lebanon before 2011, mostly for work but also to visit relatives (Figures 9 and 10). These figures further suggest that this pattern of migration connected workers from lower-income neighbourhoods in Homs (UFAs 1, 3 and 5) to Lebanese cities and towns (e.g. Zahle) following employment opportunities, while middle-income groups (from UFAs 2 and 4 in Homs) had mainly come to Lebanon to visit family members, staying mostly in the northern regions, especially in Tripoli, but also in Akkar and Minieh-Dennieh. In total, 1,056 or almost 70 percent of households considered networks of importance in the selection of a particular district for their shelters. Furthermore, around 40 percent of respondents across all regions described proximity to relatives or community as a main factor motivating their district of choice; a proximity they mostly balanced with the imperative of affordability (Table 2).



**Figure 6** Distribution of surveyed households and all registered Syrian refugee households per governorate of residence in Lebanon  
Sources: UN-Habitat and UNHCR household survey (July 2017) and UNHCR database (31 December 2016)

All in all, the distribution of the surveyed population is strongly skewed to the northern districts of Lebanon in relation to the rest of the registered Syrian refugee population, reflecting a strong desire to remain in areas that were historically connected to the original hometown. Figure 6 displays this distribution, showing that more than half the surveyed refugees (total of 1,514 households, 6,767 persons) lived in the North (36.2 percent) and Akkar (21.3 percent) governorates at the time of the survey (summer of 2017), although these governorates house a quarter of the overall refugee population, indicating the rootedness of this refugee community in the northern border areas.

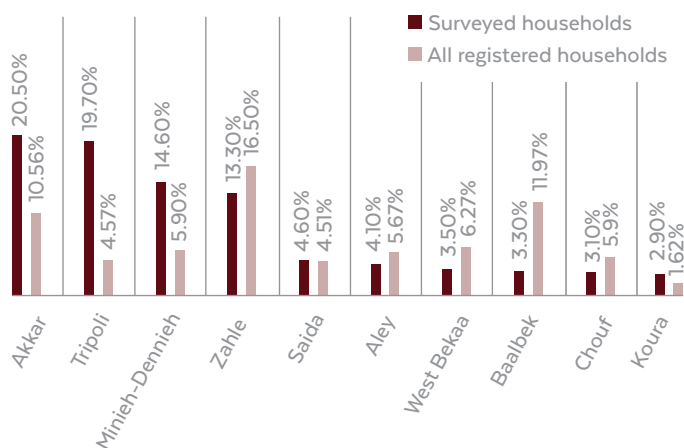
It might be possible to draw further inferences about distinctions across class and migration networks by crossing the distribution of surveyed refugee households in Lebanon according to their area of origin (Figure 8) with the reasons they state for their pre-war visits to Lebanon (Figure 9). Refugees coming from the modern, middle-income areas of Homs City (UFA 2) have resettled mostly in Tripoli where, as demonstrated in FGDs, they found an urban setting that resembles their hometown, while those who came from the poorest informal area (UFA 5) tended to follow labour networks that took them mostly to the Bekaa area (Zahle).

FGDs further demonstrated the importance of historical or current kinship ties connecting individuals and families across the Lebanon-Syria border. Participants reported that they had followed a parent who had arrived in the destination area before them (FGDs in Tripoli), or had numerous relatives in the area (FGDs in Tripoli and Akkar). Several participants counted men who were married to Lebanese women from Tripoli or Zahle (FGDs in Tripoli and Zahle).

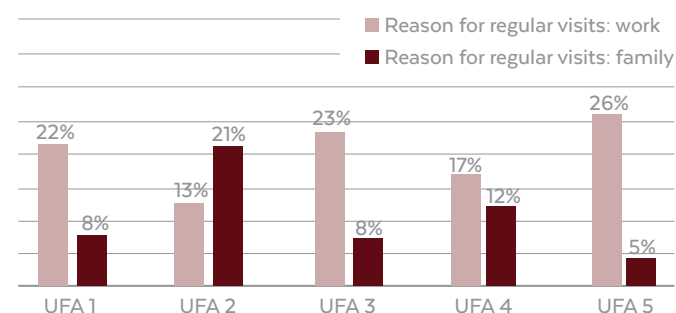
Participants further emphasized the physical, social and cultural proximity of Tripoli and Minieh to Homs, outlining important similarities between the cities. These connections go a long way in explaining the settlement of refugees in these areas, but also their affinity with the people living there (FGDs in Minieh and Zahle). One man explained that, as a child, he had spent all his summers in Tripoli (FGD in Tripoli), while another noted that he used to come to Tripoli for a day at least every other week before the war broke out (FGD in Tripoli). One FGD participant argued that “Tripoli is Homs and Homs is Tripoli”, viewing familiarity and proximity beyond the mere presence of a few acquaintances and more as a lifestyle and a mode of occupying space. As reflected by a woman, “walking in Tripoli is as if you are walking in Homs” (FGD in Tripoli). Another person spoke of a street in Homs named Tripoli, after Lebanon’s city, thus emphasizing the close historical

ties between the two cities. Participants in FGDs in Akkar said they aspired to move to Tripoli for similar reasons, while those in Minieh explained that they liked the town because they were able to develop ties with a society that had similar characteristics to their Homs community.

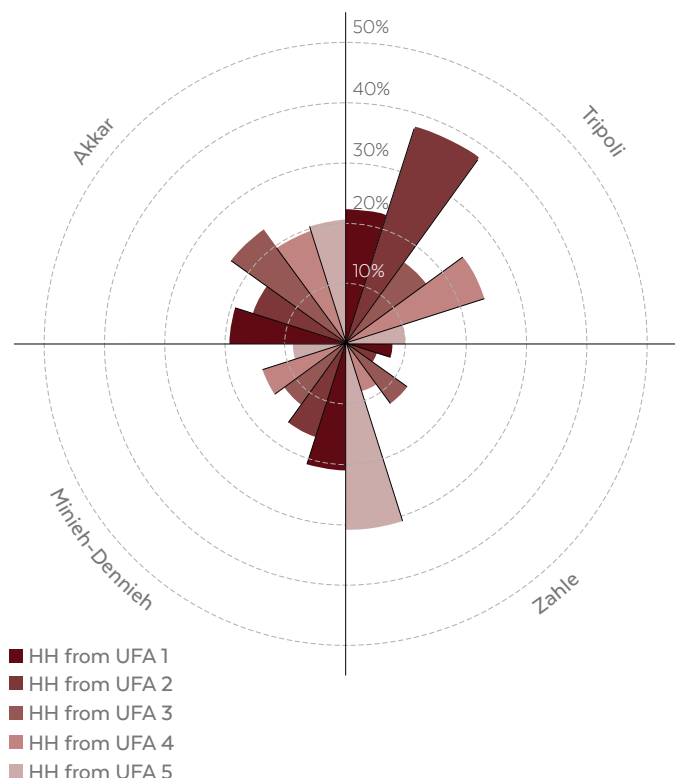
FGDs also highlighted the importance of labour networks, whereby refugees selected a destination on the basis of these relations (FGDs in Akkar). Interestingly, historical labour networks seem to have attracted workers further away from the borders, to Aley and Saida (in Mount Lebanon and South governorates, respectively) (Figure 3), for example, where over a third of the FGD participants explained that their choice of residence location in Lebanon was due to employment. It was in these districts too that labour networks tying Syrian refugees to employers were found to have facilitated access to shelter; sometimes refugees were provided with shelter free of charge and/or resided with their employer. Similar networks were also reported in Minieh, where FGDs indicated the existence of this practice (FGD in Minieh).



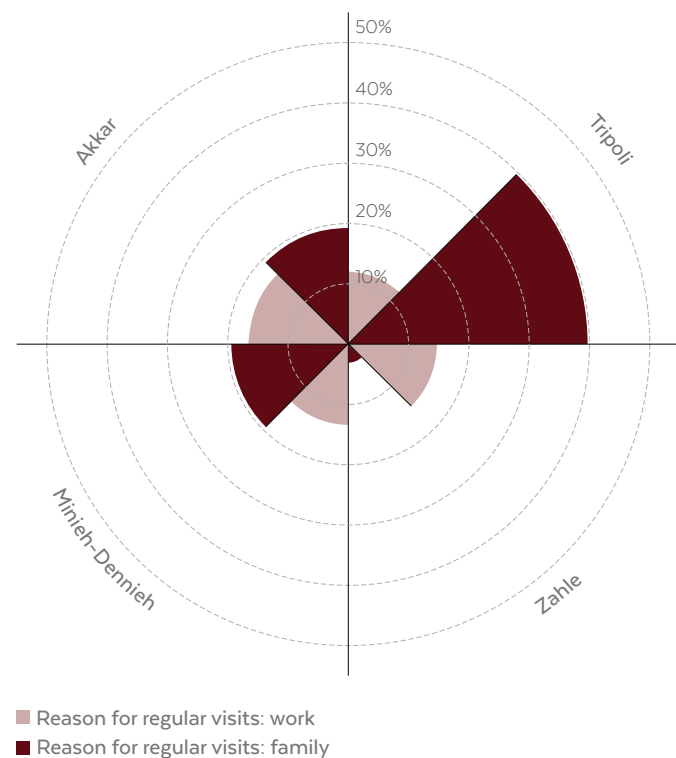
**Figure 7** Distribution of surveyed households and all registered Syrian refugee households per district of residence in Lebanon  
Sources: UN-Habitat and UNHCR household survey (July 2017) and UNHCR database



**Figure 9** Reasons for regularly visiting Lebanon before 2011 per UFA of origin in Homs  
Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 8** Percentage of surveyed households per district of residence in Lebanon and UFA of origin in Homs  
Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 10** Current location (by main districts of residence) of surveyed households that came to Lebanon for work or family reasons before 2011  
Source: UN-Habitat and UNHCR household survey (July 2017)

Reasons for choosing this district	District of residence in Lebanon			
	Akkar	Minieh-Dennieh	Tripoli	Zahle
Cheaper shelter	76.5%	67.9%	72.8%	44.1%
Better living conditions	23.2%	22.6%	41.9%	14.9%
Proximity to community/relatives	40.5%	41.6%	48.7%	38.6%
Employment availability	12.9%	12.7%	19.1%	14.9%
Services availability*	4.2%	7.2%	9.4%	10.4%
Security/safety	11.3%	20.4%	15.4%	25.7%
Other	4.2%	3.2%	0.3%	29.2%

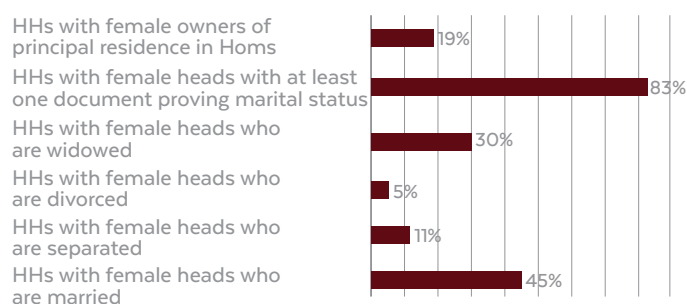
\* Education, healthcare, water, electricity

**Table 2** Surveyed households' reasons for choosing a particular district for their residence in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)

## HOUSEHOLD PROFILES

The profiles of surveyed households show that around 70 percent of Syrian refugee households from Homs live as nuclear families composed of a couple with children. In addition, 40 percent of the households have two or three children, while about 23 percent have four children or more.

The survey findings also indicate that 20.7 percent of the total surveyed households are female headed. Of those, the vast majority (82.7 percent) are headed by women who possess at least one document proving their marital status (Figure 11).



**Figure 11** Some statistics on surveyed Homs female heads of households  
Source: UN-Habitat and UNHCR household survey (July 2017)

## SOCIOECONOMIC STATUS

An analysis of the socioeconomic profiles of surveyed refugee households indicates that more than 90 percent of those who arrived from Homs to Lebanon hailed from the city's poorest areas: the historical core (UFA 1) and areas of informal expansion (UFAs 3 and 5). In fact, while trying to sample equally from all five UFAs, surveyors struggled to cover households from relatively well-off, modern areas—particularly UFA 2, where a few registered Homs refugees originate from (Table 3)—and eventually balanced the sample by surveying households from other areas of the city.

<sup>10</sup> According to the *LCRP 2017-2020*, the Common Card was launched in October 2016 by WFP, UNHCR, UNICEF and the Lebanon Cash Consortium (LCC). The E-cards can be used in any of the 500 WFP-

UFA in Homs	Percentage of total surveyed HHs from Homs	Percentage of total registered HHs from Homs
UFA 1	24.5%	21.1%
UFA 2	7.8%	2.2%
UFA 3	31.9%	60.7%
UFA 4	16.7%	4.7%
UFA 5	18.8%	12.4%

**Table 3** Surveyed households' UFA of origin in Homs  
Source: UN-Habitat and UNHCR household survey (July 2017)

Survey findings clearly demonstrate the vulnerability of the Homs City refugee households, a finding equally reflected in the successive VASyR reports in Lebanon (UNHCR, UNICEF and WFP, 2013; 2015; 2017). Hence, survey responses showed high dependence on credit, debt and cash assistance programmes (Table 4) and indicated that numerous households were unable to secure employment for any of their members (Figure 13), while many were forced to send children to work (Figure 14).

A further look at the breakdown of these findings (Table 4) reveals that refugee households from Homs City displayed roughly the same sources of income as the general registered Syrian refugee population (UNHCR, UNICEF and WFP, 2017), and a higher rate of humanitarian aid (11.3 percent of Homs refugee households reported that they received cash from humanitarian organizations) compared to 4 percent for all registered households. About half of surveyed households described informal credit/debt as their main source of income, followed by cash assistance programmes and service-sector/construction jobs (i.e. employment).

A number of regional differences with regard to income sources are worth pointing out (Figure 12). Refugee households in Zahle heavily depended on informal credit/debt and United Nations World Food Programme (WFP) E-card food programmes,<sup>10</sup> while those in Tripoli relied mainly on employment opportunities in the service sector—such as hotels, restaurants, transport and personal services (e.g. cleaning, cooking, hairdressing and childcare)—followed by informal credit/debt. Zahle and Akkar attracted agricultural labour the most.

Source of income	Surveyed households	All registered households
Informal credit/debts*	48.8%	53.0%
Food E-cards from WFP	34.9%	33.0%
Provision of other services**	23.6%	25.0%
Construction	22.3%	32.0%
Agriculture	17.4%	21.0%
Cash from humanitarian organizations	11.3%	4.0%

\* From shops, friends, hosts, etc.

\*\* E.g. hotel, restaurant, transport, personal services such as cleaning, cooking, hairdressing and childcare

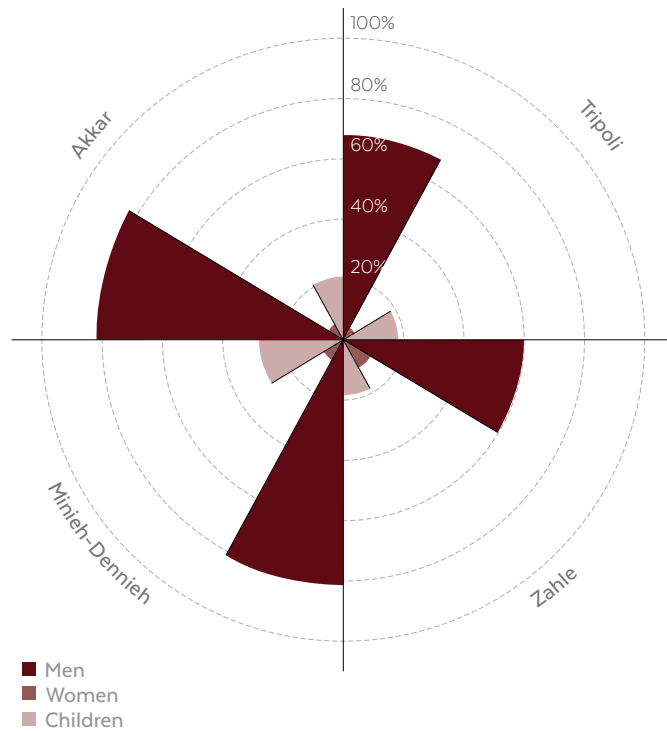
**Table 4** Main source of income for surveyed households and all registered Syrian refugee households

Sources: UN-Habitat and UNHCR household survey (July 2017) and VASyR 2017

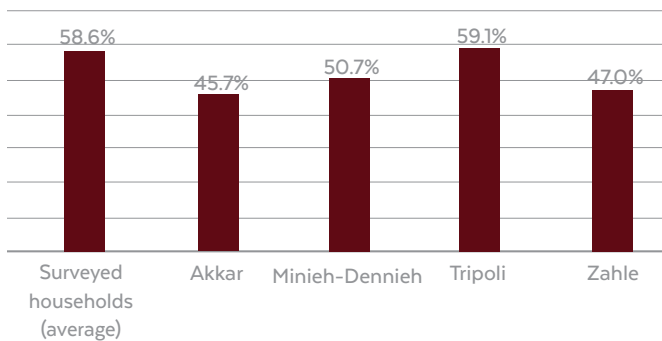
contracted shops across the country and at any ATM across Lebanon, depending on the type of assistance loaded.



\* From shops, friends, hosts, etc.  
 \*\* E.g. hotel, restaurant, transport, personal services such as cleaning, cooking, hairdressing and childcare  
**Figure 12** Sources of income for surveyed households per district of residence in Lebanon  
 Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 14** Working surveyed household members per district of residence in Lebanon  
 Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 13** Percentage of working members of surveyed households per district of residence in Lebanon  
 Source: UN-Habitat and UNHCR household survey (July 2017)

## SOCIAL NETWORKS AS “SOCIAL CAPITAL”

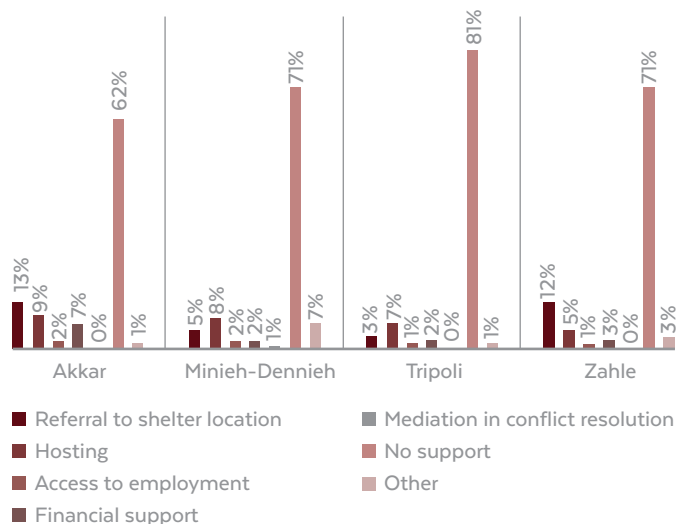
The vast majority of surveyed refugee households, as discussed above, reported selecting homes to follow kin and/or acquaintances. Paradoxically, the majority (73.1 percent) of the households also reported having received no assistance from social or familial ties to support their livelihoods. Asked specifically about shelter, less than one in 10 households (9.3 percent) mentioned referral to a shelter location, another 9 percent reported being hosted by family members, and even fewer (7.1 percent) said that they had received financial support from relatives to cover their rent (Table 5). This varied across regions, with the areas having kin types of networks, such as Akkar, displaying higher percentages of Homs refugee households that had received most types of familial or social support, compared to other districts (Figure 15).

Thus, although they largely recognized the importance of networks in determining locational choices, as noted above, most respondents stated that these networks did not help them secure better shelter and/or livelihoods, reducing the possible role that networks can play as “capital” for this community (UN-Habitat and UNHCR, 2014).

The main exception is access to work; many refugees emphasized the importance of social networks in securing work and a source of income, particularly in the northern areas of Lebanon. Thus, survey findings indicate that while they form only about a third of all surveyed refugees in Akkar, refugees from Homs formed 70 percent of the refugees working in the area, a strong testimony that pre-war networks were valuable capital for this population (Figure 16). These figures suggest that existing social ties considerably facilitate the job-hunt process for the refugees and help them secure an income source more easily than those without pre-war social relations.

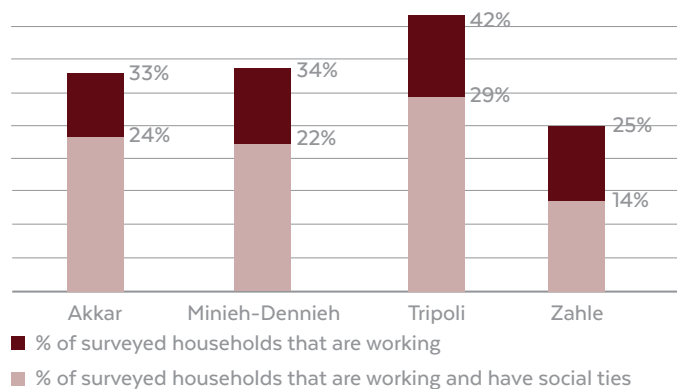
Type of support	Percentage of surveyed households
Referral to shelter location	9.3%
Hosting	9.0%
Access to employment	3.2%
Financial support	7.1%
Mediation in conflict resolution	0.8%
No support	73.1%
Other	3.3%

**Table 5** Type of support received by surveyed households from social and familial ties  
 Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 15** Type of support received by surveyed households from social and familial ties per district of residence in Lebanon

Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 16** Geographic distribution of surveyed households who have social networks and are currently working, compared to total surveyed households who are working in each district

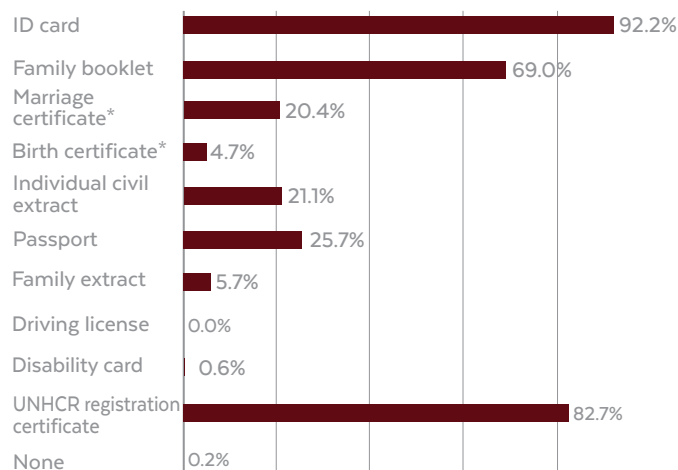
Source: UN-Habitat and UNHCR household survey (July 2017)

## CIVIL DOCUMENTATION

The survey showed that the vast majority of refugees held a Syrian national ID, while more than two thirds held a family booklet (Figure 17).<sup>11</sup> As expected, households from middle-income backgrounds (UFAs 2 and 4 in Homs) were more likely to secure official documents (40 percent held a passport) than those from lower-income areas (UFA 5, 11.9 percent). During FGDs, it became clear that many people had trouble renewing their Syrian documentation (such as passports, individual civil extract, family booklet and children's identity cards) while remaining displaced in Lebanon. The FGDs also showed that some people had received fake passports and had been taken advantage of by brokers. Others pointed to the excessive costs of obtaining Syrian passports while being (and staying) displaced.

<sup>11</sup> It is worth reminding here that this survey only covered refugees registered with UNHCR, while those not registered are more likely to have less documentation.

<sup>12</sup> Eviction is the process by which tenants are forcefully taken out of the leased property they resided in by external forces (e.g. Internal Security Forces [ISF]) and are forbidden to enter it again. Refer to the section titled "Security of Tenure: Lease Agreements and Evictions" in the Annex for more detailed information.



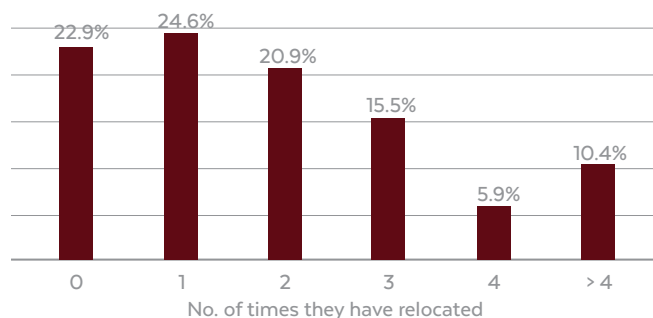
\* Syrian birth and marriage certificates before and after displacement

**Figure 17** Percentage of surveyed households holding each type of civil documentation

Source: UN-Habitat and UNHCR household survey (July 2017)

## REFUGEE MOBILITY IN LEBANON

The survey showed that most refugee households have relocated at least once within Lebanon after arriving in the country, but have been less on the move in the months before the summer of 2017 (Figure 18 and Table 6). The vast majority reported that they had not moved during the six months preceding the survey (83.9 percent) and did not face an eviction threat<sup>12</sup> at the time of the survey (92.5 percent) (Figure 19). Almost three quarters (69.6 percent) stated that they foresaw staying in their current shelter for some time. Similar to the situation for the general refugee population (UNHCR, UNICEF and WFP, 2017), the main reasons for relocation were eviction by the owner, unavailability of employment, or reasons they did not wish to disclose (Table 7).



**Figure 18** Relocation rate of surveyed households in Lebanon

Source: UN-Habitat and UNHCR household survey (July 2017)

District of residence in Lebanon	Percentage of relocated HHs during the six months prior to the survey
Akkar	15.8%
Minieh-Dennieh	14.9%
Tripoli	17.4%
Zahle	17.3%
Beirut	27.8%
Saida	20%
Tyre	27.3%

**Table 6** Percentage of surveyed households that relocated within Lebanon during the six months prior to the survey per district of residence in Lebanon

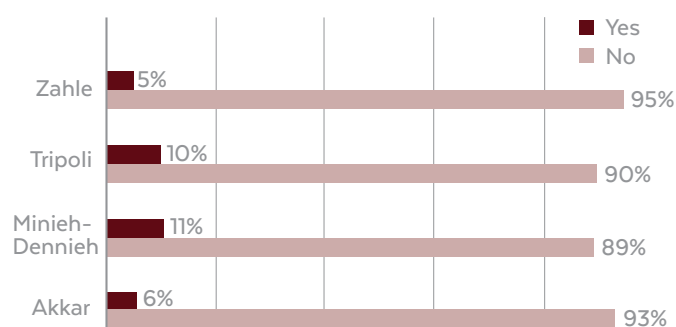
Source: UN-Habitat and UNHCR household survey (July 2017)



Reasons for relocating	Surveyed households (average)	All registered households	District of residence in Lebanon			
			Akkar	Minieh-Dennieh	Tripoli	Zahle
Eviction by owner	28.1%	32.0%	19.2%	13.1%	26.2%	12.2%
Rent too expensive	27.5%	20.0%	17.4%	12.1%	24.9%	8.1%
Shelter and WaSH conditions not acceptable	15.4%	9.0%	15.0%	16.7%	32.2%	2.2%
Not enough privacy for the family	8.2%	5.0%	13.5%	17.7%	24.0%	5.2%
End of rent agreement	6.3%	1.0%	35.1%	17.6%	17.6%	14.9%
No more work in the area	6.3%	4.0%	21.9%	20.5%	20.5%	2.7%
Other	13.1%	13.0%	2.0%	16.3%	13.7%	32.7%

**Table 7** Surveyed households' main reasons for relocating within Lebanon per district of residence in Lebanon

Sources: UN-Habitat and UNHCR household survey (July 2017) and VASyR 2017



**Figure 19** Eviction threats faced by surveyed households at the time of the survey per district of residence in Lebanon

Source: UN-Habitat and UNHCR household survey (July 2017)

An examination of the most important reported reasons for relocation shows that cost-related issues (expensive rent and lack of work/income combined) remain the main concern for refugee households (Table 7), undermining their stable settlement. While this condition differs considerably across areas of residence, it is possible to recognize that mobility depends on poor housing arrangements (e.g. lack of privacy; inadequate shelter; and water, sanitation and hygiene [WaSH] conditions) and shelter costs. The latter is typically reflected with the options listed as “eviction by owner” and “rent too expensive” since evictions often occur due to the inability of a tenant to pay rent.

Only 5.3 percent of the surveyed refugee households from Homs had occupied their shelter for a duration shorter than six months, while 22.9 percent had been there for six to 12 months. One third had occupied their shelter for over three years. These figures could possibly reflect a more stable shelter situation compared to the general Syrian refugee population surveyed in the 2017 VASyR.<sup>13</sup>

The survey findings further revealed a link between the number of relocations of surveyed households and support received from INGOs, whereby 80 percent of those who relocated had not received any kind of support (be it rent reduction, occupancy free of charge, cash for shelter, or other).



© UN-Habitat (2016)

<sup>13</sup> Of the surveyed households for the 2017 VASyR, 12 percent said they had changed accommodations during the previous six months, while 10 percent were planning to move in the following six months, with a higher prevalence in Tripoli (20 percent) (UNHCR, UNICEF and WFP, 2017, p. 28).







# 2 Refugees' Shelter Conditions

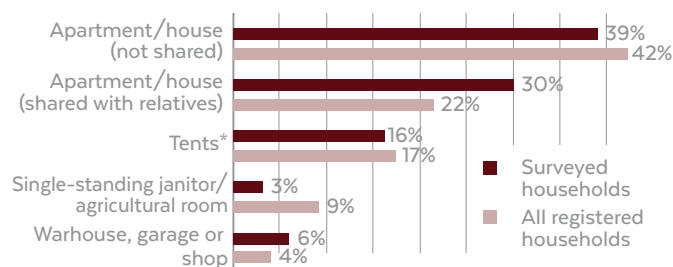
This section profiles shelter conditions for the surveyed households, documenting the survey results supplemented with FGD responses. The types of shelter and conditions are described first, followed by a sketch of access to infrastructure and services. The main takeaway from this section is that refugees access poor-quality and typically overcrowded shelters through rental arrangements in the absence of any affordable housing policies in Lebanon. Most also suffer from the high burden of rent, especially that they have limited income resources.

## SHELTER TYPES AND CONDITIONS: QUALITY OF SECURED HOUSING

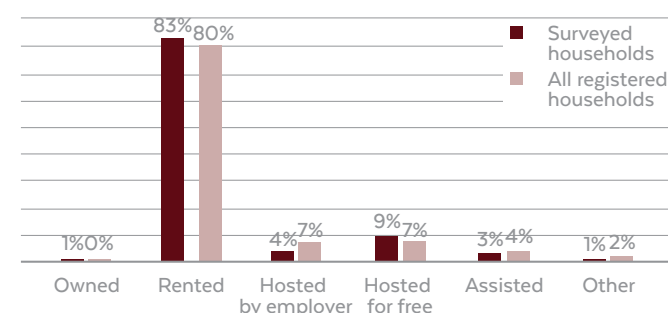
Over two thirds of surveyed refugee households live in (rented) houses or apartments (Figures 20 and 21). More than one third of the households declared not sharing their apartments or houses at the time of the survey, while 30 percent shared their accommodation. Compared to the general Syrian refugee population (UNHCR, UNICEF and WFP, 2017), there are relatively more shared apartments or houses among surveyed Homs refugee households, but less households from Homs live in single-standing one-room structures. The percentage of households living in tents is roughly the same in both cases.

A comparison of types of housing across districts of residence in Lebanon reveals some regional differences (Figure 22). In the northern districts (Akkar, Minieh and Tripoli), private apartments and houses are common, but responses indicate higher rates of sharing in Tripoli, where rents are higher. The sample records a lower rate living in informal tented settlements (ITSs) in Akkar (16.7 percent) than the general Syrian refugee population (22 percent of refugee households in Akkar live in ITSs) (Government of Lebanon and the United Nations, 2018; UNHCR, UNICEF and WFP, 2017). Zahle stands in striking difference, since only around a quarter of the refugee households live in (rented) houses or apartments, while over half of them live in tents, which is in accordance with the general Syrian refugee population residing in ITSs in the Bekaa Governorate (49 percent) (Government of Lebanon and the United Nations, 2018; UNHCR, UNICEF and WFP, 2017). Finally, the percentage of households living in their workplaces (such as on farms, worksites or janitor rooms) is low in all districts, much lower than among the general registered Syrian refugee population (UNHCR, UNICEF and WFP, 2017).

A comparison of types of dwelling in Lebanon across refugee groups depending on their area of origin in Homs (Figure 23) indicates that households who come from UFAs 3 and 5, meaning lower-income groups, are significantly less likely to live

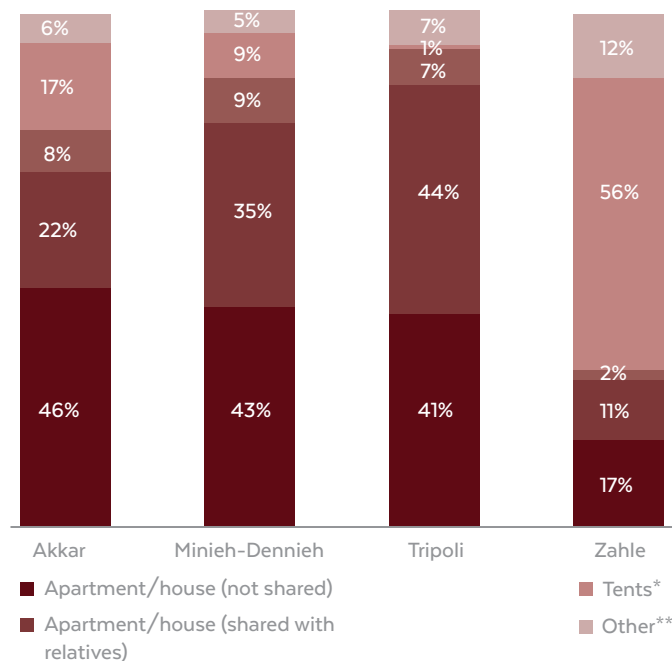


\* Makeshift shelters in informal settlement  
**Figure 20** Most common shelter types for surveyed households and all registered Syrian refugee households  
 Sources: UN-Habitat and UNHCR household survey (July 2017) and VASyR 2017

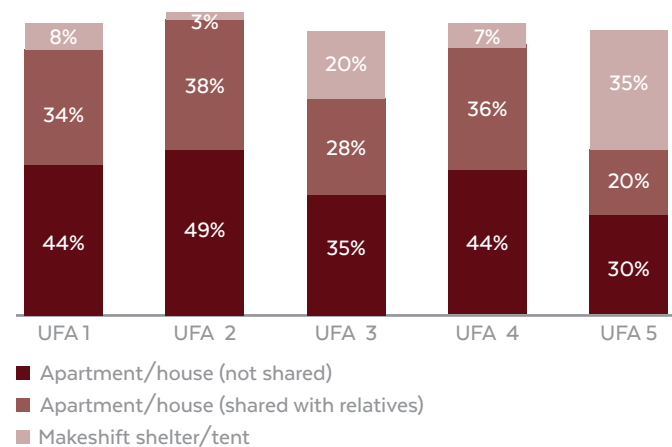


**Figure 21** Type of tenure for surveyed households and all registered Syrian refugee households  
 Sources: UN-Habitat and UNHCR household survey (July 2017) and VASyR 2017

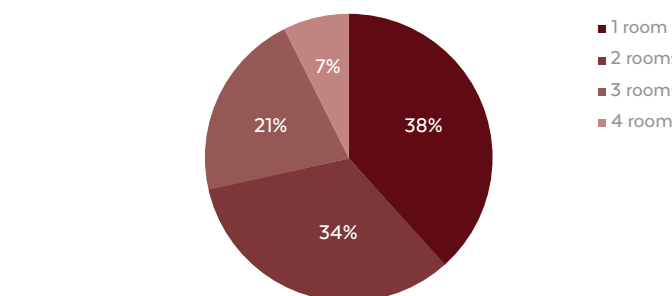
in apartments than others. This suggests that the socioeconomic distinctions that existed in Homs continue to be reproduced among the refugees in their ongoing stay in Lebanon.



\* Makeshift shelters in informal settlement  
 \*\* Apartment/house (shared with non-relatives), single-standing one-room (janitor or agricultural room), structure under construction, worksite, unfinished building, collective centre/shelter  
**Figure 22** Main types of shelter for surveyed households in the main four districts of residence in Lebanon  
 Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 23** Dwelling typologies of surveyed households in Lebanon by UFA of origin in Homs  
 Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 24** Number of rooms per dwelling for the surveyed households  
 Source: UN-Habitat and UNHCR household survey (July 2017)

Generally, shelters are small (Figure 24) and overcrowded, accommodating on average three people per room. Zahle has the highest proportion of one-room structures, reflecting the large percentage of households occupying temporary shelters in the vicinities of the district, while as a main urban centre, Tripoli exhibits the lowest percentage of overcrowded conditions. Also in Tripoli, refugee households occupy generally larger apartments (Figure 25) and more often have more than one bathroom compared to other districts. The latter point is well in line with the link between living conditions in Syria (pre-displacement) and in Lebanon (at the time of the survey), since Tripoli welcomed the majority of households fleeing middle-income neighbourhoods of Homs (Figure 8).

The recorded conditions of refugee household shelters pointed to substandard constructions (Table 8), especially in Zahle where a substantial number of refugees live in tents (Figure 22). This was shown in the survey and echoed by FGD participants, some of whom complained about severe difficulties, including humidity and insects (FGDs in Tripoli). Participants also complained about poor ventilation and lack of direct sunlight. In general, relatively better conditions were recorded in northern districts (Table 9).

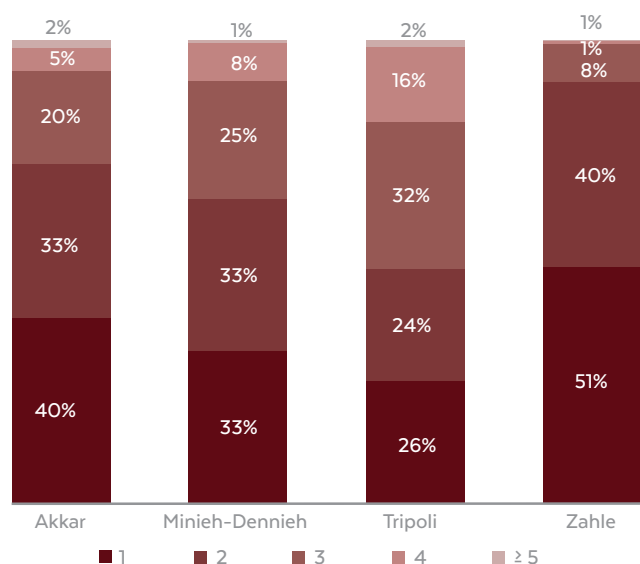


Figure 25 Number of rooms per dwelling for the surveyed households per district of residence in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)

	Surveyed households
Shelter structure in danger of collapsing	2.0%
Damaged/leaking roof	18.6%
Damaged columns	3.2%
Damaged walls	7.7%
Water network not functional	5.1%
Electricity installation/connection not adequately installed	6.0%
Inadequate weatherproofing condition	27.7%
Windows/doors not sealed to natural elements	18.3%
Latrine/toilet not useable*	5.7%
Bathing/washing facilities not useable**	5.7%
Not applicable	52.6%

\* Damage, full, no handwashing facilities, etc.  
\*\* Damage, no privacy, etc.

Table 8 Observable conditions of surveyed households' shelters  
Source: UN-Habitat and UNHCR household survey (July 2017)

## ACCESS TO INFRASTRUCTURE AND SOCIAL SERVICES

The survey showed that most households (over 80 percent) have full access to electricity, water (potable/domestic-use), a wastewater connection, and solid waste management, while fewer ones have internet (50.3 percent) or a stormwater connection (58.1 percent). Education and healthcare are fully accessible to over two thirds, religious services to 84 percent, while public spaces and community centres around 40 to 50 percent (Table 10). Health and education facilities, as well as main roads, are a short walk or drive from home for most households (Table 11). Refugee households in Minieh-Dennieh have significantly less access to electricity and a wastewater connection, and in general have less access to various other basic urban and social services, compared to those residing in other districts. Those living in Akkar have significantly more access to internet connection in comparison to those in other districts.

In order to investigate the impact of social networks on the ability of refugees to secure better housing conditions, the conditions of housing settlement were studied for households that could claim

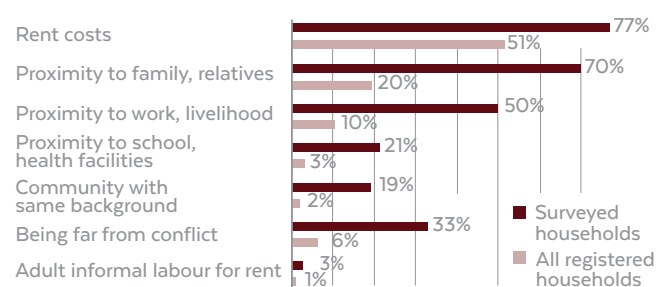
	District of residence in Lebanon			
	Akkar	Minieh-Dennieh	Tripoli	Zahle
Shelter structure in danger of collapsing	2.3%	1.8%	0.0%	4.0%
Damaged/leaking roof	8.7%	12.7%	10.1%	42.1%
Damaged columns	2.3%	1.8%	1.0%	7.9%
Damaged walls	3.9%	6.8%	2.3%	11.9%
Water network not functional	1.6%	1.8%	2.3%	10.4%
Electricity installation/connection not adequately installed	5.1%	2.3%	1.0%	5.4%
Inadequate weatherproofing condition	16.1%	33.0%	34.9%	21.3%
Windows/doors not sealed to natural elements	12.2%	19.0%	16.1%	28.7%
Latrine/toilet not useable*	6.1%	2.7%	3.4%	4.5%
Bathing/washing facilities not useable**	2.9%	2.7%	4.0%	4.0%
Not applicable	68.8%	54.8%	56.0%	31.7%

\* Damage, full, no handwashing facilities, etc.

\*\* Damage, no privacy, etc.

Table 9 Observable conditions of surveyed households' shelters per district of residence in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)

social networks (around 70 percent of the surveyed households), finding that such networks have no effects on the quality of services that the refugees were able to claim. An analysis of the conditions faced by female-headed households showed that



**Figure 26** Main reasons for choosing their accommodation for surveyed households and all registered Syrian refugee households

Sources: UN-Habitat and UNHCR household survey (July 2017) and VASyR (2017); Caveat: The general population could choose only one reason.

they live in dire conditions, which potentially expose them to high risks related to protection and sexual and gender-based violence (SGBV) (Tables 12 and 13). Over half of those households share apartments or houses—some with relatives, while others with non-relatives. About one third live in unfinished construction sites, and one quarter reside in makeshift shelters (Table 12).

## BURDEN OF SHELTER COSTS

In terms of accessing shelter, the vast majority (80.4 percent) of surveyed households reported that they did not benefit from shelter programmes or aid when accessing housing (Table 14). This potentially suggests that most households rely on the existing (informal) rental market in order to access shelter. Only in Akkar and Minieh, programmes such as SSUs<sup>14</sup> have had an impact on a sizeable percentage of refugee households (19.3 percent and 13.6 percent, respectively). Across all regions, when asked about the reason(s) for choosing their shelter (Figure 26),

		District of residence in Lebanon					
		Surveyed households (average)	Akkar	Minieh-Dennieh	Tripoli	Zahle	
Basic urban services	Electricity	Accessible	82.4%	92.3%	62.9%	74.2%	95.5%
		Partially accessible	17.1%	7.1%	36.7%	24.8%	4.0%
	Water (potable/ domestic use)	Accessible	80.3%	88.7%	69.2%	78.2%	82.7%
		Partially accessible	18.1%	9.6%	28.1%	20.8%	15.8%
	Internet	Accessible	50.3%	72.3%	39.4%	57.4%	26.2%
		Partially accessible	16.7%	7.4%	34.4%	25.5%	9.4%
	Wastewater connection	Accessible	80.1%	78.5%	72.9%	85.6%	80.7%
		Partially accessible	12.0%	5.5%	18.6%	11.7%	13.9%
Stormwater connection	Accessible	58.1%	57.6%	52.5%	60.7%	52.0%	
	Partially accessible	17.9%	11.6%	19.5%	15.8%	27.2%	
Solid waste management	Accessible	84.9%	81.0%	81.4%	91.3%	83.7%	
	Partially accessible	8.1%	6.1%	13.1%	7.4%	8.9%	
Social services	Education	Accessible	69.0%	83.9%	58.4%	67.4%	70.8%
		Partially accessible	14.5%	6.1%	24.9%	16.8%	9.9%
	Health	Accessible	76.9%	90.7%	64.3%	79.2%	80.2%
		Partially accessible	17.8%	5.8%	24.4%	17.8%	18.3%
	Public spaces	Accessible	39.3%	41.8%	28.5%	59.1%	26.2%
		Partially accessible	24.7%	11.6%	22.6%	23.2%	41.6%
Community centre	Accessible	48.3%	53.1%	38.9%	56.0%	53.0%	
	Partially accessible	20.0%	6.8%	18.6%	21.5%	31.7%	

**Table 10** Access to basic urban and social services by surveyed households per district of residence in Lebanon

Source: UN-Habitat and UNHCR household survey (July 2017)

		District of residence in Lebanon				
		Surveyed households (average)	Akkar	Minieh-Dennieh	Tripoli	Zahle
Health institutions	Proximity					
	Long ride	20.7%	31.8%	29.0%	19.5%	5.0%
	Short ride	39.6%	30.9%	39.8%	39.6%	52.0%
Education institutions	Short walking distance	39.7%	37.3%	31.2%	40.9%	43.1%
	Long ride	18.9%	22.5%	22.6%	17.1%	14.4%
	Short ride	43.4%	35.7%	43.9%	38.9%	50.5%
Main roads	Short walking distance	37.7%	41.8%	33.5%	44.0%	35.1%
	Long ride	9.5%	21.2%	13.6%	7.0%	1.0%
	Short ride	26.0%	25.4%	31.2%	22.1%	28.7%
	Short walking distance	64.5%	53.4%	55.2%	70.8%	70.3%

**Table 11** Proximity to facilities for surveyed households per district of residence in Lebanon

Source: UN-Habitat and UNHCR household survey (July 2017)

refugee households most often mentioned affordability. Shelter rent costs trumped all other considerations,<sup>15</sup> including the adequacy of shelter conditions or access to employment. This was especially the case for the northern districts, suggesting that cheaper housing is available there in general, as the poorest area in Lebanon<sup>16</sup> (Figure 27).

Dwelling typology	Percentage of female HHHs
Apartment/house (not shared)	15.9%
Apartment/house (shared with relatives)	24.7%
Apartment/house (shared with non-relatives)	27.6%
Factory or workshop	8.3%
Warehouse, garage or shop	17.6%
Farm	14.3%
Single-standing janitor/agricultural room	20.8%
Structure under construction/worksite	36.4%
Unfinished building	21.4%
Makeshift shelter/tent	24.5%
Prefabricated unit/SSUs	0.0%
Collective centre/shelter	50.0%
No shelter	0.0%

**Table 12** Type of housing (dwelling typology) for surveyed female-headed households  
Source: UN-Habitat and UNHCR household survey (July 2017)

Shelter conditions	Percentage of female HHHs	Percentage of total surveyed households
One room	24.1%	38.1%
Two rooms	16.8%	32.2%
Three rooms	20.9%	21.1%
No bathroom	32.5%	2.6%
No kitchen	18.6%	7.8%
Damaged/leaking roof	20.2%	18.6%
Damaged walls	26.7%	7.7%
Inadequate weatherproofing condition	17.9%	27.7%
Windows/doors not sealed to natural elements	22.0%	18.3%

**Table 13** Observable shelter conditions of surveyed female-headed households  
Source: UN-Habitat and UNHCR household survey (July 2017)

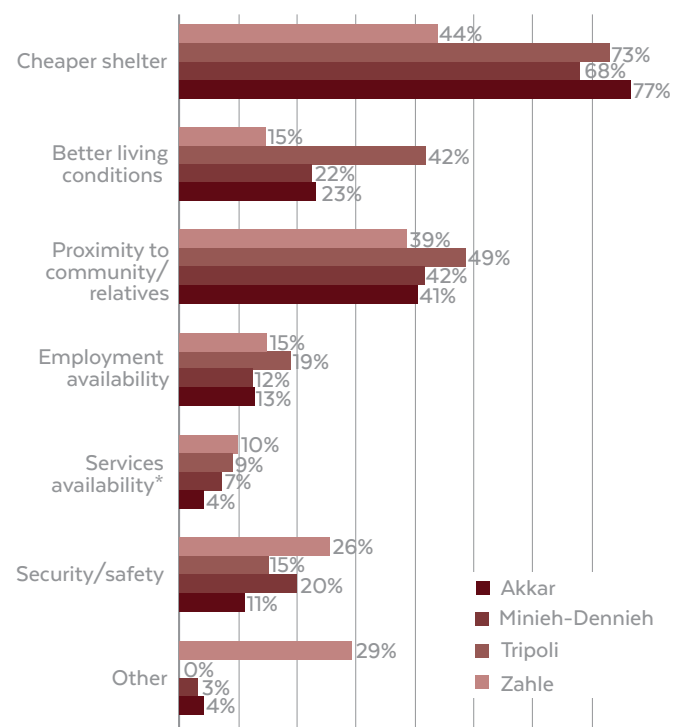
Shelter programme or aid	Surveyed households (average)	District of residence in Lebanon			
		Akkar	Minieh-Dennieh	Tripoli	Zahle
Occupancy free of charge	9.7%	19.3%	13.6%	6.4%	5.4%
Rent reduction	2.8%	1.6%	1.8%	0.7%	6.4%
Cash for shelter	1.5%	0.6%	0.0%	1.0%	2.5%
Shelter repair/winterization	5.0%	8.4%	1.8%	4.0%	4.5%
None	80.4%	69.1%	80.1%	87.6%	81.2%
Other	0.8%	1.0%	3.2%	0.3%	0.0%

**Table 14** Surveyed households benefiting from shelter programmes or aid  
Source: UN-Habitat and UNHCR household survey (July 2017)

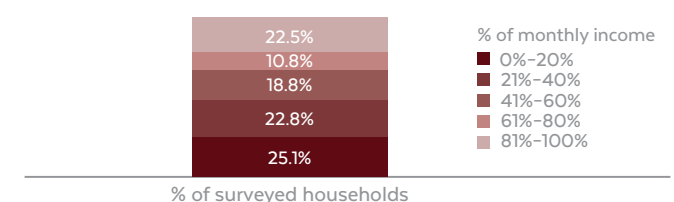
<sup>14</sup> The rehabilitation of SSUs is also known as occupancy free of charge programme.

<sup>15</sup> Many households decline the offer of free-of-charge housing for various reasons, according to UNHCR, such as availability of employment in the area of residence. In reality, most consider more than one factor before

In terms of shelter-related expenditure, 47.9 percent of surveyed households reported that they spend somewhere between 0 percent and 40 percent of their monthly income on rent. For 22.5 percent of households, rent takes up 80 percent to 100 percent of their monthly income (Figure 28). These ranges mask vast inequalities among individual cases, ranging from households that spend 0 percent because they are benefiting from a special arrangement, such as SSUs, to those that are forced to spend a prohibitively high percentage of their income on rent.<sup>17</sup>



\* Education, healthcare, water, electricity, etc.  
**Figure 27** Surveyed households' reasons for choosing a particular district of residence in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)



**Figure 28** Percentage of monthly income spent by surveyed households on housing costs  
Source: UN-Habitat and UNHCR household survey (July 2017)

deciding where to reside, unless they are homeless and have no other choice.

<sup>16</sup> Of Lebanese residing in Tripoli City, 58 percent live in poverty (UN-Habitat, 2016).

<sup>17</sup> These numbers reflect perceptions rather than actually verified figures.







# 3

## The Rental Market

Having recognized access to shelter as occurring essentially through the channels of a rental market for surveyed refugee households, it becomes imperative to understand how the market works. Departing from the mere analysis of supply and demand that typically quantifies deficit in the supply of housing units, the research chose to look at the organization of the rental market: What types of housing products are on the market and how readily available are they? What are the determinants of housing quality? Who are the parties transacting in this market? How do they agree on prices and how do they secure their exchanges? How often and why do they default? How do they seek recourse in case of default?

This study was based on earlier research on land and housing markets in Lebanon that has profiled the housing rental market by unbundling its components, examining its actors and exploring the types of “market institutions” beyond the official state system to include, most notably, informal institutions, such as social networks that have proved to play a critical role in helping low-income city dwellers secure housing (Berner, 2001; Boamah, 2013; Fawaz, 2009; Jenkins and Smith, 2001; Jones and Ward, 1994; North, 1990; Pamuk, 2000; Zhang and Zhao, 2018). Similar to such previous studies, when profiling the rental market on which refugees rely, this study proposes to examine two forces that are considered to play a critical role in the acquisition of housing by refugees. First are the various informal social networks accessed by refugees in their quest for housing. Second are the formal institutions that place refugees in a vulnerable position while failing to directly respond to their housing needs.

## THE HOUSING PRODUCT

As noted above in the profiling of shelter conditions, the housing product being exchanged on this market is typically, though not always, an apartment in a relatively poor condition and deficient access to basic urban services. The research further indicates that rather than a deficit in volume, the real concern among refugees has become the quality of the shelter which, given their limited resources and the market conditions, is too often a dilapidated, under-serviced unit. Earlier studies (e.g. UN-Habitat and UNHCR, 2014) had shown the “elasticity” of the housing supply—in terms of the ability of the informal market to rapidly respond to the refugees’ housing demand by supplying (informally) a large number of units typically through the subdivision of existing structures, the addition of rooms/spaces, and/or the transformation of makeshift options. However, this study calls for further intervention in order to improve the quality of shelters. The poor quality of shelter conditions is, as shown in this study, typically related to the limited incomes of refugees rather than the absence of supply. As indicated most eloquently by one of the FGD participants: “You get what you pay for” (FGD in Akkar).

## WHO ARE THE LANDLORDS?

A rapid review indicates that there are three types of landlords in the Lebanese rental market: commercial landlords (who operate on a larger scale and in a professional way), employer landlords (who provide accommodation for their employees), and the largest group, small-scale landlords (who typically use whatever space they have to rent out and generate income). These three types of landlords are well in line with other housing market contexts studied elsewhere, where landlords typically operate in different places and provide various types of housing products (Gilbert et al., 2011). Hence, commercial landlords typically operate in large cities, where they may control a sizeable housing stock developed to this end. They are known to target middle- and upper-income tenants who prefer the flexibility of rental. In contrast, small-scale landlords typically rent out rooms within their houses and/or additional apartments developed as extensions of their homes to lower-income groups.

Information collected in Lebanon (outside Beirut District), including the areas surveyed for this study, indicated that the rental market on which refugees from Homs rely is dominated by small-scale landlords, many of whom have produced new accommodations to respond to the demand for affordable housing brought about typically by transient communities, such

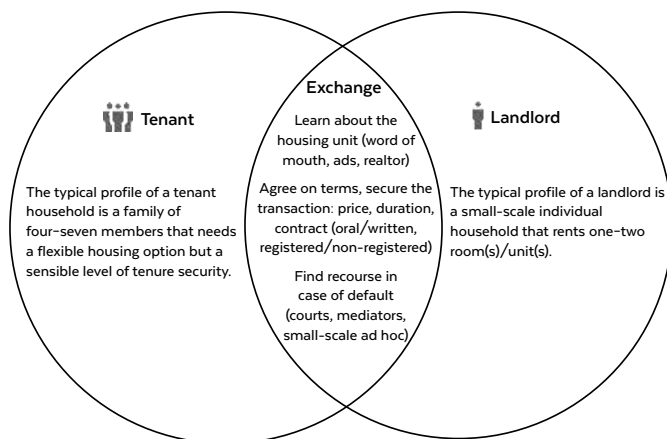


Figure 29 Landlord-tenant exchange

as migrant workers and, more recently, refugees. They typically have built these additional spaces in self-help form, without securing proper paperwork, and extend basic urban services (e.g. electricity, potable water, etc.), when possible, through the form of illegal hookups, temporary self-made connections, and other ad hoc solutions. Many of these landlords view their properties as a main source of income that complements their poor households’ revenues, making of the rental market a supportive pillar of their livelihoods and a source of a direly needed meagre income.

Furthermore, and in contrast with earlier research on Syrian refugees in Nabaa (eastern suburbs of Beirut) where the shelter rental market was found to be dominated by realtors who mediate between landlords and tenants (UN-Habitat and UNHCR, 2014), FGDs and survey findings for the purposes of this study on Homs refugee households indicate that most landlords and tenants interact directly, without the intervention of mediators or arbitrators: about 83 percent of the surveyed households rented their accommodation directly from the property owner (Table 15).

Moreover, FGDs show that the categories of landlords and tenants are sometimes blurred for this population group; many landlords are related to the Homs refugees by kinship, marriage or friendship. As noted above, such social networks facilitated the first locational choice for many refugees and helped them settle, often hosting them during the first period following their arrival in Lebanon. Eventually, the long duration of the refugee settlement changed the nature of the relation, introducing rental arrangements in recognition of the burden imposed by refugees and the income needs of their hosts. For instance, one man in Akkar reported having been hosted for free by a cousin when he and his family first arrived in Lebanon, but recently having started paying him LBP 200,000 for the rent, which he described as “a reasonable fee” given that the landlord also needed the income. However, even in cases where landlords had no previous relations with the new tenants (i.e. Homs refugees), the newly developed connections are reportedly quite amicable. Many FGD participants stated that they have developed good relations with their landlords and did not face eviction threats. Other participants reported flexibility when/if they know the landlords, especially when they needed her/him to tolerate payment delays. Information about landlords remains nonetheless limited, particularly since the sample for this study covered only Syrian households, the vast majority of whom are tenants (Figure 21). Future research would be useful to investigate the landlords’ conditions and perceptions in relation to the refugees’ rental market.

## LEARNING ABOUT THE HOUSING PRODUCT

How do refugees learn about the housing opportunities? Earlier studies in Lebanon (e.g. UN-Habitat and UNHCR, 2014) have shown that refugees’ social networks with peers and host communities play a critical role in mediating their access to housing, work and other social services throughout their stay in Lebanon:

Syrian refugees closely follow refugee social networks that predate the beginning of the Syrian conflict. Refugees are finding shelter through migrant worker networks, particularly through the construction and services sector in urban centers and agricultural worker networks in rural areas. Such networks provided the most reliable source of information about available rental accommodations, real prices, and provide the possibility of negotiating with landlords and money lenders to facilitate rent payment. (UN-Habitat and UNHCR, 2014, p. 8)



Negotiation counterpart	Surveyed households (average)	District of residence in Lebanon			
		Akkar	Minieh-Dennieh	Tripoli	Zahle
Property owner	83.4%	80.4%	81.0%	89.9%	82.7%
Realtor	12.7%	14.1%	14.5%	8.4%	11.9%
Shawish*	0.5%	0.0%	0.9%	0.7%	1.0%
INGO	1.1%	2.9%	1.4%	0.3%	1.5%
Other	2.3%	2.6%	2.3%	0.7%	3.0%

\* *Shawish* is the camp representative and community leader in an informal tented settlement. He is typically the oldest and/or first to arrive in the area who negotiated the settlement rental with the property owner (UN-Habitat and UNHCR, 2014).

**Table 15** Actors surveyed households negotiate with in the rental market

Source: UN-Habitat and UNHCR household survey (July 2017)

The survey findings of this study, however, indicate that social networks may be eroding, since most respondents denied that such networks helped them access shelter and/or improve their conditions (see Social Networks as “Social Capital” subsection).

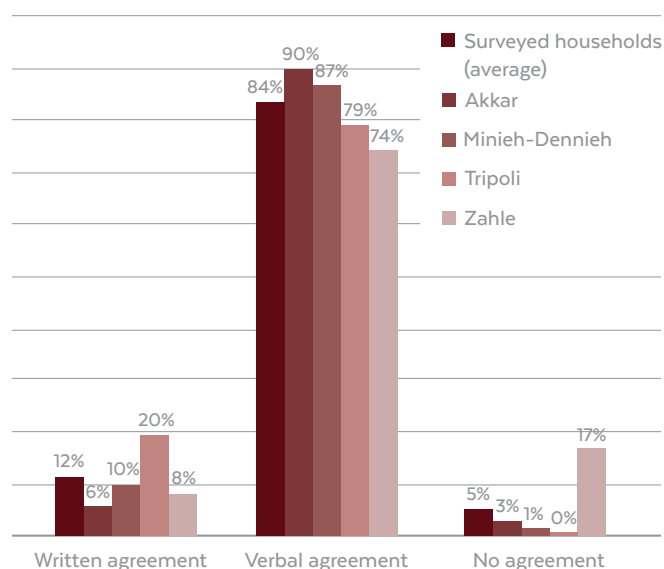
## MOST COMMON TYPE OF CONTRACTS

Survey findings and FGDs show that almost all refugee tenants reported not having official written rental agreements (Figure 30). Instead, the vast majority (83.5 percent) of households rent their accommodation by relying on oral agreements. In case of such agreements, some of the basics of the transaction (e.g. cost of rent, duration) are implicitly understood, while many other concerns are settled after the fact (e.g. cost of services, level and quality of accommodation), leaving substantive negotiations for the period after occupancy starts. Respondents indicated that refugees and landlords widely preferred to rely on such oral agreements, which they felt avoided them the costs of registration first at the notary, where the agreements are to be drafted, and then at the municipality, where a hefty tax is often expected. In addition, the absence of a written contract seems to maintain a desirable level of flexibility in the interaction, allowing refugees

to leave when they wanted, while also protecting landlords from potential compensations they would have to pay in case they wanted to evict the tenants if the latter stayed for an extended period.

FGDs provided interesting nuances about interactions between landlords and tenants. For instance, one participant explained that he had refrained from asking for a written agreement because the landlord was a relative, and doing so would have been interpreted as a sign of distrust. Several other landlords also avoided written agreements because if tenants resided in the rented accommodations for an extended period of time, landlords thought they would then have to pay a compensation in order to be able to get them to leave. In the FGDs, there were also cases of tenants who reported that the landlord did not own the house he/she was renting out (in the case of multiple heirs, for example) and, therefore, could not provide the tenants with a written agreement. Yet, an examination of the terms of the interaction reflects the limitations of this practice. First, tenancy is clearly less secure when contracts are limited to oral agreements, since tenants face a greater risk of eviction. Tenants also face numerous undocumented “abusive” practices, such as frequent visits by the landlord, sudden increases of rent, and demands of extra fees for basic urban services (electricity, water, etc.). Moreover, there is little recourse for both parties—but especially the tenants—in the rental market processes in case of disputes.

That is why, the legal system would protect the tenants’ rights and strengthen their position, especially as they often find themselves in delicate and critical situations. A woman living in Akkar, for instance, reported in an FGD that the landlord evicted her and her family because she did not allow him to go into the house whenever he felt like it. In addition, the negotiations after occupancy starts often result in the two parties being trapped in unhappy situations. On the one hand, tenants find themselves confronted with heavy servicing costs that they had not taken into account. And on the other, tenants—who are already struggling to pay the agreed-upon rent—find themselves facing eviction if they do not answer the landlords’ demands of steeper costs that cover services they thought to have been included within the initial rent agreement. Such points that are left undecided (e.g. electricity or water supply bills, etc.) have been reported in FGDs as some of the main causes of conflicts between landlords and tenants. For example, a woman from Tripoli reported in an FGD that the landlord asked her to pay electricity bills without giving her the actual bill, and whenever she asked for it, he threatened to evict her.



**Figure 30** Types of rental agreements of surveyed households

Source: UN-Habitat and UNHCR household survey (July 2017)

## DISPUTES

All in all, the number of reported disputes in the survey is relatively contained (Table 16). As for the reasons behind the emergence of disputes, survey findings unequivocally indicate that disputes happen mostly with landlords over rent-related issues, such as late payment or rent increases (Table 17). Specifically, the only statistically significant count of disputes is over the late payment of rents. More generally, given their vulnerability, refugees may have refrained from reporting (in the survey) associations with conflict or trouble (especially if they lack a legal status in Lebanon), masking consequently the difficult negotiations they are often involved in that were more audible in the FGDs.

Frequency of disputes	Surveyed households
Daily	0.7%
Regularly	0.9%
Sometimes	3.5%
Rarely	5.2%
Never	89.8%
Total	100.0%

**Table 16** Frequency of disputes faced by surveyed households  
Source: UN-Habitat and UNHCR household survey (July 2017)

Types of dispute	Surveyed households
With landlord over late rent payment	6.7%
With landlord over rent increase	0.8%
With landlord over eviction decision/threat	0.9%
With host community over access to services	0.5%
With host community over access to jobs	0.6%
With host community over cultural differences	1.4%
With host community over political differences	0.5%
With landlord over house maintenance	0.4%
With Syrian refugees	0.4%

**Table 17** Types of disputes faced by surveyed households  
Source: UN-Habitat and UNHCR household survey (July 2017)



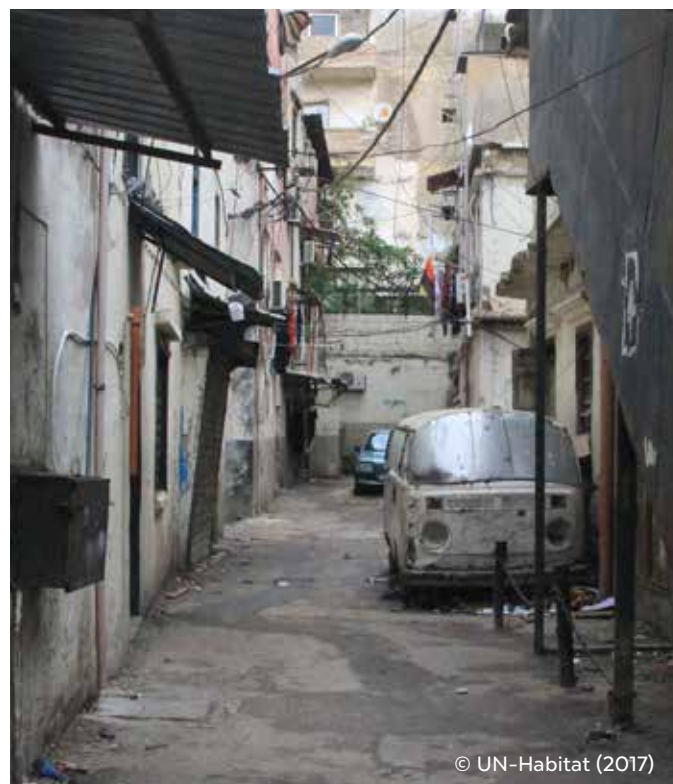
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## AVAILABLE RECOURSE

The literature on housing issues typically reports on two frameworks of conflict resolution in the context of informal housing transactions. On the one hand, an official court system can provide arbitration if disagreements arise, even if transactions have occurred outside the legal framework. In Lebanon, this is possible even if the transaction relies on an oral agreement since Lebanese law recognizes the validity of verbal contracts. On the other hand, the literature refers to unofficial arbitration systems, when conflicting parties resort to a respectable reference in the community (e.g. a religious person and/or other members of their social networks).

The survey undertaken for the purposes of this study indicates that very few refugee tenants refer to the formal authorities in order to resolve disputes. Conflicts are rarely taken to court (only four cases were reported), which is not surprising since courts are known to be ineffective in general for low-income housing conflicts in other contexts (UN-Habitat and UNHCR, 2014), given that they require financial resources. Syrian refugees are even less likely to go to court than other vulnerable population groups since illegal status has limited their ability to appeal to the court system.<sup>18</sup> The low numbers reported in the survey on legal recourse nonetheless signal an important trend in the deficiency of frameworks of conflict resolution that, once addressed, would improve the functioning of this market.

As for the informal arbitration systems, survey findings show them to be equally unreliable, with the majority of refugee households noting that when conflicts arise, they do not get solved (60 percent of those facing disputes reported that they do not get resolved). This finding is surprising given the large number of refugee households chose to settle near relatives and/or following social networks, reflecting a negligible role for these networks in conflict resolution. It may indicate that old networks have been exhausted, because poverty is increasing (FGDs in Minieh), but also, as a few of the FGD participants noted, because



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<sup>18</sup> More details are included in the Annex under the section titled "Access to Courts and Judicial Aid in Lebanon".



refugees were receiving less sympathy from host community members who often visibly envied the “aid” the former receive (FGDs in Minieh; Carpi, 2014). One FGD participant noted that he was told: “You refugees receive aid, so why do you need more help from us?”

When discussing networks and arbitration, it may be worth noting the case of refugees who are housed by employers, since this small group may be facing additional difficulties and even fewer recourse options compared to other groups. There are indeed indications that worker-refugees may be trapped because they are poorly paid, as a woman in an FGD in Minieh related. She was unable to make ends meet, and she was trapped because she was hosted in exchange for employment and her only alternative was the street. Conversely, new networks with Lebanese are developing (FGDs in Tripoli), as noted by some FGD participants who explained that living in close proximity within urban areas was bound to create friendships and mutual

understanding between the Syrian refugees and the host community. This translated into refugees’ housing crises being mitigated sometimes, as landlords could show some patience—in varying degrees—towards defaulting tenants (FGDs in Tripoli, Minieh and Akkar) in recognition of their poverty and inability to pay the rent. In one case, refugees were even helped by their new networks through the latter’s relations with the mayor, although the municipality itself was not directly involved (FGD in Minieh).

Good relations with Lebanese seem to be very important in these anecdotes. In some cases, refugees were able to appeal to members of their new network to influence the landlord to let them stay longer (FGDs in Minieh). In others, they could borrow money from Lebanese friends (FGDs in Akkar). Therefore, gestures of kindness and empathy were reported, but FGD participants noted that these were by chance and mostly temporary. In general, most refugees recognized in FGDs that they did not have good relations with their Lebanese neighbours.



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# 4

## Refugees’ Legal Status

It has been argued that Lebanon’s legal policies with regard to Syrian refugees have requirements that are generally difficult for persons in a refugee situation to meet. This has contributed to increasing their vulnerability by limiting their access to civil documentation, legal stay and livelihood opportunities.<sup>19</sup> While a number of amendments have been made in recent years to ease these processes, some constraints remain to be addressed.

A 1990 constitutional amendment stated that Lebanon does not allow the permanent settlement of non-Lebanese on its territory. The most immediate impact of this policy has been on property rights of non-Lebanese residing in Lebanon, which—along with a missing affordable housing strategy and weakly implemented regulations—subsequently led to limiting the enjoyment of related housing rights. While this measure may have affected Palestinian refugees in Lebanon at the time of its adoption, it is currently widely invoked in public discourse to justify limiting Syrian refugees’ rights. The legal vulnerability of refugee claims is further exacerbated as Lebanon has not ratified the 1951 Convention Relating to the Status of Refugees (United Nations General Assembly, 1951). However, refugees in Lebanon do have guaranteed rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN OHCHR, 1966b) since its ratification by Lebanon in 1972.

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<sup>19</sup> A full review of this argument is detailed in the Annex.

## EVOLUTION OF POLICIES AFFECTING THE STAY OF SYRIANS IN LEBANON: ENTRY REQUIREMENTS, RESIDENCY AND WORK

When Syrian refugees first started arriving in Lebanon in 2011, they were freely admitted and provided with legal status. No distinction was made between refugees and non-refugees; admission to Lebanon and legal status provision were arranged by bilateral (labour) agreements signed between Lebanon and Syria in 1993. Hence, incomers to Lebanon were not recognized as refugees. In January 2015, new restrictions on the entry and legal status of Syrian nationals were passed, resulting in greater control and a limited access to the country and to residence permits. As of 6 May 2015, the Lebanese Government requested UNHCR to suspend the registration of all Syrian nationals.

While these restrictions were declared illegal by the State Council,<sup>20</sup> they remain in place at the time of writing, effectively keeping the border closed to most Syrian refugees and placing many others in situations of illegal residency as their visas expire. The most recent vulnerability assessment survey estimated that more than 74 percent of registered Syrian refugees did not have legal status by May 2017 (UNHCR, UNICEF and WFP, 2017). Many are unable to renew their legal stay unless they find a Lebanese person willing to sponsor them as an employer or based on kinship relations. Many manage to obtain a residency permit based on their UNHCR registration (obtained before January 2015), or through owning real estate or obtaining a residential lease agreement. The sponsorship system leaves refugees vulnerable to exploitation as their legal status is dependent on the good faith of the sponsor. Eligibility criteria are not the only obstacle for enjoying a legal status. The USD 200 residency fee, which has been imposed despite Decree No. 10188 (1962),<sup>21</sup> is a major obstacle to refugees who get approved for residency, especially when counting the total amount for all family members, in addition to other financial costs related to securing valid documentation or a sponsor. In 2017, the residency fee was waived for those eligible to a residency based on their registration with UNHCR, and provided they never had a residency based on sponsorship, which adds another limitation to the eligibility for the fee waiver and hence another obstacle towards a legal stay (General Directorate of the General Security, b). Since 2017, Syrians can obtain legal status through other means available to all non-nationals, including studying, being employed or being married to/a child of a Lebanese national. Many Syrians who fail to obtain residency receive departure orders if arrested,<sup>22</sup> even though these orders are not forcibly executed in respect of Lebanon's commitment to the principle of non-refoulement.<sup>23</sup>

The 1993 Syria-Lebanon bilateral agreements allow Syrians to work in Lebanon according to existing laws and regulations, which require them to obtain a work permit while being exempted from certain requirements. Many professions are restricted to Lebanese nationals. Ownership and operation of small businesses by non-nationals is not prohibited; however, the person who opens a business needs to present a passport and obtain a work permit, and for some businesses nationality conditions to join the legal entity's board or for selling certain products apply. Finally, forming associations is challenging, as is establishing unions (but foreigners can be union members).

<sup>20</sup> The State Council is the judicial institution that has the authority to control the legality of administrative work executed by the public authorities in Lebanon.

<sup>21</sup> Article 23 of Decree No. 10188 of 28 July 1962 stipulates the amount of the tax to be paid by aliens in respect of permanent or annual residence cards. However, Article 25 of the decree exempts Syrian nationals from the obligations deriving from Article 23.

## LEGAL DOCUMENTATION

Syrian nationals who do not hold a valid passport or ID are unable to apply for residency, even if they are registered with UNHCR. Obtaining civil registration related to birth, marriage, divorce and death is complex and imposes legal and financial restrictions that many Syrians are unable to meet. However, some restrictions have been recently waived, including the requirement to have legal status in order to register a birth, and the one-year deadline for the administrative registration of birth. This prevents statelessness for children born in Lebanon to undocumented refugees, as all children born between 1 January 2011 and 8 February 2018 can now be registered with the Foreigners' Registry of the governorate where the birth took place.

## APPLICATION OF THE LAWS

Illegal presence in Lebanon is a criminal offense for which people can be arrested and prosecuted. Laws make no exception for asylum seekers and refugees, who can therefore be arrested, prosecuted and detained for their lack of legal status in Lebanon. As such, their mere presence on Lebanese territories puts them at risk of arrest at any moment. During the first years of the Syrian refugee crisis, this law was not enforced strictly, and often authorities overlooked someone's legal status at checkpoints. This has changed since 2014, when arrests increased significantly following a number of incidents and security concerns about the presence of armed/radical elements in the refugee population. Most refugees might be briefly detained, ordered to report back regularly, or taken to trial. It is important to mention again, however, that Lebanon is committed to the principle of non-refoulement with regard to refugees from Syria.

Legal remedy may be sought by Syrian refugees in Lebanon. However, physical access to courts (i.e. the possibility of Syrian refugees to go to court in person and file a lawsuit or attend any given court session)—and therefore access to justice or legal remedy—may be limited due to the lack of legal status. For instance, entry to Beirut's Courthouse is decided by an Internal Security Forces (ISF) checkpoint that verifies documentation and legal stay. Access may be allowed on an ad hoc basis if the refugee holds a UNHCR registration document or if a court staff member or lawyer requests a refugee's entry.



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<sup>22</sup> A departure order is different from a deportation order (which is hardly ever issued) and cannot in itself form the basis for a deportation from Lebanon, even though the psychological impact on refugees might be similar.

<sup>23</sup> The principle of non-refoulement ensures the protection of refugees and asylum seekers against return to a country where they have reason to fear persecution.

## LEGAL STATUS: AFFECTING SYRIAN REFUGEES' VULNERABILITY

As noted in the previous sections, the legal status of refugees strongly impacts their position in the country. Firstly, it has important effects on their ability to negotiate access to adequate shelter, particularly in three ways:

- their ability to seek information and move when/if they learn about good housing options, given the restrictions imposed on their mobility;
- their ability to negotiate an adequate housing rental contract that can provide them with long-term security; and
- their ability to react and seek recourse in case the landlord neglects a verbal promise or becomes abusive in any form.

Secondly, the legal status of refugees has equally important repercussions on their ability to access work. In all these aspects, this study found that the vulnerable position of the refugees that results from the status of their legal presence and/or work permission has negatively impacted their HLP conditions. In this section, we show how this occurred.

### MISSING OR EXPIRED LEGAL DOCUMENTATION: RESTRICTED MOBILITY

There is no doubt from the narratives collected in all FGDs that the mobility of refugees is severely restricted by daily calculations around the possible harassment or potential arrest they may experience because of their legal status.<sup>24</sup> This restriction also negatively impacts shelter opportunities and access to information as it discourages refugees from moving around outside the home. It also reduces access to work, which can critically limit the ability to access adequate housing.

More specifically, the fact that many refugees are staying in Lebanon illegally puts them at risk of being severely harassed and sometimes arrested when they move around, since they have to navigate a complex geography of fixed and moving checkpoints, curfews, patrols and informal surveillance exerted by local political parties or strongmen. Narratives about harassment abounded in FGDs. One participant, for example, claimed that his son had been arrested for not having papers, and had been facing trials for the last one-and-a-half years, while his ID and proof of entry to Lebanon had been taken away (FGDs in Tripoli). Refugees also described strategies they had developed to reduce these restrictions. A number of participants explained that they had brought along their wives and children or elderly parents when they had to go on a trip where they knew they would have to pass a checkpoint, hoping that the officers would have mercy on them (FGDs in Minieh). Others relied on women to run errands, because they claim that women are not asked for papers as often as men are (FGDs in Akkar).<sup>25</sup>

Besides checkpoints, many Syrian refugees live under curfew restrictions, making it illegal for them to be out on the street between sunset and sunrise. This severely restricts their mobility and access to employment, and puts them at risk of being arrested and then charged with being illegally present in the

country. The survey conducted with Homs households however showed that the vast majority did not report being subjected to a curfew (Table 18). This suggests that they had potentially decided to stay in areas where curfews were less widely imposed.<sup>26</sup> However, the collected data shows differences across districts. In Saida and Aley, almost half of the surveyed refugee households reported a curfew imposed on them, while almost no one did so in the northern regions.

Subjected to a curfew	District of residence in Lebanon					
	Akkar	Minieh-Dennieh	Tripoli	Zahle	Aley	Saida
Yes, currently	1.3%	3.6%	0.7%	12.4%	35.5%	41.4%
Yes, previously	1.6%	3.2%	0.3%	0.5%	9.7%	0.0%
No	96.8%	92.8%	98.7%	86.6%	48.4%	58.6%

**Table 18** Surveyed households subjected to curfews per district of residence in Lebanon  
Source: UN-Habitat and UNHCR household survey (July 2017)

### TENURE SECURITY AND CONTRACTUAL AGREEMENTS

The literature documenting Syrian refugees' housing conditions has identified tenure insecurity as a major factor that increases the vulnerability of refugees (e.g. UN-Habitat and UNHCR, 2014). In a recent study by The Hague Institute for Innovation of Law (HiIL) on Syrian refugees' legal needs, 19 percent of the sampled households stated that housing was one of their main legal problems in Lebanon (Muller et al., 2018). This insecurity, in turn, has been found to fall within a larger pattern of informalization and criminalization, in which refugees' illegal status makes them typically more likely to settle for insecure housing arrangements. Furthermore, poverty and kinship ties often push them to bear tenure insecurity for the sake of location preferences (White, Haysom and Davey, 2013). For instance, Iraqi refugees in Amman, Jordan, were charged higher rental costs for insecure housing arrangements that resulted from refugees' illegal status, and Internally Displaced Persons (IDPs) in Kabul, Afghanistan, were the main settlers on illegally grabbed land (White, Haysom and Davey, 2013). Elsewhere, there is evidence that bribes and housing costs constitute the main expenses for displaced populations, particularly in urban contexts (Crisp, Morris and Refstie, 2012). More generally, the literature shows that housing unaffordability, the lack of legal protection, and the lack of proof of legal residence required by housing regulations push refugees to settle in informal conditions, where they are more susceptible to abuse.

This study's survey findings on Homs refugee households in Lebanon confirm these trends. Indeed, refugees' tenure security appears compromised by informal contractual agreements that do not provide sufficient protection. The legal framework governing lease contracts in the country has been characterized by increasing liberalization in the past few decades and contributes to this insecurity. Law No. 159 issued in 1992 liberalized lease-related regulations.<sup>27</sup> New lease contracts are governed by the principles of contractual freedom and contracting parties' will. Nevertheless, the law secures tenure for the first three consecutive years of the contract. At the end of the lease agreement, the

<sup>24</sup> For more details, see the section titled "Implications of Lack of Legal Status: Increased Refugee Vulnerability" in the Annex.

<sup>25</sup> These forms of formal and informal surveillance differ across areas and regions. It is notable, for instance, that FGD participants in Zahle did not report mobility limitations due to expired papers; some said they were never checked, while others stated that they were arrested for only a day or so (FGD in Zahle).

<sup>26</sup> This may also be the result of wary respondents who prefer to avoid reporting on sensitive issues in questionnaires.

<sup>27</sup> For more details, see the section titled "Security of Tenure: Lease Agreements and Evictions" in the Annex.



landlord can evict the tenant with no compensation and without giving notice. In all cases, evictions must be mandated by court. As discussed above, Figure 30 and Table 15 show that the vast majority of surveyed refugee households rely on verbal rental agreements, typically concluded directly with someone claiming to be the property owner.<sup>28</sup> Written agreements were much less common overall, although slightly more common in the district of Tripoli. Furthermore, it is notable that in Zahle, 16.5 percent of those surveyed reported having no agreement at all.

Survey respondents did not face an eviction threat, and FGD participants typically believed that as long as they could pay the rent fees, they could stay. They were unanimous that landlords did not care about their legal status. In reality, however, these contractual arrangements may increase refugees' vulnerability. There is first the symbolic condition of being labelled "illegal" since one's lease is not recorded in public agencies, a label that is confounded with a more generalized informality of refugee conditions (Fawaz, 2017) that exposes refugees to more precariousness and consequently multiple forms of harassment and possible abuse, such as the constant blackmailing by a few landlords with informal service fees, ad hoc rent spikes, etc. Several female FGD participants reported that landlords had harassed them, entered their homes and made unsolicited offers. One woman even reported being evicted from her house because she protested about this abusive behaviour (FGD in Akkar). Another FGD participant said his landlord threatened to call the police to get him and his family arrested when they were unable to pay the rent (FGD in Zahle).

It is important to note that even though Lebanese legislation does not regulate the problematics of landlords visiting the leased property without prior notice to the tenant per se, many other legal provisions and considerations apply.<sup>29</sup>

During the FGDs, participants appeared aware of the legal framework in Lebanon and typically believed that it would be better to have a written agreement, and the vast majority had asked their landlord for one, but their requests were denied. There were, on the one hand, numerous factors listed for landlords' resistance to record the rent. First, many people are not renting from the actual property owner or are renting from a co-owner who did not secure permission from the other co-owners to rent out the property. These are all conditions that would nullify a written contract and prevent its registration. Further reluctance of landlords to record a contract is caused by the fear of an indefinite extension of the rent. In one case, when the landlord was willing to formalize the agreement, the notary scared him off by saying: "They will never leave" (FGD in Minieh). The main reasons why rents are not registered, however, are the additional costs that registration incurs, a main deterrent to vulnerable households struggling with housing costs (FGD in Zahle), as well as the legal barriers to the process. While legalizing rental agreements does not require proof of the refugee's legal status, it often demands identification—which may be particularly difficult to secure for most vulnerable Syrian population groups. There are also numerous incidents where notaries and other public officials refuse to implement the law, adopting ad hoc measures as they see fit. This makes it impossible for many refugees to formalize their tenure agreements, even if they can afford the costs and the landlords are willing to do so.

<sup>28</sup> In some areas, there is mediation by brokers, who organize the transactions on behalf of landlords. Although no correlations can be made to this report, an earlier study found evidence of more abusive practices when tenancy was handled by brokers (UN-Habitat and UNHCR, 2014).

<sup>29</sup> For more details, see the section titled "Security of Tenure: Lease Agreements and Evictions" in the Annex.

Despite its disadvantages, the lack of formal agreements nevertheless provides flexibility for people who would not be able to access housing otherwise, because they would not be able to afford the contract registration fees or pay rent upfront. As noted above, some landlords are also known to show patience with defaulting clients.

Before closing, it is also important to note that the FGDs showed that eviction processes did not constitute a noticeable trend or tangible experience for most participants, but rather fears they have (Figure 19). The mere inability of tenants to pay the rent followed by them leaving the leased property on their own does not constitute, legally speaking, what is referred to as eviction (which is executed by external forces), but rather is a consequence of the logic of the market.

## DISPUTES AND THE INABILITY TO SEEK RECOURSE

Informal rental agreements, whether verbal or written, do not provide refugees with the ability to seek recourse in case of a conflict. Judicial agreements between Syria and Lebanon grant Syrian nationals the right to have recourse to courts and obtain judicial aid in Lebanon, provided that they are legally present in the country. Even if they could go to court, refugees lack documentation, meaning that their access is prohibited. Thus, in case of lack of legal status, access to court may be denied in case of a dispute—irrespective of the outcome of eventual judicial decisions (i.e. who wins the case). Furthermore, complaining at police stations could result in the arrest of refugees if they are staying in the country illegally.

This is not to say that courts are an adequate framework for legal resolution for other vulnerable population groups living in Lebanon; on the contrary, research elsewhere in the country showed that low-income citizens perceive courts as providing lengthy and prohibitively expensive processes. However, these vulnerable groups may still resort to the deterrence power of the state and/or the courts, either by appealing to a relative serving in the army or the police and/or by threatening with a lawsuit (Fawaz, 2009). On the other hand, refugees are structurally placed in a position of weakness and susceptibility to harassment, whether through the threat of the police or a municipal order of eviction in the event that they default on a rent payment.

In these circumstances, informal agreements compound the perception of vulnerability with the inability to resist any additional demand placed by the landlord. Thus, while survey results showed that only a small percentage of refugee households experience eviction, the FGDs indicated that these results might be masking deeper problems that cannot be answered through objective questioning. Indeed, FGDs indicated that there was ample room for abuse that tenants could not protect themselves from. For example, several FGD participants claimed that landlords had presented them with a fake electricity bill, which they attempted to challenge. Threatened with eviction, and failing to find good recourse, most households eventually paid these bills (FGD in Minieh). Others were evicted because their children were considered too loud and/or too many (FGD in Zahle). Some landlords who are also grocery shop owners also forced their tenants to buy groceries from them (FGD in Minieh).



Due to the situation refugees are facing in securing legal status and employment, they are at risk of abuse and exploitation by various state and non-state actors, who could impose upon them harsh working and housing conditions, while their ability to access justice to assert their rights is limited.

A number of FGD participants noted that they had been able to counter these difficulties by relying on Lebanese neighbours—with whom they had established connections after being in the country for six or seven years (FGD in Zahle)—to pressure a landlord and consequently find some recourse. This further confirms the emergence of new social networks that sometimes mitigate refugees' circumstances, as outlined in the Social Networks as "Social Capital" subsection above.

## ACCESS TO WORK

The information collected during FGDs on labour in Lebanon show that there are two main legal obstacles, intertwined with one another, that greatly limit Syrian nationals living in Lebanon from accessing work: (a) staying legally in Lebanon (having a residency permit, or a "Return Card" stamped by the General Directorate of the General Security;<sup>30</sup> and (b) having a valid work permit. The lack of either or both creates a state of informality in which Syrian nationals dwell and encourages an abusive work environment, with no social security or access to legal protection.

Syrian nationals working in Lebanon without a valid work permit may not claim for damages in case of wrongful job termination, which greatly impedes the security of their employment.<sup>31</sup>



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<sup>30</sup> The General Directorate of the General Security is a Lebanese intelligence agency under the Ministry of Interior and Municipalities. The names "General Directorate of the General Security" or "General Security" are interchangeable.

<sup>31</sup> Article 59 of the Lebanese Labour Law stipulates that foreign workers enjoy "upon dismissal the same rights that Lebanese workers enjoy

on condition of reciprocity, and they shall be required to obtain a work permit from the Ministry of Labour [...]". Most labour courts in Lebanon consider that the condition of having a work permit is essential so that a non-national worker benefits from the Labour Law provisions, including claiming for damages in case of wrongful job termination.









# Conclusions and Recommendations

This research documented the modalities of housing acquisition and shelter conditions for Syrian refugees from Homs City in Lebanon in the situation of a protracted crisis where international support is dwindling. It sought to place the refugees' quest for adequate housing within the general context of a country where no affordable housing policy has been formulated for several decades, despite the severe shelter needs of large population groups, and given the limited prerogatives and resources of the Public Corporation for Housing (PCH).<sup>32</sup> The report presented the findings of a large-scale survey covering HLP issues for refugee households from Homs, focusing specifically on the conditions for shelter acquisition in Lebanon. The findings listed below could inform current refugee responses and, more generally, public policymaking in relation to the refugee crisis broadly and the housing sector specifically. They are followed by a set of recommendations in the next subsection.

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<sup>32</sup> The PCH is the only public institution mandated by the Lebanese Government to directly address the housing needs of Lebanese nationals, through providing subsidized housing loans following a set of criteria. The PCH operates under the Ministry of Social Affairs.



## FINDINGS

### **Most Syrian refugee households in Lebanon access housing through an (informal) rental market that serves a large segment of vulnerable population groups in Lebanon.**

When it comes to shelter acquisition, refugees have integrated into the larger pool of low-income, vulnerable population groups in Lebanon who—in the absence of a national housing policy framework—access shelter in a largely informal and insecure segment of the housing rental market. While highly elastic in the volume of shelter units it provides, this market is producing substandard housing units that keep refugees typically in poor shelter conditions.

In urban contexts, refugees live side by side with impoverished Lebanese households who share the same neighbourhoods, which, it should be pointed out, are gravely deteriorating. In peripheral and rural areas, they also cluster in ITs, collective shelters, individually rented units and/or commercially developed housing complexes that typically extend former settlements of workers.

### **The housing rental market that responds to refugee needs relies on informal—often insecure—arrangements for both landlords and tenants; yet, it responds to an important need for both groups.**

An examination of the characteristics and organization of the housing rental market shows that most refugee households from Homs are renting poor-quality units in the form of individual or shared apartments or houses, rooms, makeshift spaces, or lots of land (with or without basic urban services and infrastructure connections) on which they build a tent. Outside Beirut's peripheries, most rental happens through direct transactions with small-scale property owners/landlords (in addition to the minority of commercial landlords and employer landlords), suggesting that revenues reaped from rentals are redistributed to small Lebanese households, often impoverished Lebanese landlords, a hypothesis worth investigating further.

Refugees learn about housing options mostly from relatives and/or by word of mouth. They mainly rely on oral contracts and informal agreements that fail to provide them with lasting tenure security. They often negotiate directly with landlords. They usually pay rent through the income they secure—an income often supplemented by credit—and have little recourse in case of rent default, particularly given their precarious legal status. The choice of contract informality is largely due to the reluctance of landlords to consolidate legal rentals, but it is also partially due to the fact that some of the refugees are afraid of written contracts that may limit their flexibility, and that both parties are sometimes unable to cover the costs of legalizing the rental agreement.

Ultimately, the myth of the “evil” landlord and the “poor” tenant may need to be nuanced, particularly because it is likely exacerbating refugee-host community tensions unduly, as there seems to be cases of good relations to be capitalized on—on the level of both the host community and the refugees' households. Among members of the host community, rent provides a significant source of direly needed regular income for small-scale landlords. As for the refugee households, rent provides a flexible housing option and maintains their need for mobility, especially that their stay in Lebanon is perceived as temporary, and that they sometimes need to follow moving jobs. The rental market also serves as a reassurance for the Lebanese state, given the loud concerns about refugees' long-term settlement in Lebanon (FGDs in Tripoli and Minieh).

### **The role of shelter assistance interventions is limited in reach but critical to recipients.**

Around 10 percent of the surveyed households have benefited from shelter assistance programmes, such as occupancy free of charge (OFC). The research showed that the roles of INGOs and aid for shelter provision were quite limited in their reach. However, this assistance was described as a critical form of relief to those who benefited from it, suggesting that OFC programmes are making a major difference for such families. Further research should be conducted to evaluate specifically the immediate and long-term impact of shelter interventions on refugee families, for example negative coping mechanisms (e.g. sending children to work) may be alleviated if the housing burden is removed or reduced for the most vulnerable groups.

### **The lives of refugees are governed in informal, extra-legal forms.**

Refugee settlement, mobility, work and livelihoods are largely governed outside the framework of justice: ad hoc measures are adopted and implemented, typically within the context of political negotiations, rather than that of rights. Consequently, and although refugees should benefit from protections guaranteed by the international agreements signed by Lebanon, their situation remains precarious. Ultimately, refugees are placed in a vulnerable position vis-à-vis the local population, including landlords, employers and others. Furthermore, the court system remains largely outside the reach of all vulnerable populations in Lebanon, including Syrian refugees, meaning that a number of regulations that could be contested on legal grounds are left unchallenged.

### **The legal framework exacerbates the difficulty of refugee shelter access and conditions.**

The regulatory framework that manages Syrian refugee presence in Lebanon has made it difficult for refugees to maintain a legal status: a set of changing processes has confined a number of them to the category of “workers”. Once they are unable to sustain this “worker” status, however, refugees are tagged as “illegal”, a status that exposes them to harassment either by security personnel (e.g. police force) or by neighbours or other members of the communities where they dwell. In turn, efforts to avoid harassment lead refugees to limit their mobility, consequently reducing the radius where they can seek work and limiting their ability to secure the income they need to pay rent. An illegal status also renders refugees vulnerable in the work market: they receive lower payments, have less protections, and lack the ability to negotiate better conditions. This vulnerability extends further in their social relations, thus reducing their ability to stand up to an abusive landlord who randomly raises the cost of rent and other housing-related expenses. In sum, the Lebanese legal framework at least partially contributes to the vulnerability of refugees.

### **Socioeconomic divisions among Homs refugees that predate the war in Syria were carried to and reproduced in Lebanon.**

The socioeconomic distinctions among refugees that predate the outbreak of the war continue to affect their settlement and the possibility of securing adequate shelter in Lebanon. These divisions are reproduced in the sense that refugee households coming from vulnerable areas in Homs City are several folds more likely to settle in makeshift shelters in Lebanon and are significantly more likely to be sharing their apartments or houses with other households. They are also considerably more likely to be conducting menial jobs and relying on relief aid.

### **Refugees highly value social networks in their locational choices.**

The survey has shown that Homs refugees highly value closeness to their social relations (kin, neighbours, friends) when accessing shelter in Lebanon. Thus, almost 70 percent of the survey respondents had chosen to live near people they know. Of these, only one third reported they had relations in Lebanon prior to the war through either intermarriage or work. The remaining two thirds followed relatives, neighbours or friends who had been in Lebanon before the war and settled next to them. Hence, social relations largely determined migration flows whereby family members, relatives and/or neighbours typically organized their displacement collectively, preferring to remain within areas where they could support each other. This largely contributed to Homs refugees living in social clusters built around previously existing social and kinship ties that connect them to Lebanese individuals/families in the areas they have settled, or other refugees who came with them.

### **Social networks do not seem to translate into “social capital” for most refugees from Homs.**

Survey findings indicate that although refugee households continue to value social networks in their first locational choices, these networks do not have the same benefits of “social capital” as observed elsewhere, except in improving their chances to access work. Hence, distinctions in the reported quality of housing and livelihoods between those who could access networks and those who could not turned out to be insignificant. More specifically, almost 75 percent of the surveyed households reported that they did not derive any support (e.g. financial, conflict resolution, hosting) from their relatives, even as they chose to live next to them.

### **Refugees are relocating less frequently in Lebanon; they are less “on the run”.**

Most surveyed refugee households had not moved within Lebanon in the last six months leading to the survey, nor were they facing eviction threats at the time of the survey. Within this sample, the survey findings showed a correlation between settlement in place and support from INGOs, whereby 80 percent of those who relocated had not received any kind of help. As for the rest, it can be speculated that a lower rate of recurrent displacements is at least partially due to the stabilization of the housing market in the surveyed districts where the sharp spike in housing demand during the first few years of the Syrian refugee crisis has plateaued, reducing incentives for landlords to evict tenants with the hope of making higher profits from incoming ones. This is particularly important because the findings linked relocations (or eviction) with the refugees’ inability to pay rent. In other words, an equilibrium may have been reached within the informal housing market whereby a landlord attempting to evict a tenant may find himself/herself with an empty housing unit. This stability in shelter may also potentially be due to the development of important affinities among refugees and/or with specific neighbourhoods in settlement areas that anchors them in place. The FGDs further showed that bridging networks with Lebanese neighbours has considerably improved refugees’ living conditions, or at least facilitated their ability to negotiate a financial shortage and delayed evictions. However, the prevalence and mitigating power of such new networks vary from place to place, and could be the focus of future research.

### **Refugees’ shelter conditions are generally substandard.**

Survey findings have demonstrated that Homs refugee households’ shelter conditions are generally substandard. First, the problem of overcrowding is prominent; on average, three people live per room. Second, the vast majority of households live in shelters with poor weatherproofing conditions, leaking roofs, and inadequate ventilation. In addition, many have intermittent and ineffective services, such as limited access to electricity, potable water, internet connection, and wastewater connections. Third, refugees have limited tenure security and lack protections. All in all, market demand remains the main determinant of housing conditions, and the quality of shelter and the level of tenure security are highly dependent on household income. In the words of one of the FGD participant: “You get what you pay for”. These refugees’ conditions are quite similar to those of a large population of vulnerable—typically urban—dwellers who are unable to secure adequate shelter in Lebanon.

### **The housing burden is inequitably distributed among refugees.**

About half of the surveyed Homs refugee households reported suffering from excessive shelter costs, paying over 40 percent of their income on rent (excluding services). This is well above the standard recommendations that typically peg shelter costs (including services) to less than 30 percent of a household’s income. Of the surveyed households, about a quarter (22.5 percent) reported paying over 80 percent of their income on rent. Even if these rates may reflect inflated, self-reported conditions, there is a clear indication of prohibitively high shelter costs, generating huge pressures on households. These might trigger negative coping mechanisms, such as exposing children to labour, reducing needed medical spending or skipping meals. Only about a quarter (25.1 percent) of the households reported paying less than 20 percent of their incomes on housing. These include beneficiaries of various shelter assistance programmes as well as those who opted to reside in tents.



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## RECOMMENDATIONS

Based on these findings, it is possible to make the following recommendations:

### 1- The rental market should be looked at as a positive opportunity.

There is a need to improve the functioning of the rental market on all aspects of supply and exchange. That can be done by providing landlords with incentives and/or credit to enhance the quality of housing units as well as by improving tenant-landlord relations.

To this end, one should begin by accepting the hybridity of the market, its formal and informal elements, and seek to organize it in this hybrid form in ways that capitalize on its abilities. The need to organize housing transactions and rental processes arises, especially that numerous abusive practices of demanding extra fees for services (among others) are taking place without being documented, regulated and monitored, exposing refugees to difficult situations. The involvement of municipal authorities as arbitrators for the removal of rent contract registration fees would build a constructive relationship between refugees and the municipalities. This may be achieved through a direct coordination between humanitarian actors and local authorities, by providing incentives for local authorities to intervene/play a role in organizing the transactions.

The latter may also be achieved by introducing clear contractual templates that clarify terms without removing the advantages of flexibility. Ongoing OFC practices by INGOs have showed useful in introducing written contracts; so, there is a need to expand the use of similar simple contract forms, by making them available in local neighbourhood stores, for example. And finally, the rental market could be improved through the introduction of an effective, low-cost yet efficient arbitration system between landlords and tenants to address disputes (discussed in Point 8).

### 2- The frameworks of subsidized/free shelter should be expanded and target the most vulnerable groups.

Given the high levels of vulnerability from which refugees suffer, it is important to expand the frameworks of subsidized/free shelter provided by organizations active in the shelter sector and direct it towards the most vulnerable refugee groups. To this end, further studies evaluating such programmes as OFC could be highly beneficial. Other avenues worthy of consideration in this context are in new financial schemes—involving philanthropic organizations and/or microcredit—in ways that render interventions financially more sustainable.

### 3- Bridging networks should be cultivated and strengthened.

In order to foster bridging networks between Syrian refugees and host communities, joint training sessions may be organized, incentives for collaboration may be provided, and frameworks of conflict resolution may be encouraged. Such networks improve the institutional framework of the housing sector, and more generally the livelihoods of refugees. These training sessions and collaboration opportunities might not assist the refugees in their work path, but could considerably help build relations between the refugees and their Lebanese neighbours, thus helping the former expand their social networks.

### 4- Legal barriers should be removed, and law-induced vulnerability reduced.

It is imperative to change the legal framework that applies to Syrian refugees in Lebanon regarding legal status and right to work as it compounds their vulnerability. Given that around 80 percent of refugee households access housing by paying rent, and that most refugees work to secure this rent, it is important to recognize that access to secure employment is typically a prerequisite for shelter. To this end, humanitarian organizations and local civil society groups can support national authorities in revisiting frameworks governing the presence of Syrian refugees in Lebanon. Moreover, it is important to rely on strategic litigations against powerful actors for highly visible cases of eviction and to prevent practices such as curfews, especially that these practices further limit the refugees' mobility and access to work. Regarding the rental market processes, ongoing experiments with OFC programmes have shown that the intervention of international organizations is likely to improve tenure security and reduce vulnerability since written rent contracts are introduced within the scheme. Even in cases where an international organization is not fully subsidizing the rent, the provision of timely and targeted support and the introduction of written contracts could be reassuring. On another note, refugees and other vulnerable groups should be provided with legal aid to solve any of the disputes that emerge because of these rental processes.

### 5- Other housing and urban policy options should be explored.

Given that refugee housing falls within the scope of poor national housing conditions for all vulnerable populations, approaching the housing challenge at least partially from the perspective of better housing and land policies in the country is imperative. Governmental institutions can draw on experiences in other countries with the support of policy think tanks, researchers and INGOs. In this context, area-based approaches (such as neighbourhood profiling and upgrading approaches) continue to be appealing, particularly in congested urban neighbourhoods such as in Tripoli.<sup>33</sup> In such contexts, urban upgrading should be used as a dual opportunity for employment generation and physical neighbourhood upgrading with the positive externality of improving the perception of refugee presence in the area. Further options within the existing legal framework—such as providing housing cooperatives, collective affordable housing complexes (maybe with religious authorities), facilities and incentives for limited-profit developers and/or philanthropists willing to build adequate and affordable rental units, and similar interventions—are worth considering. Beyond the existing legal framework, there is a need to collaborate with and support national authorities with formulating a pro-poor national housing strategy that addresses key issues such as land governance and housing affordability.

### 6- Employment conditions should be improved because poverty is a major hurdle to housing acquisition.

In cities and districts such as those studied in this report, demand is income elastic. In other words, there is a need to increase income because it would allow for demand of safer housing and more dignified living conditions (with the increase of income, the demand and amounts paid for the housing unit increase as well). After providing incentives for landlords to improve housing units, increasing tenants' incomes becomes essential for the rental market to function. Cash for work and/or any other form of improving the predictability of refugee income might have

<sup>33</sup> See Tabbaneh, El-Qobbeh and Jabal Mohsen neighbourhood profiles by UN-Habitat and UNICEF (2018a; 2018b; forthcoming).



positive repercussions on housing. To this end, humanitarian agencies can strengthen the collaboration efforts with the private sector to explore opportunities for employment generation within the limits of the existing legal framework. Moreover, given that Syrian workers are widely recognized for their labour in the construction sector, exploring a link between employment opportunities and rehabilitating affordable housing and/or improving neighbourhoods is possibly a promising intervention.

#### **7- Rent control mechanisms should be explored.**

Given that refugees suffer from shelter cost burdens and random rent increases, a variety of mechanisms could be explored in order to place controls on the rental market (Malpezzi and Ball, 1992). One such mechanism could be the fixing of a fair rent (through a central authority that would be considered a rent controller) that would help stabilize the rental rate over an extended period. Another mechanism is the control of rent increases, which would not help regulate the current rent charges, but could help control the random future changes that could take place, by putting limits to the extent to which rents could be increased. The latter option is however harder since it would require external scrutiny. Achieving this aim is at the policymaking level; civil society groups, researchers and INGOs can collaborate together to support the relevant authorities to formulate context-sensitive mechanisms.

#### **8- A “small-claims court” should be introduced.**

A “small-claims court”—a local, simplified structure of arbitration—may be introduced in neighbourhoods of high refugee presence in order to provide access to recourse in cases of rent default. Given the strong deterrence to resort to formal courts (prohibitive costs, legal status of the refugees, distrust in the legal system, inefficiency), such a court would act as a place to settle conflicts over small cases, within short periods of time

and at low or no cost. It may be staffed by volunteer lawyers and/or residents from the local community, improving consequently the accessibility of a recourse system in the neighbourhood. Before or after resorting to such a court, a written agreement will be needed between the parties, designating it as an arbitrator in the dispute. A template for such an agreement may be drafted and distributed. To this end, humanitarian organizations can provide support to national authorities to set up the framework for introducing such courts.

#### **9- A further study on the landlords and their perspectives should be conducted.**

This study brought to light the refugees’ perspectives with regard to the rental market and housing problems, since the survey sample covered only Syrian households and the FGDs only included Syrians. The study also suggested that landlords may be benefiting from the rental market to the point that it has become possible to introduce regulation and arbitration mechanisms. This suggests the need to conduct further research on the profile of other actors in the housing market, particularly landlords but also mediators in the contexts where the latter are active, such as in the peripheries of Beirut District. Such research can be undertaken by INGOs and academic institutions who are involved/interested in studying refugees’ conditions in Lebanon.



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**Annex:**  
**Analysis of  
the Legal  
Framework  
Governing the  
Presence of  
Refugees in  
Lebanon**



## LEBANON'S INTERNATIONAL AND CONSTITUTIONAL OBLIGATIONS REGARDING THE REFUGEES' RIGHT TO ADEQUATE HOUSING

The Lebanese Constitution as amended in 1990 states that "Lebanon is [...] a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights" (UDHR). In this respect, it is worth noting that Lebanon acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (UN OHCHR, 1965)<sup>34</sup> on 12 November 1971 and to both the International Covenant on Civil and Political Rights (ICCPR)<sup>35</sup> (UN OHCHR, 1966a) and the ICESCR (UN OHCHR, 1966b) on 3 November 1972.

### SOURCES OF LEBANON'S HUMAN RIGHTS OBLIGATIONS

Articles 25(1) of the UDHR and 11(1) of the ICESCR, which recognize the right of everyone to an adequate standard of living (including adequate housing),<sup>36</sup> are principles of constitutional value.

However, it is of paramount importance to note at this point that pursuant to the 1990 constitutional amendment, Paragraph 5 "I" of the Lebanese Constitution's preamble now specifically states that "there shall be no [...] settlement of non-Lebanese [*tawteen*]<sup>37</sup> in Lebanon". This paragraph, which aims to protect the demographic equilibrium in the country, led the Lebanese Constitutional Council to set limits to the enjoyment of basic rights—notably regarding housing rights of non-Lebanese persons in certain conditions. In 2001, the Lebanese Parliament issued a law,<sup>38</sup> according to which "[n]o real right of any kind may be acquired by a person who does not carry a citizenship issued by a recognized state or by a person if such acquisition contradicts with the provisions of the Constitution relating to the prohibition of permanent settlement". This restriction on all real rights, including the right to own property, greatly diminishes the possibility for Palestinians to be guaranteed a degree of security of tenure outside of camps. In the same year, 10 members of Parliament (MPs) challenged the said law before the Constitutional Council, given that the law clearly discriminates against stateless persons and Palestinians regarding the

<sup>34</sup> It was adopted by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January 1969.

<sup>35</sup> It was adopted by the United Nations General Assembly on 16 December 1966, and entered into force on 23 March 1976.

<sup>36</sup> Article 25(1) of the UDHR states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (United Nations General Assembly, 1948). Article 11(1) of the ICESCR states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent".

<sup>37</sup> "Permanent settlement" or "settlement of non-Lebanese" are often referred to by the Arabic term of "*tawteen*".

<sup>38</sup> Presidential Decree 11614 of 4 January 1969, as modified by Law No. 296 of 3 April 2001, prohibits persons who do "not carry a citizenship issued by a recognized state from owning property in Lebanon." Law No. 296, which amended the Presidential Decree of 1969 on the Right to Real Estate Acquisition for Foreigners in 2001, was published in the Official Gazette No. 15, on 5 April 2001.

enjoyment of such rights as property ownership and adequate housing. However, the Constitutional Council issued a decision on 21 May 2001 rejecting the request of the MPs on the ground that preventing permanent settlement (*tawteen*) is of primary national interest (NRC, 2016); and that laws discriminating against some foreigners do not breach international conventions, especially when the discrimination is related to economic rights. Although this decision has been widely criticized (Saghieh and Saghieh, 2008), it constitutes a clear example of how basic rights may be excluded in matters considered as primary national interest. In addition, the constitutional prohibition of settlement is widely invoked in current public discourse in Lebanon to limit Syrian refugees' access to rights.

### REFUGEES' RIGHT TO ENJOY CIVIL RIGHTS AND IN PARTICULAR ADEQUATE HOUSING AND SECURITY OF TENURE

The 1951 Refugee Convention<sup>39</sup> includes protections of the rights to housing for refugees. Article 21 of the convention states:

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances. (United Nations General Assembly, 1951, p. 166)

It is clear that the benefits of Article 21 only apply to refugees "lawfully staying" in the territory of a contracting state, thus excluding asylum seekers, stateless persons, undocumented migrant workers, victims of international trafficking, etc. Nevertheless, it has been noted that these protections have largely been superseded through a universal acceptance of the human right to adequate housing since its inclusion in the ICESCR (Williams, 2011).

On the other hand, given that Lebanon has not signed the 1951 Refugee Convention, the protection it conveys has not been applied to refugees staying within Lebanese territory. However, the right to adequate housing as stated in the ICESCR and the protection it thus conveys to refugees are applicable. In fact, the protection granted by the ICESCR reaches not only refugees "lawfully staying" in Lebanese territory but non-nationals in the broader sense of the word. Indeed, as noted by Displacement Solutions (2010, p. 6), a non-profit association, "the language of the ICESCR is inclusive: the rights are to be granted to 'everyone' and are not limited to nationals of the States parties" (Williams, 2011). Reference must thus be made to Article 2(2) of the covenant.<sup>40</sup>

Article 2(3) of the covenant allows for an exception: "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals" (UN OHCHR, 1966b). However, it has been argued that this exception, "[s]een in historical perspective ... represents a hangover from colonial circumstances that, as such, 'should be interpreted narrowly' " (Williams, 2011, pp. 20-21). Thus, it can be presumed that this exception does not apply to refugees.

<sup>39</sup> It was adopted on 28 July 1951. A 1967 Protocol that followed was not ratified by Lebanon as well.

<sup>40</sup> "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". (UN OHCHR, 1966b)

The Committee on Economic, Social and Cultural Rights (CESCR)<sup>41</sup> has itself asserted in its General Comment No. 20 that the rights stipulated in the covenant apply to everyone—including non-nationals (such as refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking)—regardless of legal status and documentation, and that differential treatment will be viewed as discriminatory, unless the justification for differentiation is reasonable and objective. The CESCR applies a proportionality test to assess differential treatment. The same reasoning is also applied in the case of IDPs.<sup>42</sup>

## THE NOTION OF ADEQUATE HOUSING

According to the CESCR, the right to adequate housing, which is derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights (UN OHCHR, 2009). Thus, it should not be understood simply as a commodity or as the shelter provided by merely having a roof over one's head, but rather as the right to live somewhere in security, peace and dignity.

The committee went on to identify certain aspects of the right that must be taken into account, including:

- **Habitability:** notably in terms of protecting individuals from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.
- **Availability of services, materials, facilities and infrastructure** (i.e. safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, etc.).
- **Affordability** at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. The committee stressed that steps should be taken to ensure that “the percentage of housing-related costs is commensurate with income levels”; that housing subsidies for those unable to obtain affordable housing are established; and that tenants are protected against unreasonable rent levels or rent increases.
- **Legal security of tenure against forced eviction, harassment and other threats:** The committee stressed that even in situations where it may be necessary to impose limitations on the right to adequate housing, such limitations must be determined by law only insofar as this may be compatible with the nature of the rights listed in the ICESCR (UN OHCHR, 1966b) and solely for the purpose of “promoting the general welfare in a democratic society”. Thus, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Furthermore, the committee applies a proportionality test to guarantee security of tenure as it states that “in cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality” (UN OHCHR, 2009).

The committee also stated that legal remedies or procedures should be provided to those who are affected by eviction orders, such as adequate compensation for any property. As for those who are unable to provide for themselves, the state “must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available” (UN OHCHR, 2009).

The committee also noted that the right to adequate housing implies the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence.

- **The location:** in such a way that it allows access to employment options, healthcare services, schools, etc. and is notably built neither on polluted sites nor in immediate proximity to pollution sources.

It is of paramount importance to note that the right to housing applies to everyone and must not be subjected to any form of discrimination, in accordance with Article 2(2) of the ICESCR.<sup>43</sup> Furthermore, in its General Comment No. 4, the committee stressed that disadvantaged groups—such as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, victims of natural disasters, etc.—should be ensured some degree of priority consideration in the housing sphere and that both housing law and policy should fully take into account the special housing needs of these groups in terms of accessibility.

Finally, it should be noted that many of the above-mentioned measures and those necessary to promote the right to adequate housing would only require, according to the committee, “the abstention by the Government from certain practices and a commitment to facilitating ‘self-help’ by affected groups”.<sup>44</sup>

## The nature of Lebanon's international obligations regarding the right to adequate housing

The CESCR noted<sup>45</sup> that the ICESCR imposes on state parties various obligations with immediate effect, the most important of which are:

- To guarantee that ICESCR rights are exercised without discrimination; and
- For state parties to take steps, to the maximum of their available resources, to achieve progressively the full realization of the rights recognized in the covenant by all appropriate means, including particularly the adoption of legislative measures but also judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justiciable.

Furthermore, the committee stressed on various obligations of result that are incumbent upon state parties, notably: to move as expeditiously and effectively as possible towards the full realization of the rights recognized in the covenant and to refrain from any deliberately retrogressive measures that undermine their achievement. Moreover, the committee emphasized that

<sup>41</sup> The CESCR is the body of 18 independent experts that is responsible for monitoring the implementation of the ICESCR by its state parties.

<sup>42</sup> CESCR, General Comment No. 20, op. cit., §34.

<sup>43</sup> CESCR, General Comment No. 4, op. cit. Also, in its General Comment No. 20, the committee recognized various other grounds for discrimination, in addition to those mentioned in Article 2(2)—including disability, age, nationality, sexual orientation and gender identity—considering that a flexible approach to the root of the term “other status” used in Article 2(2) of the ICESCR is needed in order to capture other forms of differential treatment.

<sup>44</sup> CESCR, General Comment No. 4, op. cit.

<sup>45</sup> CESCR, General Comment No. 3, “The nature of States parties obligations (Art. 2(1))”, 14 December 1990.

state parties must fulfil a minimum core obligation to ensure the satisfaction of, at the very least, essential levels of each of the rights.

According to a Norwegian Refugee Council (NRC) report, the right to security of tenure—as a component of the right to adequate housing—must be understood in this context. As a socioeconomic right, it entails a number of obligations, including the state’s obligation to confer legal tenure security to persons and households lacking it. The report also noted that according to CESCR standards, such protection is not limited to homes held in formal ownership or leasehold, but also extends to a broad spectrum of tenure forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property (Williams, 2011).

## INTERNATIONAL STANDARDS RELATED TO THE LEGAL STATUS OF REFUGEES

Although Lebanon has not signed the 1951 Refugee Convention, the right to seek asylum enshrined in Article 14 of the UDHR has constitutional value (United Nations General Assembly, 1948).<sup>46</sup>

Lebanon is also bound by the customary rules of international law, most importantly the principle of non-refoulement, which prohibits the return of refugees to a country where they are at risk of persecution (UNHCR, 1994). Lebanon also acceded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention against Torture or CAT)<sup>47</sup> in 2000. Article 3 of the CAT includes a clear prohibition against refoulement and states that “no State Party shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” On the basis of this article, Lebanese courts generally refrain from issuing judicial deportation orders and have denied the validity of administrative deportation decisions, whenever it is proven that a non-national is facing serious danger in his/her country of origin.

Furthermore, it can be argued that Lebanon should also respect the principle enshrined in Article 31 of the 1951 Refugee Convention, which prohibits countries of asylum from imposing sanctions on refugees’ irregular entry or presence, if this principle is construed to be a consequence of the right to seek asylum and the principle of non-refoulement.<sup>48</sup>

<sup>46</sup> Article 14 of the UDHR: “Everyone has the right to seek and to enjoy in other countries asylum from persecution” (United Nations General Assembly, 1948).

<sup>47</sup> CAT was adopted by the United Nations General Assembly on 10 December 1984 and came into force on 26 June 1987.

<sup>48</sup> Article 31 of the Refugee Convention states:

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country. (United Nations General Assembly, 1951, p. 174)

It is also worth noting that Lebanon is a member of the UNHCR Executive Committee and participates in the adoption of its Conclusions on International Protection, which interpret and develop the principles and standards of international refugee law (UNHCR, 2008). Although not formally binding, these conclusions, as soft law, constitute the expression of opinions widely representative of the view of the international community, especially as they are taken by consensus (UNHCR, 2008). Lebanon should therefore be, at a minimum, guided by these principles. Among these principles, Conclusion 22 (XXXII) of 1981 on the Protection of Asylum-Seekers in Situations of Large-Scale Influx, states the following:

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

(a) they should not be penalized or exposed to any unfavourable treatment solely on the ground that their presence in the country is considered unlawful; they should not be subjected to restrictions on their movements other than those which are necessary in the interest of public health and public order. (UNHCR, 2009, p. 214)

Finally, Article 26 of the 1951 Refugee Convention (not signed by Lebanon) and Article 12 of the ICCPR (acceded by Lebanon) guarantee the right to liberty of movement and freedom to choose the place of residence for non-nationals or refugees residing “lawfully” in the state. Article 26 of the Refugee Convention states that:

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances. (United Nations General Assembly, 1951, p. 172)

Article 12 of the ICCPR states that:

- Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- Everyone shall be free to leave any country, including his own.
- The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. (UN OHCHR, 1966a)

According to the General Comment No. 27 of the United Nations Human Rights Committee (1999),<sup>49</sup> once a non-national is lawfully within the territory of a state, restrictions to his/her freedom of movement and any treatment different from that accorded to nationals have to be justified under the rules of ICCPR’s Article 12(3), which establishes three criteria:

- Restrictions must be provided by law;
- Restrictions must be necessary to protect national security, public order, public health, public morals, or the rights and freedoms of others;

<sup>49</sup> This committee is the body of independent experts that is in charge of monitoring the implementation of the ICCPR by its state parties.



- Restrictions must be consistent with the other rights recognized in the ICCPR, which include, among others, the enjoyment of rights without distinction of any kind, including national origin and religion (Article 2(1)), and the right to an effective remedy in case of rights violation (Article 2(3-(a))).

## INTERNATIONAL STANDARDS RELATED TO ACCESS TO EMPLOYMENT

Both the UDHR and the ICESCR include the right of everyone, without discrimination, to work and to free choice of employment. Article 23 of the UDHR states:

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- Everyone has the right to form and to join trade unions for the protection of his interests. (United Nations General Assembly, 1948)

Going into more details, Article 7 of the ICESCR states:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- Remuneration which provides all workers, as a minimum, with:
  - Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- Safe and healthy working conditions;
- Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. (UN OHCHR, 1966b)

More specifically, the 1951 Refugee Convention requires that refugees are granted the best treatment accorded to non-nationals in their access to wage-earning employment, self-employment or liberal professions (articles 17, 18 and 19) (United Nations General Assembly, 1951, pp. 164, 166).

## EVOLUTION OF LAWS CONCERNING SYRIAN NATIONALS REGARDING LEGAL STATUS AND WORK IN LEBANON

### THE 2015 POLICY CHANGE

During the first few years of the Syrian crisis (from 2011 till 2014), Lebanon adopted an “open-door” policy in its response to the refugee influx from Syria, which ensured admission to Lebanon and legal status to most Syrians holding valid documentation, without distinguishing between refugees and other persons from Syria (Saghieh and Frangieh, 2014). This policy was based on the freedom of movement and residence guaranteed by bilateral agreements signed in 1993 between Lebanon and Syria: the Agreement on Economic and Social Cooperation and Coordination<sup>50</sup> and the Agreement on Transport of Persons and Goods.<sup>51</sup>

Despite this open-border policy, Lebanon did not recognize that Syrians fleeing the violence in their country were refugees, and instead labelled them as “displaced persons”. Lebanon did not consider them eligible for a temporary legal status and did not provide circulation permits to those registered with UNHCR.

By the end of 2014, the Lebanese government overturned the “open-door” policy and imposed severe restrictions on the entry and legal status of Syrian nationals.

In October 2014, the government adopted its first official Policy on Syrian Displacement (Lebanese Council of Ministers, 2014). The policy’s first objective is to “decrease the numbers” of Syrians in Lebanon by reducing access to Lebanon and encouraging departures from the country. This consists mainly of the following:

- Putting an end to the movement across the borders, except for exceptional humanitarian cases, and registering those who enter Lebanese territories based on their reasons of entry.
- Requesting from UNHCR to suspend the registration of refugees unless authorized by the Ministry of Social Affairs (MoSA).
- Encouraging Syrian refugees to return to their country or to resettle to other countries by all possible means.
- Strictly enforcing Lebanese regulations on Syrian refugees.
- Revoking refugee status from all those who return to Syria, violate Lebanese regulations or do not abide by the entry conditions.

As of 6 May 2015, the Lebanese authorities requested UNHCR to suspend the registration of all Syrian nationals who entered the country after 5 January 2015 (United Nations, 2012).

At the beginning of 2015, the General Directorate of the General Security (“General Security”) issued directives that modified the conditions of entry and residence for Syrian nationals (General Directorate of the General Security, a), pursuant to the October 2014 policy. This was the first time in Lebanon’s history that the

<sup>50</sup> Articles 1(1) and 2(a) of the Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic, signed on 16 September 1993.

<sup>51</sup> Agreement on the Regulation of Transport of Persons and Goods between the Lebanese Republic and the Syrian Arab Republic, signed on 16 September 1993.

country established restrictions on the entry of Syrian nationals to Lebanon, as they had previously enjoyed freedom of movement between the countries based on the 1993 bilateral agreements mentioned above. The new directives of 2015 limited the entry of many Syrian nationals into Lebanon and their capacity to obtain or renew legal residence permits. They also labelled Syrian nationals into different categories, which resulted in loss of legal status for many refugees (Janmyr and Mourad, 2018). The new entry and residency conditions have since been applied inconsistently throughout Lebanon, thus increasing the risk of ambiguity and arbitrariness of the legal requirements applied to Syrian nationals.

In February 2018, Lebanon's high administrative court, the State Council, issued a ruling annulling the 2015 General Security directives.<sup>52</sup> It stated that it was not the responsibility of the General Security to amend the conditions of Syrians' entry and residence in Lebanon because the law restricts this prerogative to the Council of Ministers. The ruling came in response to a challenge filed in 2015 by a Syrian refugee, who had been denied entry to Lebanon, alongside two organizations (The Legal Agenda and Frontiers Ruwad Association). The ruling mainly put an obligation on the government to shoulder its responsibility of setting Lebanon's refugee policy and thus has left the matter to the security agencies and municipalities. It also acknowledged that the directives of 2015 directly harm Syrian nationals (Saghieh and Frangieh, 2018). The directives are still enforced at the time of writing of this report, although several provisions have by now been amended.

## RESIDENCY REQUIREMENTS

Prior to 2015, Syrian nationals were allowed to extend the validity of their six-month stay for another period of six months without leaving the country. Lebanese authorities also took some measures to loosen the conditions for renewal of stay. As of 2012, the General Security waived the requirement of exiting Lebanon after a year of stay, thereby allowing Syrian nationals to renew their legal stay to more than one year, provided they could pay the yearly residency fees. In September 2014, the General Security also allowed Syrians residing irregularly in Lebanon to regularize their status and waived overstaying fees (UNHCR, 2014).

However, the 2015 General Security directives placed restrictions on renewing residence permits for Syrian nationals. The directives categorized Syrian nationals into two main categories: refugees or workers sponsored by a Lebanese.<sup>53</sup> However, the conditions to obtain legal status as a refugee were difficult to meet, leading many Syrian nationals to label themselves as workers and subsequently fall under a sponsorship regime. In addition, transfer of status from worker to refugee is generally not allowed.

In addition to these residency requirements, lack of documentation is a major reason for the inability to obtain legal status. Syrian nationals who do not hold a valid passport or ID are unable to apply for a residency status, even if registered with UNHCR. The lack of documentation may be due to conflict- or displacement-related reasons, and particularly affects military deserters whose documentation is withheld by Syrian authorities as well as children who were below 15 when they entered Lebanon. In March 2018, the General Security allowed Syrian minors between 15 and 18 to apply for temporary residency on the basis of a Syrian individual civil status record, issued no more than two

<sup>52</sup> State Council Decision No. 421 of 2017-2018 issued on 8 February 2018. Ruling bench: President Henry Houry and auxiliary judges Mireille Aff Amatoury and Hiba Bridi.

<sup>53</sup> Other categories for residency permits are: owning real estate in Lebanon and holding a residential lease agreement.

years before the application, thereby waiving the requirement of holding a valid ID or passport (General Directorate of the General Security, 2017c).

Furthermore, residency fees amounting to USD 200 per year per person aged 15 years and above are a major obstacle for low-income refugees to access legal status. Although Lebanese laws generally exempt Syrian nationals from paying residency fees, such fees continue to be requested from many Syrians who do not benefit from the February 2017 fee waiver.<sup>54</sup>

A more detailed look at residency requirements shows that Syrian nationals can request a residency permit under the 2015 directives for a period ranging between six months and three years, if they fall under one of the following categories:

- **Pledge of responsibility**

Syrians eligible for this category of residency are those who are working or those who have kinship relations to Lebanese nationals. It mainly aims at providing legal status to Syrian nationals whose presence in Lebanon entails economic benefits, such as workers in the agricultural and construction sectors.

The term "pledge of responsibility" is the equivalent of "sponsorship", a practice that is employed (without any legal text) to regulate foreign labour in Lebanon and that is associated with high risks of exploitation (Lebanon Support, 2016b). The 2015 directives introduced this practice and its associated risks into the regulation of Syrians' legal status, even in cases where the relationship between the prospective sponsor and the Syrian national is based on kinship or friendship. Thus, the sponsorship concept transcended work relations and came to be applied to more general forms of social relations, including guest-host relations. The risk of exploitation in this legal tool stems from the fact that the legal status is dependent on the will of the sponsor. As such, in case of disagreement or conflict with the sponsor, the Syrian national is left with two bleak choices: either lose his/her legal status or submit to the sponsor's will, regardless of its fairness, out of fear of losing his/her legal status.

The pledger or sponsor can be the employer or a kin of the Syrian national. The sponsorship can be extended to the Syrian national's family members. The pledger declares to assume personal responsibility for the Syrian national's presence and actions on Lebanese territories, and to meet his/her demands related to housing and medical treatment. Pledges by institutions are generally favoured over those provided by private individuals.

Syrians who fall under this residency category (and holders of a residence permit based on formal work) are not allowed to change sponsors unless they exit Lebanon. This restriction puts them at risk of exploitation by the sponsor to avoid losing their legal status. On 12 September 2017, the General Security announced a grace period during which it waived the requirement to exit Lebanon in order to change sponsors. Syrian nationals could therefore renew their residency based on a pledge of responsibility by a new sponsor without being required to leave Lebanon. The regularization scheme also applied to those whose residency permit had previously

<sup>54</sup> Article 25 of Decree No. 10188 of 28 July 1962 related to the implementation of the Law on Entry and Exit.

expired (General Directorate of the General Security, 2017a). This scheme was initially open until the end of 2017 and was later extended until the end of March 2018 (General Directorate of the General Security, 2017b).

- **UNHCR registration**

Refugees registered with UNHCR prior to January 2015 may qualify to obtain a residence permit. They had to however provide proof a pledge not to work in Lebanon. In September 2016, this pledge was replaced by a pledge formulated more broadly “to commit to Lebanese laws and regulations”.

In February 2017, the General Security announced a waiver on residency fees and overstaying fees for Syrian refugees who fall under this category (General Directorate of the General Security, b). It however excluded refugees who had previously obtained a residence permit under a different category (pledge of responsibility, real estate ownership, a residential lease agreement holding, etc.) and those who had regularized their status at the General Security’s temporary office in the border town of Arsal.<sup>55</sup> Despite this waiver, the number of refugees who benefited from it remained small, particularly due to a daily quota on applications imposed by the General Security. The VASyR showed that only 26 percent of Syrian refugees had legal residency in 2017 (UNHCR, UNICEF and WFP, 2017).

- **Owner of real estate or holder of a residential lease agreement**

Syrian nationals who own real estate in Lebanon and tenants who hold a residential lease agreement can obtain a six-month renewable residence permit, if they can provide proof of livelihood and a pledge not to work in Lebanon. It is worth noting that the lease agreement must be certified by both the relevant municipality and the General Security. This residency category is mainly applicable to capital owners and middle-income Syrians.

- **Regular residency schemes**

Syrian nationals are still eligible to obtain an annual residence permit in Lebanon according to the regular conditions applicable to all other non-nationals. These mainly include residencies for students enrolled in formal education, Syrians employed in formal work, and spouses and children of Lebanese nationals.

Syrian nationals are also eligible to obtain a “courtesy residence permit”, free of charge, valid for a period of three years. These mainly include children and spouses of Lebanese nationals,<sup>56</sup> but also Syrians of Lebanese origin holding another nationality that requires obtaining a residence permit in Lebanon. It is worth noting that the children and husband of Lebanese women are not required to sign a pledge not to work in Lebanon.

## ACCESS TO COURTS AND JUDICIAL AID IN LEBANON

According to the Lebanese Code of Civil Procedure, judicial aid can be granted to any person who is unable to assume the charges and fees of the trial.<sup>57</sup> It consists of appointing a lawyer to defend the beneficiary without payment and exempting the beneficiary from the trial expenses, and therefore all the fees and expenses related to the enquiry. Basically, all persons entitled to file lawsuits can apply for judicial aid, whether they are Lebanese or non-nationals. Judicial aid is granted to non-nationals on two conditions: (1) Legal residence in Lebanon; and (2) reciprocity of treatment (i.e. that the person’s state of origin provides the same treatment to Lebanese nationals on its territories).

The judicial agreements between Lebanon and Syria grant Syrian nationals the right to have recourse to the courts and to defend their rights in Lebanon under the same conditions and level of protection provided to Lebanese nationals. Syrian nationals are, therefore, not requested to submit any guarantee for being non-nationals once they proceed to filing a complaint or a lawsuit. They also have the right to obtain judicial aid under the same conditions provided for Lebanese nationals.<sup>58</sup> Requests for judicial aid can be presented directly to the competent judicial authority in Lebanon; or through the Syrian Ministry of Justice; or through the diplomatic or consular channels, if the applicant resides in a third country. Judicial aid requests are exempted from fees and expenses, and a decision should be given promptly.

In practice and in accordance to applicable regulations in Lebanon, requests for judicial aid are submitted directly to the relevant court before which the case is brought. In non-criminal cases, the courts will assess whether the applicant’s financial situation merits judicial aid. In case of approval, the court requests from the Bar Association in Beirut or in Tripoli to assign the case to a pro bono lawyer.<sup>59</sup> In criminal cases, pro bono lawyers are generally provided by the relevant bar association upon the direct request of the applicant or upon the request of the court without any inspection of the applicant’s financial situation and regardless of his/her legal status. A lawyer is mandatory for defendants prosecuted for a felony unless they explicitly renounce this right, while it is optional for those prosecuted for misdemeanours or petty offenses. Pro bono lawyers are paid a lump sum by the bar association aiming to cover both their fees and their expenses.

It is finally worth noting that there are no mechanisms for the provision of legal assistance outside of an existing court case, with the exception of services provided by NGOs.

## IMPLICATIONS OF LACK OF LEGAL STATUS: INCREASED REFUGEE VULNERABILITY

Due to the many reasons listed above, a broad segment of Syrian nationals has been forced to remain in Lebanon without any legal status. Indeed, by the end of 2017, UNHCR estimated that more than 74 percent of registered refugees do not have legal status (UNHCR, UNICEF and WFP, 2017). The FGDs undertaken as part of this study showed that refugees are facing difficulties in understanding regulations related to access to legal status and in meeting the respective legal requirements. They also reflected refugees’ perceptions that regulations are inconsistent and regularly modified.

<sup>55</sup> Arsal is a town located in the Baalbek-Hermel Governorate.

<sup>56</sup> Decree No. 4186 on courtesy residence issued on 31 May 2010 grants foreign husbands and children of Lebanese women a three-year courtesy residence permit.

<sup>57</sup> Code of Civil Procedure, Articles 425 to 441.

<sup>58</sup> Annex Agreement to the Judicial Agreement Concluded on 25 February 1951 between the Lebanese Republic and the Syrian Arab Republic, signed on 26 September 2012.

<sup>59</sup> Code of Civil Procedure, Articles 425 to 441.



Lack of legal status affects a person's development and ability to lead a dignified life, as it criminalizes his/her mere presence in Lebanon. It increases informality by isolating victims in the informal economy, and severely affects the ability to move freely and access rights and services (such as work, housing, healthcare and education). Not only are irregular residents outside the law, they are also often outside the scope of the law's protection vis-à-vis state and non-state actors, including the potential for exploitation by individuals imposing upon them harsh working and housing conditions, while their ability to access justice in order to assert their rights is limited (Saghieh, 2015).

## MOBILITY, SECURITY AND ACCESS TO JUSTICE

Fear of arrest limits refugees' mobility, which therefore affects their ability to secure a living (Lebanon Support, 2016a), enrol children in schools (even if access to education does not require valid residency) (Human Rights Watch, 2016), and resort to the police and the courts. Arrests are particularly common during interactions with authorities (such as crossing security checkpoints, approaching a police station to file a complaint), or during raids conducted by security agencies on formal or informal settlements. Mass arrests during security raids were particularly documented following serious security incidents in Lebanon (Frangieh, 2018).

Prior to 2014, Lebanese authorities showed a certain leniency towards Syrians who did not have legal status. Security agencies often disregarded the lack of legal status and refrained from conducting arrests solely on this basis. Also, judicial authorities often refrained from prosecuting Syrians for irregular entry or stay (United Nations, 2012). A landmark court decision was taken in 2012, according to which the irregular entry of a Syrian national to Lebanon could not be considered a crime based on the natural right to seek asylum.<sup>60</sup>

However, in and after 2014, arrests and prosecution of Syrian nationals for lack of legal status appeared to increase. These arrests would generally last several days, depending on the location of the arrest and the authority conducting it. Prosecutors' practices in this regard varied from one region to the other, with some arrests leading to prosecution for irregular status while others not. One notable practice in Beirut District is for prosecutors to order the release of Syrian nationals on condition that they regularize their status with the General Security. If the Syrian national does not report back to the police station with proof of regularization, prosecutors file charges of irregular stay against them and refer them to trial. Arrests by the military intelligence often take place without judicial supervision, contrary to arrests conducted by other security agencies or law enforcement bodies.

If the arrest is conducted by security agencies other than the General Security, Syrian nationals are often transferred to a General Security detention centre, where they are interrogated and screened before release. They are also requested to report back to the General Security on a regular basis after their release. The average number of Syrian nationals detained per month at the General Security immigration detention centre increased from around 1,000 persons in 2015–2016 to around 1,650 persons in 2017,<sup>61</sup> with most detentions taking place on grounds of lack of legal status.

Although the duration of detention for irregular status is often short—especially in comparison to longer periods of detention for

<sup>60</sup> Case No. 1445/2012 of the Single Criminal Judge in Tripoli, Decision of Judge Nazek El Khatib on 23 August 2012.

<sup>61</sup> See Statistics of the Month published in the monthly magazine of the General Directorate of the General Security.

non-Syrian refugees—these short arrests have negative effects on refugees' socioeconomic situation. Arrests may lead to loss of employment or housing, particularly in situations where refugees are daily workers or where their ability to pay rent is affected.

Physical access to courts—and therefore to legal remedy—may also be limited due to the lack of legal status. For instance, entry to Beirut's Courthouse is decided by an ISF checkpoint that verifies documentation and legal stay. Access may be allowed on an ad hoc basis if the refugee holds a UNHCR registration document or if a court staff member or lawyer requests a refugee's entry.

## ACCESS TO HOUSING

The FGDs showed that the main type of housing used by the target group involved lease agreements. Therefore, other forms of housing—such as property ownership, hosting, or ITSs which were tackled in detail in a previous study (UN-Habitat and UNHCR, 2014)—will not be addressed here.

Unlike the situation in terms of access to work, the lack of legal documents that justify legal stay in Lebanon (e.g. residence permit, "Return Card", etc.) does not constitute an obstacle in terms of access to housing. In fact, it may very well be the other way around, in the sense that available housing can lead to having a residence permit. The legal framework of lease agreement and security of tenure shall be detailed further below. However, what should be noted at this point is that lease agreements may be verbal or written, and in neither case does legal status constitute a condition of validity of the said agreement. Further, neither the notarization of a lease agreement at the Public Notary nor its registration at the relevant municipality requires documents proving legal status on Lebanese territory. Nevertheless, the lack of identification documents does, in that case, obstruct such action, as they are, for instance, required for the notarization of the agreement.

In case of a legal dispute on either a housing- or labour-related issue, access to police stations, courthouses and official administrative authorities may be limited for Syrian refugees in some regions due to the lack of legal status. Complaints at any given police station will also likely result in the arrest of Syrian nationals on grounds of irregular entry or stay.

## CURFEWS

With the start of the Syrian crisis and consequently the influx of refugees to Lebanon, many municipalities started issuing curfews banning non-nationals who live within their jurisdictional boundaries from circulating during certain hours of the day (typically from dawn until dusk) (Nammour, 2013). These curfews have targeted non-national workers, and more specifically Syrian workers (sometimes explicitly), thus gravely impeding their mobility during the designated hours (as specified by each municipality).

The curfews violate both Lebanese domestic laws and Lebanon's international obligations:

Firstly, to defend these measures legally, municipalities referred to Article 74 of the Municipalities' Law, which grants large administrative powers to the municipal executive council—and specifically to its president—within the respective municipal jurisdictional boundaries. However, what these municipalities failed to note was that this same article of the law clearly states that the president of the municipal executive council cannot take measures or undertake any actions that overlap in terms of competence what laws and regulations grant to other security services in the state (such as the ISF and the Lebanese Army,

etc.). As an administrative measure, curfews fall directly under this provision. Indeed, according to Lebanese legislation, only the Higher Military Power may take such a measure and only within the framework of a declared state of emergency or military area.<sup>62</sup>

Secondly, given that Lebanon has ratified the ICERD, it must abide by its text and principles. Even though Article 1(2) of that convention provides for the possibility of state parties to differentiate between citizens and non-citizens, that article must be construed in a way that avoids undermining the basic prohibition of discrimination according to the Committee on the Elimination of Racial Discrimination (CERD),<sup>63</sup> which stated: “[I]t [Article 1(2)] should not be interpreted to detract in any way from the rights and freedoms recognized and enunciated in particular in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights” (UN OHCHR, 1966a).<sup>64</sup> Freedom of movement is one such right. Also, as per the recommendations of both the ICERD and CERD, states should not discriminate between non-citizens on the basis of nationality of origin (UN OHCHR, 1965). By targeting specifically Syrian workers, the above-mentioned curfews issued by some Lebanese municipalities are hence not abiding to these recommendations. Municipalities have been called out to refrain from taking such measures (Frelick, 2018).

## SECURITY OF TENURE: LEASE AGREEMENTS AND EVICTIONS

A review of the survey results and FGDs shows that the most common form of housing consisted of lease agreements, most of which were in a verbal format without being registered at relevant municipalities. On the other hand, the FGDs showed that evictions were not very common among participants. When undertaken, such evictions were mostly initiated by private parties due mainly to unpaid rents. Nevertheless, recent reports (e.g. UNHCR, 2018) showed that a large number of Syrian households were evicted by local authorities in certain regions (notably in North Lebanon and the Bekaa region), citing security concerns. It is therefore in light of the above that both lease agreements and evictions will be tackled below.

### LEASE AGREEMENTS

Lebanese laws distinguish between lease contracts regarding built real property (i.e. real property upon which any form of building was erected, such as apartments) and unbuilt real property (e.g. ITs). The latter were tackled in a previous report (UN-Habitat and UNHCR, 2014) and are not covered here.

Concerning lease contracts on built real property, another distinction should be made between contracts signed prior to 13 July 1992 (more commonly referred to as “old lease contracts”)<sup>65</sup> and those signed after 13 July 1992 (more commonly known as “new lease contracts”).<sup>66</sup>

Old lease contracts are automatically renewed every year by virtue of laws issued periodically by the Parliament. Security of

tenure is thus assured to both the tenants and their families. Indeed, the law states that if the tenant (contracting party) passes away, they are automatically replaced in the lease contract by close and even remote members of their family living with them in the leased property at the time of their death. However, it is worth mentioning that in April 2014 the Lebanese Parliament approved a law, according to which old lease agreements are to be liberalized over a period of nine years starting from the date of the law’s promulgation.

In what concerns this study, Law No. 159 amending Article 543 of the COC regarding new lease contracts liberalized lease-related regulations. Indeed, according to the new law, new lease contracts are governed by the principles of contractual freedom and contracting parties’ will, which means that the parties are free to agree on the contract’s rules and conditions. Notwithstanding, the law secures tenure for the first three consecutive years of the contract; in fact, if any lease agreement between the parties has a duration of less than three years, the tenant is entitled to ask for an extension of the duration so that the contract’s duration would be three consecutive years under the same conditions. This means that during the extension period the landlord must respect the same original conditions of the contract and cannot therefore increase rent costs, unless the contract provides otherwise. At the end of the lease agreement’s duration, the landlord can evict the tenant with no compensation whatsoever and without giving notice. In all cases, evictions must be mandated by court, as explained below.

Without prejudice to this rule, rent costs may greatly vary with every contract renewal. Moreover, nothing in the Lebanese law currently ensures that the percentage of rent-related costs is commensurate with income levels.

Furthermore, and based on some of the information showed by the FGDs, it is important to note the very fragile nature of lease contracts when either: a) the apparent owner of the property is not effectively the real owner; or b) the signatory landlord of a co-owned real property did not get the approval of the majority of the other co-owners to lease the said property. In the latter scenario where the real property is owned by more than one person, each co-owner is considered to be the owner of a certain number of shares of the co-owned property, but does not own a specific and well-defined area of the property; thus, any act of administration regarding the property (e.g. leasing) must be approved by three quarters of all co-owners, according to co-ownership rules in Lebanese law.<sup>67</sup> In all such cases, signed contracts can very well be considered as null and void. The illegality of built real property may also affect the validity of the lease contract unless this illegality is subject to settlement.

The survey results and FGDs showed that the majority of lease contracts were in a verbal format (with no written document available). Verbal lease agreements are a valid form of lease contracts. However, such contracts do not fall under the provision of Article 543 of the COC, and thus do not benefit from the aforementioned three-year security of tenure. Rather, they fall under Article 542 of the same code. Before the start of execution of any verbal lease contract, the proof of its existence can only be made through an official recognition of its existence. Otherwise, any commencement of execution can be considered as proof of the contract’s existence. Lebanese jurisprudence is extensive in this field. Some court decisions have considered that continuous occupation, in addition to other types of evidences proving reception of regular rent allocations, constitutes a proof of the

<sup>62</sup> Article 4(10) of Legislative Decree No. 52, 5 August 1967 (Declaration of a State of Emergency or Military Area).

<sup>63</sup> The CERD is a body of human rights experts tasked with monitoring the implementation of the ICERD.

<sup>64</sup> The Committee on the Elimination of Racial Discrimination’s Gen. Rec. No. 30: Discrimination Against Non-Citizens, 10 January 2004.

<sup>65</sup> Regulated by Law No. 160 issued on 22 July 1992.

<sup>66</sup> Regulated by the provision of the Code of Obligations and Contracts (COC), particularly Article 543 as amended by Law No. 159 issued on 22 July 1992.

<sup>67</sup> Article 835 of the COC.

existence of a verbal lease agreement.<sup>68</sup> Other court decisions have regarded the existence of electricity and phone bills, as well as an investment license for a coffee shop, as proofs.<sup>69</sup> In one instance, the occupation for a long period (more than seven years) in a known and calm manner without the opposition of the original property owner was sufficient to prove the existence of a lease agreement.<sup>70</sup> However, other court decisions have considered that continuous occupation alone is not enough, stating that the judge must in each case examine the context surrounding such occupation to determine whether or not a lease agreement exists.<sup>71</sup> Invoices of rent allocations have acted as evidence in that regard as well.

Additionally, as per Article 542 of the COC, the duration of verbal lease agreement is to be determined according to local customs. After the end of that duration, in case the tenant remained in the property without opposition from the landlord, the lease contract is then considered to have been implicitly renewed under the same conditions.

### REGISTRATION OF LEASE AGREEMENTS AT THE PUBLIC NOTARY AND THE LOCAL MUNICIPALITY

According to Law No. 60/88,<sup>72</sup> all lease contracts must be registered at the relevant municipality. The tenant should then pay a yearly tax of 5 percent of the total rent paid by him/her in case of habitation. In order to do so, it is enough to present a notarized version of the contract to the municipality. The fees paid at the Public Notary in that respect vary from LBP 60,000 to LBP 100,000, in addition to 4/1000 of the value of the contract.

If the contract was not registered at the municipality, the owner will have to pay a fee equivalent to twice the amount of the registration fee, in addition to paying the registration fee itself. It is worth noting that not registering the contract will not affect its legality.

### LANDLORD VISITS TO THE LEASED PROPERTY

FGDs showed cases of harassment from landlords visiting the leased property without prior notice to the tenant. It is important to note that even though Lebanese legislation does not regulate that problematic per se, many other legal provisions and considerations apply:

- One of the most paramount obligations imposed on the landlord in lease agreement legislation by the COC is to guarantee the tenant's right of peaceful enjoyment of the leased property.<sup>73</sup> This legal obligation may be interpreted as and extended to the right of the tenant not to be disturbed or interrupted without prior notice.
- This is precisely what comparative jurisprudence and doctrine tackled. In Egypt, for instance, the landlord's entry to the leased property without the approval of the tenant

is considered a violation of the tenant's right.<sup>74</sup> In France, the landlord has to abide by the obligation of respect, which implies that he/she may not meddle in the activities of the tenant under the pretext that such meddling is linked to the usage of the leased property; therefore, the landlord may not enter the leased property, even for a visit.<sup>75</sup>

- Reference can be made to international conventions in that regard, notably the right to privacy in the housing sector. Indeed, the CESCR noted in its General Comment No. 4 that the right to adequate housing also implies the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence (UN OHCHR, 2009).
- It is also worth mentioning that local custom also imposes in certain lease contracts in Lebanon a 24-hour prior notice by the landlord before being able to visit the tenant at the leased property.

### EVICCTIONS

The survey results and FGDs showed that eviction processes did not constitute a noticeable trend or tangible experience for most participants, but rather fears they have. Legally, eviction is defined as the process by which tenants are forcefully taken out of the leased property they resided in by external forces (e.g. ISF) and are forbidden to enter it again. This means that the mere inability of tenants to pay the rent followed by them leaving the leased property on their own does not constitute, legally speaking, what is referred to as eviction, but rather is a consequence of the logic of the market.

In what concerns legal eviction process, it is important to note that even when the owner of the real property is entitled to evict the occupant(s), such evictions must be mandated by court. Indeed, the owner does not have the right to evict the tenant without a court order based on the legal principle that forbids taking the law into one's own hands ("*nul ne peut se faire justice à soi-même*") and Lebanese judges have extensively ruled in that direction.<sup>76</sup> In fact, Lebanese law penalizes such actions: Article 429 of the Penal Code establishes a penalty of LBP 200,000 for anyone who takes the law into their own hands and Article 430 of the Penal Code establishes a prison sentence that can reach up to two years if such action was undertaken with the use of violence (whether with or without the use of arms) or moral coercion. One can also use provisions of international law in that regard, notably regarding the right to privacy as stated in a number of international conventions ratified by Lebanon.<sup>77</sup>

On the other hand, other reports—like the aforementioned Human Rights Watch (Frelick, 2018) and UNHCR (UNHCR, 2018) reports—showed periodic trends in mass evictions of Syrian refugees by local authorities. The number one reason cited for such evictions (notably in the North and Bekaa regions) was "perceived risk to security". Elsewhere (Beirut and Mount Lebanon), that same reason was cited as the second most common reason. It is therefore very important to explore the

<sup>68</sup> Court of Appeals of North Lebanon, Decision No. 45, 27 January 1960 – Hatem, J. 42, p. 6.

<sup>69</sup> Court of Appeals of Mount Lebanon, Decision No. 217, 4 November 1972.

<sup>70</sup> Unique Civil Judge in Metn, Decision No. 588, 18 February 1998, N.Q. 1998, no. 9, p. 1057.

<sup>71</sup> Court of Appeals of Mount Lebanon, 6th Chamber, Great Decisions J. 62, p. 39.

<sup>72</sup> Law No. 60/88 regarding municipal fees was issued on 12 August 1988.

<sup>73</sup> Article 552 of the COC.

<sup>74</sup> Abdulrazzak el-Sanhouri, Explanations of the New Civil Law: Lease and Loan, Vol. 6, section 1, p. 309.

<sup>75</sup> Civ. 3e, 25 February 2004, Bull. III no. 41 – Alain Bénabent, "*Droit Civil – Les Contrats Spéciaux*" 7e édition, Montchrestien, 2006.

<sup>76</sup> E.g. Civil Judge of Beirut (president Mekie), Decision No. 501, issued on 11 November 2002.

<sup>77</sup> E.g. articles 12 of the UDHR and 17 of the ICCPR.



legality of such a process by either local authorities or armed forces (collectively referred to hereinafter as “public administration” or simply “administration”). In fact, there is one situation in which public administration may proceed with evictions unauthorized by a court order. This situation manifests itself under what is referred to as “exceptional circumstances theory”. According to this theory, public administration may acquire, for necessity purposes, important powers—notably in policing-related issues—that would otherwise fall outside of its legal capacity and be within the jurisdiction of a different public administration service (e.g. the judiciary). The administration thus becomes entitled to undertake exceptional measures (beyond its regular powers) that would be qualified as illegal under regular circumstances. Such measures must be, nevertheless, justified by the necessity to ensure public order and the continuity of public service.

To that effect, there are at least three conditions that must be imperatively available in order to trigger the “exceptional circumstances theory” process:

- The existence of a truly exceptional circumstance like a war,<sup>78</sup> natural catastrophe,<sup>79</sup> or grave social dispute that may lead to a civil war;<sup>80</sup>
- The difficulty of the administration to deal with the exceptional circumstance through regular measures which it is entitled to take by law. In a landmark ruling in comparative law, the French State Council considered that the eventual eruption of a volcano in Guadeloupe justifies the local administration’s measure to evict an endangered area—a measure it may not have taken under regular circumstances;
- Such measures need to be proportional to the exceptionality of the circumstances at stake.

It is only when these conditions are met that the administration becomes entitled to take measures that would otherwise fall outside of its legal capacity. For example, the French State Council considered that the public administration may proceed to arrest a person without having an arrest warrant or court order for that purpose given exceptional circumstances at stake.<sup>81</sup>

Nevertheless, the administrative judge (e.g. State Council) can always scrutinize the legality of the measures taken, by making sure that the nature of the circumstances is truly exceptional and that the administration could not deal with them by resorting to regular means. The administration may be held accountable if such conditions are not met. It may also be held accountable in spite of the presence of the aforementioned conditions for abnormally or extraordinarily grave errors within that framework.

It is very important to note here that according to the State Council ruling of 8 February 2018 annulling the General Security 2015 directives, the Syrian refugee crisis in Lebanon does not meet the legal conditions that can be qualified as “exceptional circumstances” (State Council, cited in Saghieh and Frangieh, 2018). The decision stated:

Although it is clear and established that Lebanon was experiencing very delicate security and economic conditions when the decision being challenged was made, these circumstances did not reach the level of disrupting all the constitutional institutions or paralyzing institutional work such that the appropriate decisions to solve the crises it was experiencing could not be made. The Council of Ministers was still convening periodically and on time, which means that it could make the decision—if it so desired and as part of its formulation of the country’s public policy—to determine and restrict Syrians’ entry into Lebanon in light of the danger threatening the country because of the influx of displaced Syrians.

Whereas the conditions of the exceptional circumstances invoked by the defendant party are not met. (State Council, cited in Saghieh and Frangieh, 2018)



<sup>78</sup> See Lebanese State Council, Decision No. 596, 20 May 1997, Rodolpho Inc. v. State, M.Q.I., Vol. 2, p. 500; French State Council, 28 February 1919, Dames Dol et Laurent, GAJA.

<sup>79</sup> French State Council, 18 May 1983, Rodes AJ 1984.44, note Moreau.

<sup>80</sup> French State Council, 18 April 1947, Jarrigion R148.

<sup>81</sup> French State Council, 21 December 1951, Époux Grolleau, req. No. 97275.

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