



**Refugees and asylum seekers rights  
(refuge in the international and domestic law in Jordan and Lebanon)**

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*“Refugees are people like anyone else, like you and me. They led ordinary lives before becoming displaced, and their biggest dream is to be able to live normally again.”*

*Ban Ki-moon, United Nations Secretary-General*

## PLAGIARISM DECLARATION

I, the undersigned **MEERA HAMED FALAH ALMAA'ITAH** by signing the present **statement** declare that the thesis, entitled Refugees and asylum seekers rights (refuge in the international and domestic law in Jordan and Lebanon) is **my individual** work.

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A handwritten signature in blue ink, appearing to be 'MEERA HAMED FALAH ALMAA'ITAH', written in a cursive style.

## Thesis Supervisor Recommendation

Dear Doctoral School!

With regard to the suitability of my student **Meera Hamed Falah Alma'aitah** 's dissertation (*Bridging Legal Gaps: A Comparative Analysis of Refugee Protection and Asylum Law in Jordan and Lebanon*) for further procedural actions, I hereby declare the following.

I would like to inform the Honourable Doctoral School that I have observed that Meera is motivated both in her PhD studies and research and in her chosen topic.

In the course of her work, she has given conference presentations and published several papers (non-exhaustive list of papers: *Refugees and Asylum Seekers: Recognizing their Human Rights*, and *Modernity And Democracy* in Towards the future. Symposium 2023, *The laws and policies regarding refugees in Jordan* in Jog-Állam-Politika 2023, and *The Legal Regulations and Governmental Approaches towards Refugees in Jordan* in Acta Humanaban 2024).

Her dissertation, entitled *Bridging Legal Gaps: A Comparative Analysis of Refugee Protection and Asylum Law in Jordan and Lebanon*, examines the legal and humanitarian complexity of the rights of refugees and asylum seekers, primarily in the context of international law and the domestic legal frameworks of Jordan and Lebanon. The primary aim of the work is to explore the complex legal mechanisms of asylum in Jordan, using mainly comparative and analytical methodologies. In total, the manuscript contains some 11 authored papers, showing that, as the number of refugees continues to increase worldwide, Jordan and Lebanon, as the two largest refugee-receiving countries in the world, are facing an increasingly urgent need to analyse the alignment of the legal systems of the states under study with international standards. The author also examines the root causes of persecution (e.g. civil wars, political instability, human rights violations) and concludes that, like major refugee-receiving countries, the researched states lack comprehensive national regulations to deal with the refugee crisis. The research highlights gaps in legislation, examines international obligations and compares the practices of the researched states, while assessing their consistency with global refugee conventions (e.g. 1951 Refugee Convention). Through a comparative analysis of refugee laws and policies in Jordan and Lebanon, the thesis provides critical insights into the challenges and opportunities of addressing the refugee crisis from a humanitarian and legal perspective. The findings highlight the need for legislative reforms and stronger institutional frameworks to ensure the protection of refugees and asylum seekers in both countries.

In reviewing the final version of her PhD dissertation, I was pleased to note that she has actively collected and read a wide range of articles, books and other professional literature and materials related to her research area. This shows that he is aware of the importance of thorough research and is committed to high quality work.

She has attended all required courses during her studies, has earned the required credits in all semesters and has been actively involved in publishing during this time. I have no reasonable doubt that this student will continue to achieve great results in her academic and professional career. His commitment and work ethic are all indicators of his future success.

It is my opinion that the named student has fully met all the requirements of the doctoral school and that her dissertation meets all the requirements of all the written and unwritten rules that apply to her. In view of the above, I consider the dissertation of **Meera Hamed Falah Alma'aitah** to be suitable for defence and I strongly recommend that the procedural steps be taken.

Debrecen, 23 April 2025.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'Dr. Mrs. Szűcs Dr. Katalin Siska', written over a dotted line.

Dr. Mrs. Szűcs Dr. Katalin Siska, PhD Associate Professor

Thesis Supervis

## **Abstract**

*This thesis examines the evolution and application of international refugee protection within the domestic legal frameworks of Lebanon and Jordan. Against the backdrop of an increasingly complex humanitarian and political landscape, the study critically analyzes the interplay between established international instruments—such as the 1951 Refugee Convention and its 1967 Protocol, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other related treaties—and the corresponding national legislation and administrative practices in host states. Employing a comparative and doctrinal legal methodology, the research scrutinizes how these instruments are interpreted and implemented in domestic contexts, with particular attention to institutional challenges, resource constraints, and the often disparate realities of enforcement.*

*The thesis identifies significant gaps between normative legal protections and actual practices, highlighting deficiencies in legal remedies available to refugee populations. It further explores the implications of these discrepancies for the broader framework of human rights protection, particularly in light of ongoing regional instability and the inherent challenges of reconciling international norms with domestic policy imperatives. By juxtaposing international legal standards with the operational regimes of Lebanon and Jordan, this study offers a nuanced appraisal of current practices and provides recommendations aimed at harmonizing national legislation with international obligations. Ultimately, the findings underscore the urgent need for legislative reform and enhanced institutional capacity to ensure that the promise of international refugee protection is both effectively realized and aligned with contemporary human rights imperatives.*

**KEYWORDS:** *Refugee Rights, Asylum Law, Jordan and Lebanon, International Refugee Law, Human Rights Violations.*

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## **Chapter 1: Introduction**

## 1.1 Research problem

The central issue addressed in this study pertains to the absence of well-defined, systematically organized legal legislation in Jordan and Lebanon. Specifically, there is a lack of codified and classified legal provisions that can serve as a reliable reference for national policies and local administrative practices. While ad hoc instructions are occasionally issued during regional crises to address emergent asylum-related challenges, these ad-hoc measures are insufficient.

Furthermore, scattered throughout the provisions of national laws in both Jordan and Lebanon, there exist legal articles that could potentially be interpreted to address certain refugee-related legal issues. However, this fragmented approach is inadequate for providing comprehensive solutions.

In light of these challenges, this study aims to establish a comprehensive legal framework for asylum in Jordan and Lebanon. By drawing upon international agreements and leveraging relevant experiences from other contexts, this framework seeks to systematically organize and address asylum-related matters within the two countries.

## 1.2 Theoretical Framework

### 1. Introduction to the Theoretical Framework

This research examines the complex legal landscape governing refugees in Jordan and Lebanon, framed within international law, human rights theory, and the broader sociopolitical context. The theoretical framework integrates key legal and sociopolitical theories to provide a structured lens through which the asylum practices in these countries can be analyzed and understood.

### 2. International Law and Human Rights Theory

Central to this thesis is the exploration of how international law, particularly the 1951 Refugee Convention and its 1967 Protocol, informs and influences the asylum policies of Jordan and Lebanon. Despite neither country being a signatory to the 1951 Convention, international human rights principles still play a critical role in shaping their domestic practices. This section will engage with both *legal positivism* and *natural law theory*<sup>1</sup>.

- Legal Positivism: This theory posits that laws are rules made by human beings and that there is no inherent or necessary connection between law and morality. In the context of Jordan and Lebanon, this theory helps explain the selective application and interpretation of international norms within domestic legal frameworks.<sup>2</sup>

- Natural Law Theory: Conversely, natural law theory asserts that certain rights, such as the right to asylum, are inherent and universal, grounded in moral principles that transcend

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<sup>1</sup> Hart, H.L.A. (1961). *The Concept of Law*. Clarendon Press

<sup>2</sup> Legal positivism, as articulated by Hart (1961), posits that laws are human-made rules and that there is no necessary connection between law and morality."

human-made laws. This perspective supports the argument that both countries are morally obligated to protect refugees, even in the absence of formal legal commitments under the 1951 Convention.

### 3. Sovereignty and Humanitarianism

The tension between state sovereignty and humanitarian obligations is a recurring theme in asylum policies. This section explores how sovereignty theory and humanitarian principles interact within the asylum frameworks of Jordan and Lebanon.

- Sovereignty Theory: Sovereignty theory<sup>3</sup> emphasizes the authority of states to control their borders and make decisions about who may enter and stay within their territories. However, this authority is increasingly challenged by international human rights obligations that require states to offer protection to refugees and asylum seekers<sup>4</sup>.

-Humanitarianism: Humanitarian principles argue that the moral imperative to protect human life should sometimes override concerns of state sovereignty. This approach can be seen in the humanitarian responses of Jordan and Lebanon, which, despite legal and logistical challenges, have provided refuge to millions of displaced persons .

### 4. Sociopolitical Context

This thesis also considers the sociopolitical context within which Jordan and Lebanon's asylum policies operate, focusing on how internal political dynamics and external pressures shape these policies. *Constructivist theory*<sup>5</sup> will be used to analyze the influence of national identity, historical experiences, and international relations on the asylum practices of these countries.

- Constructivist Theory: This theory suggests that state behavior is shaped by the identities, norms, and beliefs that are constructed through social interaction. In the case of Jordan and Lebanon, their historical experiences with displacement and their geopolitical relationships significantly influence their asylum policies<sup>6</sup>.

### 5. Application of the Theoretical Framework

By applying this theoretical framework, this thesis will critically analyze the legal frameworks and practices surrounding asylum in Jordan and Lebanon. The comparative analysis will highlight how these theories manifest in practice, particularly in how both countries interpret and implement their obligations under international law.

## Conclusion

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<sup>3</sup> Sovereignty theory, which emphasizes the state's authority over its territory (Hinsley, 1986), provides a critical lens through which the asylum policies of Jordan and Lebanon can be understood.

<sup>4</sup> Crawford, N.\*\* (2002). *\*Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention\**. Cambridge University Press.

<sup>5</sup> Adler, E.\*\* (1997). *\*Seizing the Middle Ground: Constructivism in World Politics\**. *\*European Journal of International Relations\**, 3(3), 319-363.

<sup>6</sup> According to constructivist theory, state behavior is shaped by identities and norms (Wendt, 1999), which is evident in how Jordan and Lebanon have developed their asylum policies in response to their historical experiences with displacement.

The integration of these theoretical perspectives provides a robust framework for analyzing the complex interplay of legal, moral, and political factors in the asylum policies of Jordan and Lebanon. This framework not only supports the analysis but also contributes to the broader academic discourse on international law, human rights, and state sovereignty.

### **1.3 Research methodology**

#### **Introduction**

Research methodology constitutes the foundational structure of any rigorous academic inquiry, offering a systematic and coherent framework through which research objectives may be effectively pursued. In this study, our central objective is to examine and critically evaluate the legal mechanisms governing the rights and status of refugees within the jurisdictions of Jordan and Lebanon. To this end, our methodology is structured around the following core components:

1. Comparative Review of National and International Legal Instruments:
  - This research undertakes a comprehensive comparison of the legal provisions governing asylum in Jordan and Lebanon against established international legal standards.
  - Key instruments analyzed include national legislation, governmental regulations, bilateral arrangements (particularly with UNHCR), and multilateral treaties such as the 1951 Refugee Convention and its 1967 Protocol.
  - The objective is to identify congruities and divergences in normative frameworks, as well as to detect gaps or inconsistencies in alignment with international obligations.
  - Particular attention is given to assessing the extent to which domestic laws reflect core international principles, including non-refoulement, legal identity, and access to basic rights and protections.
2. Jurisdictional Comparison:
  - Given the significant refugee populations hosted by both Jordan and Lebanon—despite their non-signatory status to the Refugee Convention—this research provides a comparative legal analysis of each country’s asylum policies.
  - The analysis extends beyond formal legal provisions to include the practical enforcement of refugee rights, the accessibility of legal remedies, and the regulatory frameworks for refugee status determination.
  - By juxtaposing the two national systems, we derive nuanced insights into their respective strengths, shortcomings, and potential for reform.

#### **Methodological Components**

1. **Descriptive and Analytical Approach:** This approach underpins the entire methodological framework and encompasses the following dimensions:
  - **Legal Landscape Analysis:**
    - A detailed examination of the statutory, regulatory, and jurisprudential texts shaping asylum governance in both Jordan and Lebanon.
    - This includes relevant ministerial instructions, bilateral UNHCR agreements, court rulings, and administrative practices.
    - The objective is to construct a comprehensive legal map, clarifying how asylum processes are initiated, managed, and concluded within each jurisdiction.
  - **Extrapolation of Normative Principles:**
    - Fundamental legal doctrines are extracted from core international instruments.
    - These principles—such as non-refoulement, procedural fairness, and the protection of vulnerable groups—serve as benchmarks against which national practices are evaluated.
  - **Comparative Normative Assessment:**
    - The study compares the legal frameworks of Jordan and Lebanon against each other and against international legal standards.
    - Where national laws fall short, the analysis critically examines the implications for refugee protection and state compliance with international norms.
  - **Emphasis on Legal Precision:**
    - The analysis is conducted with a high degree of doctrinal rigor, ensuring clarity, accuracy, and thoroughness.
    - This methodological stringency mitigates analytical bias and supports the formulation of reliable, actionable conclusions.
2. **Comparative Legal Method:** This method facilitates structured cross-jurisdictional analysis through:
  - **Side-by-Side Legal Comparison:**
    - Domestic laws in Jordan and Lebanon are placed in direct comparison with each other and with relevant international frameworks.
    - Aspects such as refugee definitions, procedural standards, and judicial safeguards are closely examined to identify consistencies and points of divergence.

- Identification of Legal Gaps:
  - Through comparative scrutiny, legislative omissions, ambiguities, and enforcement challenges are identified.
  - The analysis contributes to policy recommendations aimed at legislative refinement and improved alignment with international best practices.
- 3. Socio-Political Contextualization: Understanding the application of refugee law requires an appreciation of broader contextual factors in both countries:
  - Political and Economic Stability:
    - Domestic political developments significantly shape national asylum policies and administrative capacity.
    - Economic constraints influence the scope and quality of services provided to refugees, including housing, health care, and education.
  - Impact of Regional Conflict:
    - Proximity to conflict zones, particularly in Syria and Palestine, continues to affect refugee inflows and state responses.
  - Public Sentiment and Media Discourse:
    - Public perceptions and media representations of refugees directly influence policy formation and legal reform efforts.
    - This study critically assesses the role of such sociocultural factors in shaping national asylum narratives.
- 4. Prospects for Further Research: This research opens several pathways for extended investigation:
  - Evaluating Implementation Effectiveness:
    - Future work may focus on assessing the extent to which codified rights are actualized in practice.
    - This includes a critical review of administrative procedures, institutional capacity, and access to legal remedies for refugees.
    - For instance, the legal ambiguity in Lebanon may be further studied in terms of its practical impact on refugees' daily lives and legal standing.

This research methodology integrates a multidimensional approach—combining legal analysis, comparative jurisprudence, and contextual understanding—to provide a holistic assessment of refugee law in Jordan and Lebanon. The findings aim to contribute to both academic scholarship and policy development, with a view to enhancing legal clarity,

promoting rights-based governance, and reinforcing international cooperation in refugee protection.

## **1.4 Introduction**

In the contemporary world, there exists a prevailing acknowledgment that every human being possesses an inherent entitlement to lead a life characterized by dignity and respect. This fundamental notion underscores the global consensus that individuals, regardless of their geographical location or circumstances, harbor a collective aspiration for the realization of diverse values that contribute to both personal and collective well-being. Nevertheless, it is a stark reality that in many corners of the globe, these aspirations and rights are systematically obstructed by a range of factors including exploitation, oppression, persecution, and other forms of human rights abuses.

The catalyst for the global recognition and advocacy of human rights emerged in the aftermath of the catastrophic Second World War, a period marked by unparalleled human suffering and loss. The staggering toll of lives lost during the war served as a poignant reminder of the urgent need to safeguard the inherent rights and dignity of every individual on a global scale. The devastation wrought by the war compelled the members of the United Nations (UN), an international organization formed in the wake of the conflict, to collectively commit to a solemn pledge. This pledge was rooted in the principle of taking proactive measures to achieve universal respect for and adherence to human rights and fundamental freedoms for all.

The horrors of the Second World War,<sup>7</sup> with its widespread human casualties and unprecedented scale of destruction, cast a long shadow on the global conscience. Witnessing the unimaginable suffering endured by countless individuals during this period, the international community recognized that the protection and promotion of human rights were not mere lofty ideals but a moral and ethical imperative. It became abundantly clear that without concerted efforts to uphold these rights, the world would remain susceptible to the recurrence of such devastating conflicts and human tragedies.

In response to this sobering realization, the United Nations emerged as a beacon of hope and progress, dedicated to the pursuit of a world where the rights and dignity of all individuals would be inviolable. The commitment to the universal respect and observance of human rights was enshrined in the foundational documents of the UN, laying the groundwork for the development of a comprehensive framework of international agreements, conventions, and declarations aimed at safeguarding and advancing the rights of individuals across the globe.

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<sup>7</sup> Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen*. University of Pennsylvania Press, 2003

As the world grappled with the aftermath of the Second World War, the principles of human rights came to symbolize not only a reaction to past atrocities but also a proactive vision for a more just and equitable future. The collective pledge undertaken by the United Nations and the subsequent development of international human rights instruments signified a global commitment to break the cycle of violence, discrimination, and injustice. These efforts sought to create a world in which every person, regardless of their background or circumstances, could live a life characterized by dignity, freedom, and equality.

The term 'human rights,' which first gained prominence in the wake of World War II, has evolved into a cornerstone concept in contemporary discourse, assuming a role of universal significance. Its journey from inception to ubiquity is closely tied to the momentous adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948, by the United Nations—a milestone that was perceived by many as a beacon of hope, signifying the world's commitment to enhanced protection, promotion, and enforcement of human rights.<sup>8</sup>

The UDHR, a seminal document in the realm of human rights, represented a collective global effort to codify the fundamental rights and freedoms to which all individuals are entitled. It was hailed as a moment of optimism and a definitive step towards a more just and equitable world. However, as we reflect on the 76 years that have passed since the UDHR's adoption, it becomes evident that the journey toward the comprehensive protection of human rights remains fraught with challenges.

Despite the aspirations and lofty ideals articulated in the UDHR, reports from around the world continue to paint a grim picture of persistent human rights abuses. Instances of violations against basic rights such as censorship, discrimination, political imprisonment, torture, slavery, forced disappearances, genocide, extrajudicial killings, arbitrary arrests and executions, and the pervasive scourge of poverty remain distressingly prevalent. These grim realities serve as a stark reminder that the global human rights landscape is far from reaching the ideal envisioned in the UDHR.

The rights of women and children, in particular, have been subjected to numerous forms of disregard and neglect. Discrimination, violence, and exploitation against women persist in various societies, hindering their full participation in social, economic, and political life. Likewise, children continue to face myriad challenges, including child labor, lack of access to education, and vulnerability to exploitation and violence, which undermine their rights to a safe and nurturing environment.<sup>9,10</sup>

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<sup>8</sup> Donnelly, Jack. *Universal Human Rights in Theory and Practice*. Cornell University Press, 2013.

<sup>9</sup> Bunch, Charlotte. "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights." *Human Rights Quarterly*, vol. 12, no. 4, 1990, pp. 486–498.

<sup>10</sup> UNICEF. "The State of the World's Children 2023." [www.unicef.org](http://www.unicef.org).

While the UDHR represented a pivotal moment in the history of human rights, it also highlighted the complexities and enduring struggles involved in realizing these rights. The document, while aspirational, did not possess inherent mechanisms for enforcement, relying on the collective will of nations to uphold its principles. In this regard, the road to the effective protection and promotion of human rights has been marked by persistent advocacy, activism, and international cooperation.

In conclusion, the journey of human rights from a post-World War II concept to a universal phenomenon has been one characterized by hope, aspiration, and daunting challenges. While the UDHR symbolizes a commitment to the principles of human rights, the persistence of violations and abuses underscores the ongoing need for vigilant efforts to address systemic issues, strengthen legal mechanisms, and foster a global culture of respect for the dignity and rights of all individuals, regardless of their circumstances.

## **1.5 Definition of Human Rights**

### Rethinking Human Rights: A Culturally Grounded and Legally Anchored Perspective

#### Introduction

Human rights, as a legal, moral, and philosophical concept, have long been the subject of robust global discourse. While contemporary institutions such as the United Nations advocate for the universality of human rights, the actual implementation and ratification of international human rights instruments vary significantly across states and regions. This variance is particularly salient in the Middle East, where cultural, religious, and legal traditions have historically shaped regional conceptions of justice and individual dignity. A rigorous examination of human rights, particularly in the contexts of Jordan and Lebanon, requires a balanced integration of both global legal norms and local intellectual traditions.

#### Competing Definitions of Human Rights

The United Nations defines human rights as inherent, inalienable rights belonging to all individuals by virtue of their humanity. According to the preamble of the Universal Declaration of Human Rights (UDHR), these rights are the “foundation of freedom, justice and peace in the world”<sup>11</sup>.

Western scholars have developed multiple definitions and frameworks that emphasize the philosophical and legal foundations of human rights:

- Christian Bay conceives of human rights as morally and legally justified claims that protect individuals from deprivation and affirm their basic needs.

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<sup>11</sup> UDHR, G.A. Res. 217A (III), 1948

- D.D. Raphael interprets them as rights granted solely due to one's humanity, emphasizing their foundational status.
- Susan Moller Okin frames human rights as essential for securing vital elements of a dignified life.
- Michael Freedon describes them as conceptual devices that prioritize social needs, embedded in legal structures that ensure their protection.
- Scot Davidson links human rights to protection from state interference and the creation of enabling conditions for personal development.

These perspectives offer valuable theoretical contributions but largely emerge from Western liberal traditions. Given the focus of this dissertation on Jordan and Lebanon, it is essential to engage with non-Western conceptualizations of human rights that align more closely with regional and cultural values.

### Regional and Islamic Perspectives on Human Rights

In the Middle East, human rights discourse intersects with Islamic jurisprudence (*fiqh*), customary tribal law, and legacies of colonial legal structures. Several Arab and Islamic scholars have argued that the principles underpinning human rights are deeply rooted in regional legal traditions:

- Dr. Abdelilah Belkeziz explains that the Islamic concept of *karama insaniyya* (human dignity) provides a parallel foundation to international human rights law, focusing on communal responsibility and the sanctity of life.<sup>12</sup>
- Professor Chibli Mallat, a leading Lebanese legal scholar, has emphasized the compatibility between Islamic legal traditions and modern human rights principles, particularly regarding due process, minority protections, and justice.<sup>13</sup>
- Dr. George Emile Irani has explored how post-colonial Arab states—including Lebanon and Jordan—have approached human rights with caution, often shaped by political sovereignty concerns rather than normative disagreement.<sup>14</sup>
- Dr. Ibrahim Salameh and Dr. Asem Khalil have argued that in Jordan, the domestic reception of international human rights law is often indirect, occurring through executive action rather than formal legislative adoption, thereby affecting the enforceability of such rights.<sup>1516</sup>

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<sup>12</sup> Belkeziz, A. (2006)

<sup>13</sup> Mallat, C. (2007).

<sup>14</sup> Irani, G. E. (1998).

<sup>15</sup> Khalil, A. (2012).

<sup>16</sup> Salameh, I. (2019).

These regional perspectives add depth and legitimacy to the broader discussion on human rights, reminding us that while the terminology may vary, core values of justice, dignity, and fairness are not exclusive to the West.

### The Universality Debate

The claim that human rights are universal has long been contested. Although many rights are widely acknowledged in principle, several states—among them Jordan and Lebanon—have not ratified key treaties such as the 1951 Refugee Convention and its 1967 Protocol. This raises important questions: If human rights are truly universal, why is their acceptance not uniform? The answer lies partly in the nature of international law itself, which relies on voluntary state consent, and partly in the cultural and political differences that influence how states perceive and prioritize human rights.

While universality is a guiding principle, its implementation remains aspirational. The diversity of legal traditions, religious doctrines, and socio-political histories must be accounted for when evaluating how human rights norms are received and operationalized in different contexts.

### Expanding the Human Rights Framework

Modern human rights frameworks encompass multiple categories of rights:

- Civil and Political Rights, codified in the International Covenant on Civil and Political Rights (ICCPR, 1966)<sup>17</sup>, include freedom of speech, the right to a fair trial, and freedom of assembly.
- Economic, Social, and Cultural Rights, protected by the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)<sup>18</sup>, include the right to education, healthcare, housing, and employment.
- Collective Rights: Emerging international norms recognize collective rights such as the right to development, environmental rights, and the right to self-determination, which are increasingly prominent in global discourse.

In regions like the Middle East, socio-economic rights are particularly relevant due to challenges in governance, economic inequality, and migration. A comprehensive human rights approach in Jordan and Lebanon must prioritize not only freedom of expression but also access to food, shelter, and healthcare, especially for vulnerable populations like refugees.

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<sup>17</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171

<sup>18</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3

## Legal and Moral Foundations

Human rights are underpinned by three central qualities:

- **Universality:** The notion that rights apply to all individuals, regardless of nationality, race, religion, or political affiliation.
- **Inalienability and Indivisibility:** Rights cannot be taken away, nor can they be divided into a hierarchy. All rights are interdependent.
- **Subjectivity:** Human rights are inherently tied to individual and collective experiences. They reflect the needs, aspirations, and agency of people in their specific contexts.

In this light, human rights are more than legal entitlements—they are expressions of human dignity rooted in both rational legal orders and lived moral traditions.

## Responsibilities of State and Non-State Actors

States bear the primary responsibility for safeguarding human rights. They are obligated under international law to protect, respect, and fulfill the rights enshrined in treaties to which they are parties. Yet increasingly, non-state actors—including armed groups, corporations, and even international organizations—play significant roles in both the protection and violation of human rights.

- Under instruments like the ICCPR<sup>19</sup> and the Convention Against Torture (CAT, 1984)<sup>20</sup>, states are bound to prevent torture, arbitrary detention, and refoulement.
- Mechanisms such as the Human Rights Committee and the Committee Against Torture provide quasi-judicial venues for individuals to seek redress against state violations.
- Regionally, the Arab Charter on Human Rights (2004)<sup>21</sup> represents an effort by Arab states to articulate a culturally grounded, yet internationally relevant, human rights framework.

## Conclusion

Human rights must be understood as both universal and contextual. While the language of modern human rights is often rooted in Western legal traditions, its core values—dignity, equality, and justice—are present in various cultural and religious traditions, including those of the Middle East. A credible legal study, particularly one focusing on Lebanon and Jordan, must reflect this pluralism.

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<sup>19</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171

<sup>20</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85

<sup>21</sup> Arab Charter on Human Rights, May 22, 2004

Incorporating regional scholarly contributions and acknowledging the diverse historical trajectories of human rights development enriches the discourse. It also helps avoid the imposition of external values and supports the construction of more inclusive, locally legitimate legal frameworks for protecting human dignity in all its forms.

## **1.6 Reassessing the Universality and Post-War Origins of Human Rights: A Critical Legal Perspective**

It is commonly asserted in international legal scholarship that the modern conception of human rights emerged in response to the atrocities of the Second World War. This view is supported by the adoption of pivotal legal instruments such as the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), and later the twin covenants of 1966.<sup>22</sup> However, in my view, this widely accepted narrative oversimplifies a far more complex legal and normative history. It fails to sufficiently recognize the existence of earlier, culturally embedded frameworks of rights and duties, particularly those found in Islamic and regional Arab legal traditions. Furthermore, it assumes the universality of human rights without adequately accounting for the plurality of legal systems and the ongoing contestation over the legitimacy and applicability of international norms—especially in the contexts of Jordan and Lebanon.

### **A. The Historical Depth of Human Rights Norms Beyond 1945**

While it is true that the post-war era catalyzed the institutionalization of international human rights law, I maintain that the conceptual foundations of human rights are neither new nor exclusively Western. Norms that closely resemble human rights principles—such as the protection of life, personal dignity, and justice—have long been embedded in pre-modern legal systems, including Islamic jurisprudence (*fiqh*), tribal codes, and religious legal traditions.<sup>23</sup>

In particular, the Islamic tradition's emphasis on *ḥuqūq al-ʿibād* (the rights of the servants of God), the *maqāṣid al-sharīʿa* (objectives of Islamic law), and principles such as *karāmat al-insān* (human dignity) provide foundational rights concepts that parallel those codified in the Universal Declaration of Human Rights.<sup>24</sup> These frameworks underscore that the protection of individual and communal rights predates modern human rights law and that these protections were articulated in ways that continue to shape legal and moral thought in many Muslim-majority societies today. To frame human rights as a strictly post-1945 phenomenon, therefore, reflects a limited reading of global legal history.

### **B. Contesting the Assumption of Universality**

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<sup>22</sup> UN Charter, 1945; ICCPR, 1966

<sup>23</sup> Abu-Nimer, 2020

<sup>24</sup> An-Na'im, 2010

Despite their aspirational language, key international human rights instruments do not enjoy universal ratification or implementation. If human rights were truly universal in both normative and legal terms, one might expect widespread acceptance of instruments such as the 1951 Refugee Convention. Yet both Jordan and Lebanon—two states that are central to this dissertation—have not ratified the 1951 Convention or its 1967 Protocol.<sup>25</sup> Moreover, Lebanon has entered significant reservations to provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), citing incompatibilities with religious and constitutional norms.<sup>26</sup>

From my perspective, this selective engagement does not necessarily signify opposition to human rights but rather reflects deeper concerns about legal sovereignty, cultural legitimacy, and the imposition of external norms. It demonstrates that the universalist project of human rights law is contested and filtered through domestic legal pluralism and political considerations. Legal systems in Jordan and Lebanon incorporate religious, civil, and customary sources of law, and this complexity must be understood before making claims about the non-compliance or universality of rights norms.<sup>27</sup>

### C. Sovereignty, Pluralism, and Legal Reservations

As a legal scholar, I believe it is crucial to understand that state practice regarding human rights is mediated by political sovereignty and legal pluralism. Both Jordan and Lebanon operate hybrid legal systems, where international treaties do not automatically override national laws unless explicitly incorporated through legislation. This legal reality must temper the expectation that ratification of international treaties leads directly to domestic implementation.

Moreover, religious authorities and political elites often play a significant role in shaping legal norms, especially in areas such as family law and personal status. This results in a complex interface between international obligations and local legal frameworks. In Lebanon, for instance, the personal status of citizens and residents is governed by 15 different religious legal codes, making uniform application of international human rights standards particularly challenging.<sup>28</sup>

These dynamics do not justify violations of human rights but highlight the importance of grounding rights discourse in the socio-legal and constitutional contexts of each country. As Abdullahi An-Na'im persuasively argues, international human rights norms gain traction when they are translated into local idioms of justice and supported by internal cultural legitimacy.<sup>29</sup> From my perspective, this approach is essential for ensuring that

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<sup>25</sup> Refugee Convention, 1951; Protocol, 1967

<sup>26</sup> CEDAW Committee, 2015

<sup>27</sup> Mashhour, 2005

<sup>28</sup> CEDAW Committee, 2015

<sup>29</sup> An-Na'im, 2010

human rights are both legally enforceable and normatively respected in pluralistic legal systems.

#### D. My Position on Human Rights and Legal Universality

Human rights should be understood as evolving legal norms rather than as immutable or universally accepted truths. The human rights project is a living framework—one that must remain open to reinterpretation and adaptation across legal cultures. While the post-war legal architecture has been instrumental in formalizing these rights at the international level, it should not be mistaken as their point of origin or final expression.

In the specific contexts of Jordan and Lebanon, I argue that greater legal harmonization with international human rights standards is both necessary and achievable. However, this harmonization must be pursued not through top-down imposition but through legal dialogue, constitutional reform, and culturally grounded advocacy. It is through this bottom-up, context-sensitive approach that states can fulfill their international obligations while maintaining legal coherence and national legitimacy.

### **1.7 Modern Concept and Universalization of Human Rights**

The aftermath of the Second World War marked a significant turning point in the history of human rights, leading to a resurgence of the natural rights theory. Prior to 1945, international efforts to protect individual human rights were relatively limited, focusing on specific issues such as the abolition of the slave trade, regulations governing the conduct of warfare, and minority rights agreements established following the Treaty of Versailles in 1919.

However, it was in the post-1945 era that the international community embarked on a transformative journey to extend the protection of human rights to all individuals on a global scale. This pivotal shift was reflected in the creation of authoritative international documents that reshaped the rules governing state behavior and the rights of individuals within states.

Some of the most notable milestones during this period include:

1. United Nations Charter of Human Rights (1945)<sup>30</sup>: This foundational document articulated the principles of human rights and set the stage for subsequent developments in international law. It addressed states as moral actors, emphasizing their responsibility in upholding human rights.

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<sup>30</sup> United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 19 October 2023]

2. Universal Declaration of Human Rights (UDHR) (1948)<sup>31</sup>: The UDHR, a landmark document, extended the protection of human rights directly to individuals. It outlined a comprehensive framework of rights and freedoms that every person is entitled to, regardless of nationality or background. The UDHR served as a moral and legal compass for the global community, asserting the inherent dignity and worth of all individuals.

3. Genocide Convention (1948)<sup>32</sup>: In response to the horrors of the Holocaust, the Genocide Convention was established to prevent and punish acts of genocide. It represented a collective commitment to prevent mass atrocities and protect vulnerable populations.

4. Revision of the Geneva Conventions (1949)<sup>33</sup>: The revision of the Geneva Conventions strengthened the protections afforded to civilians and combatants during armed conflicts. These conventions played a pivotal role in humanitarian law.

5. European Convention on Human Rights (1950)<sup>34</sup>: This regional agreement was a significant step towards protecting human rights in Europe. It established a regional system for safeguarding the rights and freedoms outlined in the UDHR.

6. United Nations Educational, Scientific and Cultural Organization (UNESCO) (1945)<sup>35</sup>: While primarily focused on education, science, and culture, UNESCO also contributed to the broader mission of promoting peace, tolerance, and human rights.

These international documents emerged from a shared moral imperative to rebuild public morality and prevent the recurrence of the devastating human rights abuses witnessed during the Second World War. The United Nations Charter of Human Rights emphasized the moral obligations of states, while the UDHR directly addressed individual human beings, underscoring the intrinsic value and dignity of every person.

In essence, the aftermath of the Second World War ushered in a new era in which the protection of human rights became a global priority. These foundational documents continue to shape international law and serve as a testament to humanity's commitment to upholding the principles of justice, equality, and dignity for all.

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<sup>31</sup> United Nations General Assembly. The Universal Declaration of Human Rights (UDHR). New York: United Nations General Assembly, 1948.

<sup>32</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 U.N.T.S. 276 (entered into force 12 January 1951)

<sup>33</sup> International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, available at: <https://www.refworld.org/docid/3ae6b36d2.html> [accessed 19 October 2023]

<sup>34</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html> [accessed 19 October 2023]

<sup>35</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), Constitution of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), 16 November 1945, available at: <https://www.refworld.org/docid/3ddb73094.html> [accessed 19 October 2023]

The Charter of the United Nations, signed in San Francisco on June 26, 1945, represents a document that drew inspiration from the past while envisioning a future filled with possibilities. It stands as a testament to the evolving nature of humanity's social organization, encapsulating the historical journey of mankind in its provisions.

The foundations of the Charter were deeply rooted in the lessons of history and the collective experiences of nations. Many of its principles and ideas found substantial if not exact expression in earlier international instruments and agreements. In this sense, the Charter was a product of accumulated wisdom, a reflection of humanity's efforts to prevent the recurrence of devastating conflicts like the two world wars that had shaken the world in the first half of the 20th century.

What makes the Charter particularly remarkable is its recognition that the pursuit of peace, security, and well-being in an ever-changing world might necessitate significant adaptations of institutional and procedural arrangements. This forward-looking perspective acknowledged that the global landscape was not static, and the mechanisms for achieving the Charter's purposes and principles would need to evolve in response to shifting world conditions.

Importantly, the Charter was not solely concerned with restraining the freedom of action of individual states. It also incorporated provisions for the development and protection of human rights within the framework of each nation's constitution. This dual approach, both limiting state behavior to preserve international peace and promoting human rights at the domestic level, represented a significant innovation in the realm of international relations.

In essence, the Charter of the United Nations served as a foundational document that not only outlined the responsibilities and obligations of states but also provided a constitutional basis for the pursuit of international peace, security, and the well-being of all people. It embodied a vision of a world in which nations could come together to address global challenges, while simultaneously upholding the rights and dignity of individuals within their own borders. As such, the Charter remains a timeless and aspirational guide for nations striving to create a more just and peaceful world.

The Preamble of the Charter of the United Nations (UN) states: “We the peoples of the United Nations determined:

to save the succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and

to promote social progress and better standards of life in larger freedom.

The Charter of the United Nations, through its clauses concerning human rights, provides a robust foundation for advancing the protection and promotion of these fundamental rights. This commitment to human rights is deeply embedded in the Charter's fabric, beginning with its Preamble, in which member states reaffirmed their faith in the essential nature of human rights and the principle of equal rights for all, regardless of gender.

Article 1<sup>36</sup> of the United Nations Charter explicitly outlines the purposes of the organization, and among these purposes is the imperative to foster cooperation in promoting and encouraging respect for human rights and fundamental freedoms. This foundational article underscores the global community's commitment to upholding human rights principles without any form of discrimination based on race, gender, color, language, or religion.

Article 55<sup>37</sup> of the Charter goes further by outlining the responsibilities of the United Nations in promoting human rights. It includes provisions for the advancement of higher standards of living, full employment, economic and social progress and development, and the universal respect for and observance of human rights and fundamental freedoms for all. This article underscores the multifaceted approach that the United Nations takes in addressing the well-being of individuals, encompassing not only political and civil rights but also economic, social, and cultural rights.

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<sup>36</sup> Article 1 “*The Purposes of the United Nations are:*

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

<sup>37</sup> Article 55

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Article 56<sup>38</sup> reinforces this commitment by compelling all member states to pledge themselves to take both collective and individual actions in cooperation with the organization to achieve the objectives set forth in Article 55. This collective responsibility underscores the collaborative nature of the United Nations in promoting human rights and global welfare.

Additionally, Article 62<sup>39</sup> empowers the Economic and Social Council (ECOSOC) to make recommendations independently on matters related to international economic, social, and humanitarian issues. This authority enhances the organization's ability to address complex challenges and formulate policies that advance human rights in a broad sense.

Furthermore, Article 76<sup>40</sup> of the UN Charter establishes the trusteeship system, which aligns with the organization's overarching goals, including furthering international peace and security and promoting the political, economic, social, and educational advancement of the inhabitants of trust territories. This advancement is directed towards self-government or independence while emphasizing the importance of respecting human rights and fundamental freedoms for all without discrimination.

In conclusion, the Charter of the United Nations serves as a foundational document that not only underscores the significance of human rights but also provides a comprehensive framework for their protection and promotion. These provisions reflect a holistic approach to human rights, recognizing their interdependence with other aspects of well-being, and

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<sup>38</sup> **Article 56**

“All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.”

<sup>39</sup> **Article 62(1)**

“1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

<sup>40</sup> **Article 76**

“The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

highlight the collective responsibility of member states and the organization itself in ensuring their realization.

### 1.3 The Birth of Universal Human Rights: The Universal Declaration of Human Rights (UDHR)

In the wake of the devastating Second World War, the international community found itself at a crossroads, grappling with the harrowing consequences of conflict and the imperative to safeguard the dignity and rights of all individuals, irrespective of their nationality or background. This critical juncture in history marked the emergence of a profound commitment to enshrine the fundamental rights of every human being worldwide, a commitment that would culminate in the adoption of the Universal Declaration of Human Rights (UDHR) on December 10, 1948, by the member states of the United Nations General Assembly.

The UDHR, a groundbreaking document, stands as a testament to the shared aspirations of nations to create a world where human rights are universally recognized, respected, and protected. Comprising 30 Articles, the declaration outlines a common standard of achievement for the future of human rights. While it is important to note that the UDHR is not a legally binding treaty, its principles serve as a cornerstone upon which the edifice of human rights is constructed.

Within the pages of the UDHR, a profound vision of human rights unfolds, encompassing a wide array of universally agreed-upon basic rights. Among these rights are the right to life, liberty, and security of a person (Article 3), the right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment (Article 5), and the right to equal protection of the law (Article 7). The declaration also unequivocally asserts the right not to be subjected to arbitrary arrest, detention, or exile (Article 9), the right to a fair and public trial by an independent and impartial tribunal (Article 10), and the right to freedom of thought, conscience, and religion (Article 18).

Moreover, the UDHR champions the right to freedom of opinion and expression (Article 19), the right to freedom of peaceful assembly and association (Article 20), and the right to work, including equal pay for equal work (Article 23). It further underscores the right to a standard of living adequate for health and well-being, including access to food, clothing, housing, and medical care (Article 25), as well as the right to education (Article 26). Importantly, the declaration emphasizes the right to a social and international order in which the rights articulated within the document can be fully realized (Article 28).

While Article 29 of the UDHR delineates the duties and limitations of individuals in the exercise of their rights and freedoms, Article 30 establishes provisions for protection against human rights abuses, underlining the commitment to safeguard these rights from violation or neglect.

The adoption of the UDHR marked a pivotal moment in human history, a collective endeavor to declare and protect the intrinsic worth and dignity of all individuals. Its principles continue to resonate as a beacon of hope and a guidepost for nations and societies striving to build a world where the rights and freedoms of every person are honored and upheld.

## **1.8 Refugees and Human Rights**

### **Refugees and Human Rights: A Legal Perspective**

In an era increasingly shaped by geopolitical instability, armed conflict, persecution, and environmental degradation, the legal protection of refugees has become one of the most pressing obligations under international law. Refugees—individuals compelled to flee their countries due to a well-founded fear of persecution—are among the most vulnerable populations globally. Their plight invokes the application of both international refugee law and international human rights law, whose convergence forms the legal foundation for their protection and dignified treatment.

At the heart of refugee protection lies the intersection of two foundational legal regimes: the framework governing refugee status and the broader corpus of human rights law. Human rights, universally recognized as inalienable entitlements inherent to all persons by virtue of their humanity, underpin principles of equality, dignity, and non-discrimination. These rights are codified in foundational instruments such as the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966).

Refugees, notwithstanding their irregular status or displacement, retain the full spectrum of human rights protections. This includes rights to life, liberty, security, access to basic services, and protection from torture or degrading treatment<sup>41</sup>. The 1951 Convention Relating to the Status of Refugees (hereinafter "1951 Refugee Convention") and its 1967 Protocol provide the legal definition of a refugee and articulate state obligations to protect such individuals, most notably the principle of non-refoulement enshrined in Article 33(1), which prohibits the expulsion or return of refugees to a territory where their life or freedom would be threatened<sup>42</sup>.

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<sup>41</sup> ICCPR, Arts. 6–7; CAT, Art. 3

<sup>42</sup> Refugee Convention, 1951

The refugee journey is often fraught with peril—from irregular crossings and unsafe travel routes to systemic discrimination and detention. In this context, the applicability of international human rights norms offers not only moral affirmation but also enforceable legal standards that safeguard the dignity and rights of displaced persons. Notably, Article 14 of the UDHR recognizes the right to seek and enjoy asylum from persecution, further reinforcing the normative link between refugee protection and human rights.

The legal regime governing refugees is not limited to universal instruments. Regional frameworks such as the Organization of African Unity (OAU) Convention of 1969 and the Cartagena Declaration (1984), as well as domestic legal measures, have further elaborated refugee protections. Although not all states are parties to the 1951 Convention, many—including Jordan and Lebanon—have entered into Memoranda of Understanding with UNHCR to facilitate the determination and protection of refugees within their territories.<sup>43</sup>

Moreover, the growing impact of environmental degradation and climate change on forced displacement underscores the need to reassess current legal frameworks. While environmental migrants do not yet fall under the traditional refugee definition, human rights bodies have affirmed that returning individuals to climate-threatened areas may violate Article 6 of the ICCPR if it endangers their right to life.<sup>44</sup>

Ultimately, the relationship between refugees and human rights is grounded not only in principles of humanitarian concern but in binding legal obligations. As emphasized by the Human Rights Committee and the Committee Against Torture, states must ensure access to asylum procedures, fair refugee status determination processes, and legal safeguards against arbitrary detention and forced return.

### Defining Refugees in International Law

The term "refugee" is defined under Article 1(A)(2) of the 1951 Refugee Convention as:

"A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" .<sup>45</sup>

This definition encapsulates the core elements of refugee status: the presence of a well-founded fear of persecution, a causal link to protected grounds, and a lack of state protection. It reflects a consensus in international law that refugees are entitled to legal protection and assistance. The definition has been widely accepted, albeit subject to regional adaptations, and forms the cornerstone of refugee protection globally.

### Conclusion

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<sup>43</sup> UNHCR–Jordan MoU, 1998; UNHCR–Lebanon MoU, 2003).

<sup>44</sup> Human Rights Committee, *Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016).

<sup>45</sup> Refugee Convention, 1951, Art. 1A(2)).

The convergence of refugee law and human rights law represents a powerful legal and normative framework for the protection of displaced persons. While the refugee regime provides specific safeguards tailored to the unique vulnerabilities of refugees, the universality of human rights ensures that all persons, regardless of status, retain their inherent dignity and legal entitlements. In today's complex humanitarian landscape, upholding these protections is not merely a moral imperative but a legal duty under international law.

## **1.9 Defining and Differentiating Between Asylum and Refugee Status**

A precise understanding of the legal distinction between asylum and refugee status is essential in the context of international protection and forced migration studies. Although often used interchangeably in public and political discourse, these terms are grounded in distinct legal frameworks and entail separate procedural and substantive consequences. Their differentiation is particularly significant in jurisdictions such as Jordan and Lebanon, which, despite not being States Parties to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, remain actively engaged in hosting substantial refugee populations and cooperating with the United Nations High Commissioner for Refugees (UNHCR).

### **Definition and Legal Basis of Refugee Status**

According to Article 1(A)(2) of the 1951 Convention Relating to the Status of Refugees (hereinafter "1951 Refugee Convention"), as amended by the 1967 Protocol, a refugee is:

“A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”<sup>46</sup>

### **Key Legal Features:**

1. **International Recognition:** Refugee status is formally recognized either by a State party to the Convention or, where such mechanisms are lacking, by UNHCR under its mandate pursuant to the Statute of the Office of the United Nations High Commissioner for Refugees.<sup>47</sup>
2. **Non-Refoulement Guarantee:** Refugees are entitled to protection from refoulement under Article 33(1) of the 1951 Convention, a principle recognized as customary international law<sup>48</sup>.

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<sup>46</sup> Refugee Convention, 1951, Art. 1A(2)).

<sup>47</sup> UNGA Res. 428(V), 1950

<sup>48</sup> UNHCR, 2007

3. **Prima Facie Recognition:** In situations of mass displacement, individuals may be recognized as refugees on a prima facie basis, without individual assessment, pursuant to UNHCR policy and regional instruments such as the 1969 OAU Convention.
4. **Durable Solutions:** Refugees may benefit from durable solutions including voluntary repatriation, local integration, or resettlement.<sup>49</sup>

#### Definition and Legal Basis of Asylum Status

Asylum refers to international protection granted by a State to individuals who seek refuge within its territory but whose refugee status has not yet been determined. While refugee status is defined under international law, asylum is governed primarily by national law, albeit constrained by international human rights obligations.

#### Key Legal Features:

1. **Application and Procedure:** Asylum seekers must file individual applications for protection, generally under domestic law or, in its absence, via UNHCR pursuant to its international mandate.<sup>50</sup>
2. **Interim Protection:** Asylum seekers do not receive full refugee rights until their claims are processed and approved. Their legal status remains provisional during this period.
3. **State Sovereignty:** The grant of asylum is a sovereign act but must respect core obligations under international human rights law, including Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), which prohibit arbitrary deprivation of life and torture (Human Rights Committee, General Comment No. 31, CCPR/C/21/Rev.1/Add.13).

#### Comparative Legal Context: Jordan and Lebanon

Neither Jordan nor Lebanon is a party to the 1951 Refugee Convention or its 1967 Protocol. As a result, both countries lack formal national asylum systems. Refugee Status Determination (RSD) is carried out exclusively by UNHCR through bilateral Memoranda of Understanding:

- **Jordan:** The 1998 MoU with UNHCR allows RSD based on the 1951 Convention definition<sup>51</sup>.
- **Lebanon:** The 2003 MoU assigns RSD authority to UNHCR but faces increasing legal and political restrictions<sup>52</sup>.

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<sup>49</sup> UNHCR ExCom Conclusion No. 104, 2005).

<sup>50</sup> UNHCR Statute, para. 8(a)).

<sup>51</sup> UNHCR, Jordan MoU, 1998

<sup>52</sup> UNHCR, Lebanon MoU, 2003

## Distinction Between Asylum and Refugee Status

Criteria	Asylum Status	Refugee Status
Legal Definition	Applicant for protection pending recognition	Person recognized under international law (1951 Convention)
Legal Framework	Determined by national law and international human rights law	Governed by the 1951 Convention and 1967 Protocol
Protection Level	Provisional and limited	Full legal protection under refugee law
Determination Process	Individual application, often UNHCR-facilitated	May be granted individually or prima facie by UNHCR or a State authority
Rights and Benefits	Varies; may lack work, education, or travel rights	Entitled to legal residency, education, work, and documentation (Arts. 16–28)
UNHCR’s Role	Facilitates asylum claims, monitors procedural fairness	May conduct RSD and grant status where states lack mechanisms

Table 1 Distinction Between Asylum and Refugee Status<sup>53</sup>

### Implications for the Legal Landscape in Jordan and Lebanon

1. **Absence of National Asylum Procedures:** Without a codified asylum system, asylum seekers in both countries are reliant on UNHCR, not state authorities, for protection.
2. **Legal Vulnerability:** Asylum seekers lack formal legal status and are exposed to risks such as arrest, deportation, and denial of socio-economic rights, which contravenes obligations under the ICCPR and the Convention Against Torture (CAT, 1984).
3. **Precarious Refugee Protection:** Recognized refugees remain in legal limbo, dependent on UNHCR for documentation and support. States do not provide residency rights or legal status in accordance with the 1951 Convention.

<sup>53</sup> UNHCR, *Jordan Country Report* (2024)  
General Security Directorate (Lebanon), *Annual Report* (2023)

## Access to Justice at the International Level

Despite non-accession to the 1951 Convention, individuals in Jordan and Lebanon may seek redress at the international level. Both states are parties to the ICCPR and CAT and are thus bound by obligations to protect against refoulement and inhuman or degrading treatment:

- Article 7 ICCPR and Article 3 CAT prohibit return to countries where there is a risk of torture or cruel treatment.
- Individuals may bring complaints before the UN Human Rights Committee (under the ICCPR's Optional Protocol) or the Committee Against Torture (under Article 22 CAT), provided the state recognizes their competence.

## Conclusion

The distinction between asylum and refugee status is not merely semantic—it has profound legal and procedural implications. Refugee status carries recognized international protections, while asylum is a discretionary status conferred by states and bounded by human rights law. In Jordan and Lebanon, the absence of national asylum frameworks reinforces the central role of UNHCR but also perpetuates legal ambiguity and insecurity. These findings call for legislative reform and stronger alignment with international legal standards to ensure effective, rights-based refugee protection.

### 1.10 Legal Framework and Protection

The international legal framework forms the cornerstone of refugee protection and delineates the obligations of states under both refugee law and international human rights law. The principal instruments governing this framework are the 1951 Convention Relating to the Status of Refugees<sup>54</sup> and its 1967 Protocol<sup>55</sup>, which collectively define who qualifies as a refugee and set out the rights of refugees and the legal duties of States Parties.

Among the most fundamental principles codified in the 1951 Convention is the principle of non-refoulement, enshrined in Article 33(1).<sup>56</sup> This provision prohibits the expulsion or return (“refoulement”) of a refugee to a territory where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion. This principle is widely recognized as a norm of customary international law, binding even on states that are not parties to the Convention.

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<sup>54</sup> Convention Relating to the Status of Refugees, 28 July 1951, 189 U.N.T.S. 137, Art. 33(1)

<sup>55</sup> Protocol Relating to the Status of Refugees, 31 January 1967, 606 U.N.T.S. 267.

<sup>56</sup> UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law*, Advisory Opinion, 2007.

In addition to protection under refugee-specific instruments, refugees are entitled to the full enjoyment of human rights as guaranteed by universal human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR)<sup>57</sup>, the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>58</sup>, and the Convention Against Torture (CAT)<sup>59</sup>. These instruments affirm that refugees, like all individuals, must be treated with dignity, equality, and without discrimination.

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<sup>57</sup> International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

<sup>58</sup> International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 U.N.T.S. 3.

<sup>59</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, 1465 U.N.T.S. 85.

## **Chapter 2: Refugees Law and Policies In Jordan**

## 2.1 Introduction

### Jordan and the Refugee Crisis: Legal and Regional Context

The Middle East remains one of the most volatile regions globally, shaped by a history of protracted armed conflicts, occupation, sectarian violence, and systemic political instability. Since the conclusion of the Second World War, the region has witnessed over twenty-one major wars and armed conflicts, ranging from the Arab-Israeli wars to the protracted Gulf wars<sup>60</sup>. These conflicts have generated enduring humanitarian crises, with civilians constituting the primary victims. Large-scale displacement has become a persistent feature of the regional landscape, as affected populations flee areas of active conflict in search of security and protection in more stable neighboring countries.

Refugee-receiving states in the Middle East often face considerable challenges in accommodating displaced populations. Many of these host states, including Jordan, are themselves grappling with structural issues such as limited economic development, political fragility, resource scarcity, and underdeveloped public infrastructure. The influx of refugees into such fragile contexts can impose additional burdens on state institutions and exacerbate pre-existing socio-economic and political pressures<sup>61</sup>.

While armed conflict remains the primary driver of forced displacement, it is not the sole cause. Other factors, such as political repression, fear of arbitrary arrest, and the search for employment opportunities, have also contributed to increased migration and asylum-seeking across the region. However, the geopolitical upheavals and humanitarian crises that followed the first decade of the 21st century—particularly those associated with the Syrian civil war—have significantly accelerated the pace and scale of refugee flows. This has placed substantial pressure on host states such as Jordan, which continues to bear the social, political, and economic burdens associated with hosting large refugee populations<sup>62</sup>.

Over the course of the past century, the Hashemite Kingdom of Jordan has emerged as a primary destination for individuals fleeing persecution, violence, and instability. From the early waves of Libyan refugees to the present day, Jordan has hosted refugees from more than 50 different nationalities. As of the second centenary of the Jordanian state, the country remains one of the most prominent refugee-hosting nations in both regional and global contexts<sup>63</sup>.

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<sup>60</sup> Katana, 2021

<sup>61</sup> World Bank, 2017

<sup>62</sup> UNHCR, 2023

<sup>63</sup> Katana, 2021

According to data from the United Nations High Commissioner for Refugees (UNHCR), Jordan hosts the second-largest refugee population per capita globally, after Lebanon. Approximately one in every three people residing in Jordan is a refugee, placing the country among the top five refugee-hosting countries worldwide in absolute terms <sup>64</sup>. The Director-General of the Department of Palestinian Affairs, Rafiq Kharfan, reported to *Al-Mamlaka TV* that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) records list approximately 2.4 million Palestinian refugees residing in Jordan, with 18% living in formal refugee camps <sup>65</sup>.

UNHCR figures indicate that as of 2023, Jordan hosts 752,988 registered refugees, including 664,086 Syrians. However, the Government of Jordan estimates that the total number of Syrians in the country exceeds 1.3 million, meaning that roughly half of the Syrian refugee population remains unregistered with UNHCR. Additional UNHCR-registered refugee populations in Jordan include 66,771 Iraqis, 13,919 Yemenis, 6,027 Sudanese, 719 Somalis, and 1,466 refugees of other nationalities <sup>66</sup>.

The global refugee crisis has now reached unprecedented dimensions, with over 117 million forcibly displaced persons worldwide, according to UNHCR's 2023 data. Asia accounts for nearly half of the global refugee population. Within the Middle East, Jordan is frequently cited as a “unique” case in academic and humanitarian discourse, due to its relatively liberal refugee admission policies and its historical development of settlement schemes within its national territory <sup>67</sup>. These schemes represent one of the three durable solutions to refugee crises, as recognized by UNHCR: voluntary repatriation, local integration, and third-country resettlement <sup>68</sup>.

Jordan's approach to refugee protection—although not grounded in accession to the 1951 Refugee Convention or its 1967 Protocol—reflects a significant and ongoing commitment to humanitarian principles and cooperation with international agencies. The country's long-standing partnership with UNHCR, formalized through a 1998 Memorandum of Understanding, has allowed for the administration of refugee protection and assistance measures within the bounds of Jordanian sovereignty and international expectations <sup>69</sup>.

Jordan's role in the regional refugee architecture is both indispensable and illustrative of the broader challenges faced by host states situated in conflict-affected regions. Its experience offers critical insights into the interplay between humanitarian obligations, legal frameworks, and national interests in managing large-scale displacement.

## 2.1 Legal protection systems and refugee rights and obligations

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<sup>64</sup> UNHCR, 2023

<sup>65</sup> Katana, 2021

<sup>66</sup> UNHCR, 2023

<sup>67</sup> IOM, 2022

<sup>68</sup> UNHCR, 2005

<sup>69</sup> Al-Zubaidi, 2021

The right of asylum enjoys great attention in international circles, and is even considered an internationally recognized human right, given that refugees are people whose human rights have been seriously violated, or those rights have been seriously threatened to the point of seeking asylum in a country other than the home country.

The International Bill paid attention to the issue of asylum and refugees by establishing human rights guarantees due to the increasing phenomenon of violations of the rights of individuals and groups, and as a result of this violation phenomenon, refugees began to flock to countries with the aim of obtaining safe refuge, which creates a problem for the countries hosting them and additional burdens on their local economy perhaps its demographic composition and national values.

As for the main objective of refugee protection, it focuses on protecting the rights of refugees and providing them with decent conditions, in addition to creating the appropriate conditions for the persecuted to be able to exercise the right to asylum and find a safe haven in another country. Through international conventions and international protocols on refugee affairs.

It is worth noting that the Commission has implemented three protection systems as follows:

- Temporary international protection.
- Group acceptance.
- Determine refugee status.
- Each system is applied based on the political situation and the host country, in addition to other factors.

## **2.2 The legal basis for Jordan's obligations**

In terms of protection basis:

The field of public international law: is the basis of this study, which is built on the basis of human rights, which in turn stems from those international instruments and treaties, which culminated in the Charter of the United Nations in 1945, which in turn became a constitution for international relations in the international community as a treaty

Internationally binding, and for the first time in general human history, human rights are codified.

### ***2.2.1 International Refugee Law***

Refugee law is the branch of international law concerned with protecting the rights of refugees, and it is related to international law, Human rights and international humanitarian law, although different from them, deal consecutively because human rights in general and war management in particular. The motive behind the conclusion of many international conventions and agreements, which were primarily concerned with organizing the legal status of refugees, whether at the international or regional level, is evident through two basic considerations:

-The growing international interest in the individual and the emergence of modern ideas and trends regarding the protection of his fundamental rights and freedoms.

- The emergence of many non-democratic regimes and the consequent increase in the phenomenon of political persecution and oppression or the like in most of these regimes, which consequently led to a steady increase in the number of people who sought to seek safe refuge outside their countries.<sup>70</sup>

Refugee law includes both customary law, peremptory norms, and international legal instruments. The only codified international instrument is the United Nations Asylum Treaty, with its Optional Protocol, while the various regional bodies have instruments that apply only to Member States to ratify those instruments and conventions.<sup>71</sup>

These instruments include:

- The United Nations Convention Relating to the Status of Refugees 1951.
- And amended in the 1967 Protocol relating to the Status of Refugees, where each country individually signs it.
- The Bangkok Principles on the Status and Treatment of Refugees were drawn up in 1966, updated in 2001 and endorsed by a number of countries in Asia, the Middle East and Africa. The importance of these principles lies in the fact that they reflect the point of view of many countries that have had extensive experience in providing asylum, including countries that are not a party in the 1951 Convention and the 1967 Protocol, as did the Convention of the Organization of African Unity and the Carthage Declaration, a broad

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<sup>70</sup> Ahmed Al-Rashidi, *International Protection of Refugees*, Center for Political Research and Studies - Cairo, 1st edition. (1997), p: 364

<sup>71</sup> Details of these conventions can be found in: *Human Rights and Refugees*, Fact Sheet No.: 20 Series of Human Rights Fact Sheets, issued by the Office of the United Nations High Commissioner for Human Rights at the United Nations Office, Geneva, pp. 11 et seq.

definition of refugee was adopted in the principles compared to what was stated in the 1951 Convention.

- And the African Charter on Human and Peoples' Rights, which was adopted on 6/6/1981 and entered into force on 10/21/1986
- Carthage Declaration on Refugees for Latin American Countries 1984 .
- European Convention on Human Rights: Convention for the Protection of Human Rights and Fundamental Freedoms, and entered into force on 4/11/1950, which was adopted on 3/11/1953. And a protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, all of which have entered into force
- The 1976 European Council Recommendations Concerning the Realistic Situation of Refugees.
- EU Council Directives on Minimum Standards for Qualification and Status of Third Country Nationals and Stateless Persons as Refugees or Others in Need of International Protection and Content of Granted Protection 2004.<sup>72</sup>
- It is worth noting that the European Commission for Human Rights decided that the expulsion or extradition of a foreign refugee to his country against his will is an inhumane act and a flagrant violation of human rights and fundamental freedoms.
- The American Convention on Human Rights, adopted on 11/29/1969 and entered into force on 7/18/1978.<sup>73</sup>

It is worth noting that Jordan has not ratified the 1951 Convention, nor the amended protocol The year 1967, and what regulates asylum cases locally is the Memorandum of Understanding signed in 1998, with the The High Commissioner for Refugees, which will be covered by the study after pages.

The relationship between international humanitarian law and refugee law<sup>74</sup>:

International humanitarian law provides protection for refugees who find themselves in a country experiencing armed conflict:

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<sup>72</sup> These directives provide: \* Temporary protection. \* Minimum standards for the reception of asylum seekers.

\* A system specifying the member state responsible for examining asylum applications. This system, in this matter, is an alternative to the Dublin Convention of 1990.

\* A system for comparing the fingerprints of asylum seekers known as Orodak, which has been in place since January 2002.

\* The Qualification Directive that defines the concept of asylum and the protection derived from it, and thus sets the minimum standards for those who have qualified for international protection.

\* Procedures directive that defines the common minimum standards for refugee status determination procedures.

The approval of these basic clauses, which establish the minimum procedural standard, marked the end of the first phase of establishing a common European asylum system, and the second phase will include translating these principles into national legislation and harmonizing practices between member states.

See: Introduction to International Refugee Protection, Protection of Persons of Concern for UNHCR, Self-Education Program 1, UNHCR Publications, p.: 31

<sup>73</sup> Paragraph 7 of Article 22 of this American Convention, and on it: Freedom of movement and residence.

<sup>74</sup> Article published on the ICRC website, entitled: The Three Pillars, International Humanitarian Law, Human Rights Law and International Refugee Law, by the International Committee of Human Rights Judges, Netherlands, dated: 4/23/2005

First, provided that they are not taking a direct part in hostilities, as refugee civilians are entitled to seek protection from the effects of hostilities.

Second, in addition to the protection of general international law, international humanitarian law grants refugees' additional rights and protection as aliens in the territory of a party to a conflict, given their vulnerability and need for protection.

When applying international humanitarian law, their protection during displacement is guaranteed. It expressly prohibits any action that leads to the displacement of civilians. This is a manifestation of the principle that the civilian population must be spared, as far as possible, the effects of hostilities.

During the occupation states: The Fourth Geneva Convention prohibits forcible individual or mass transfers, whether within the occupied territory or outside its borders, to a third country. There is a limited exception to this rule, which permits the occupying power to "evacuate" the population of a certain area if this is necessary for the security of the civilian population, or for force majeure reasons.

Evacuations even in such cases should not involve the displacement of civilians outside the occupied territory unless this is impossible for material reasons. Furthermore, the displaced must be allowed to return to their homes as soon as hostilities in the area concerned cease.

The prohibition against the displacement of the civilian population for reasons related to the conflict applies unless the security of civilians or military necessity for the reasons for that demand also apply in non-international armed conflicts.

Protection from the effects of hostilities with intent to displacement: In addition to these explicit prohibitions, the rules of international humanitarian law protect civilians from the effects of hostilities, and the violation of these rules is often the main cause of displacement in situations of armed conflict. Prohibition of reprisals against the civilian population and its related property such as prohibition of collective punishment often in the form of home destruction, resulting in displacement; The rules require parties to a conflict to allow the unimpeded passage of relief supplies and provide assistance necessary for the survival of the civilian population.

But it must be noted that Jordan's commitment came primarily from its ratification of the Arab Charter on Human Rights in its final form, knowing that a first version of the Arab Charter on Human Rights was adopted, on: 9/15/1949, but no Arab country ratified it at the time.<sup>75</sup>

The Arab Summit in Tunis, on 5/23/2004, adopted a new version of the Arab Charter on Human Rights.<sup>76</sup>

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<sup>75</sup> The text of the first version of the Arab Charter on Human Rights for the year 1994 in: "Arab Affairs" magazine, Issue No.: 80, issued on: December, 1994 p.: 230 and beyond.

<sup>76</sup> The approved text of the Arab Charter on Human Rights: Muhammad Amin Al-Maidani, the Arab Charter on Human Rights. Human Rights Studies and Documents, Al-Jinan University Series of Publications, Tripoli - Lebanon, Dar Al-Muna for Printing and Publishing - Tripoli, 2012, p.: 241 and beyond.

This charter entered into force on: 3/16/2008 after it was ratified by seven Arab countries, pursuant to the provisions of Article (49) of this charter, including Jordan. As for the Arab countries that have ratified it, they are: Jordan, the United Arab Emirates, Bahrain, Algeria, Palestine, Libya and Syria. Later, Qatar, Lebanon, Saudi Arabia, and Yemen ratified this Arab Charter

Article (28) of this Arab Charter on Human Rights states the following: “Every person has the right to seek political asylum in another country to escape persecution, and this right shall not be used by those who are being prosecuted for a crime of public right, and political refugees may not be extradited.”

It has been noted from reading this article that it is similar to Article (14) of the Universal Declaration of Human Rights, as it did not refer to the right to seek refuge, which was, as saw earlier, a subject of contention when the Universal Declaration was prepared, on this one hand. But what the Arab Charter added on the other hand, and what the Universal Declaration did not stipulate, is a prohibition: the extradition of political refugees, which is a good position taken by the Arab Charter regarding a sensitive issue in the Arab world, which is the issue of the extradition of political refugees, at a time when it is still The issue of political asylum is among the topics mainly related to the protection of human rights and fundamental freedoms in the Arab countries, the extent to which these countries respect the rules and mechanisms of this protection, and the impact of the political climate on the applications of this protection despite the commitment of many Arab countries to international conventions for the protection of human rights.

Respecting human rights is vital to prevent refugee cases before they arise, or to solve refugee and migrant problems after they arise.<sup>77</sup> The universality of human rights cannot be achieved without their protection at the national level, and their protection at the national level is enhanced through the protection guaranteed by international conventions. Both matters are linked to the other and cannot be correct without it.<sup>78</sup>

And if we turn now to the mechanism of the Arab Charter on Human Rights, we will find that the Charter devoted articles from: (45-48) to the mechanism of the state’s parties to it respecting its provisions, through the establishment of the Arab Human Rights Committee, and obligating these states to submit initial and periodic reports to this committee.<sup>79</sup>

The mechanism of this Arab Charter, and the application of the various paragraphs of Article (48), is illustrated by the commitment of the state’s parties to it to submit reports to the Secretary-General of the League of Arab States, who in turn refers them to the Arab Human Rights Committee.

The nature of these reports varies, as the States Parties initially submit initial reports, as well as submit periodic reports and additional information to the Arab Human Rights

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<sup>77</sup> Vladimir Karta Shkin, *International Security and Human Rights*, translated by: Dr. Ali Ghalib, 1989, Dar Al-Nahda Al-Jadida - Cairo, p. 20 and beyond.

<sup>78</sup> Dr.. Abdullah Saleh, *International Protection of the Right to Equality*, research published in the *International Politics Journal*, Issue No.: 173, issued on: July, Volume 43, p: 8

<sup>79</sup> Al-Maidani, *the Arab Charter on Human Rights*. *Human Rights Studies and Documents*, previous reference, (p.: 67 and beyond).

Committee, and this Arab Committee, in turn, studies the reports of the States Parties and makes its observations. The Arab Human Rights Committee has not yet had the opportunity to issue reports regarding the implementation of the provisions of Article 28 of this Charter by the state's parties to the Arab Charter on Human Rights. The political events taking place in some Arab countries, and we see how they caused the influx of large numbers of refugees to neighboring countries, this will inevitably appear in the reports of these countries, and be the subject of research and study by the members of this committee, and is also reflected in its recommendations and decisions.

The Arab countries, through the organs of the League of Arab States, the decisions they have taken, and the instruments they have adopted, seek to affirm the 'right of asylum', 'protection of refugees', and prohibit the extradition of 'political refugees'. But the adoption of these instruments, and the entry into force of some of them, requires, in the first place, setting specific national policies related to the conditions, rights and protection of refugees, and that there should be internal mechanisms that allow for the submission of complaints and grievances as well in the event of violations of the rights of refugees as stipulated in their international conventions. It is also necessary to take into account the humanitarian aspect with regard to refugees and their conditions, which is what NGOs and civil society institutions are working on in countries where there are numbers of these refugees on their territories, and other numbers are pouring into them. Unfortunately, there are many examples, including Syrian and Iraqi refugees in Neighboring countries, including Jordan, with the beginning of the second decade of the third millennium, in many Arab countries.

Based on the foregoing, the situation in Jordan, with the massive influx of refugees that began with the Iraqis in the mid-nineties, and then the Syrians after the current Syrian revolution, is subject to Arab agreements. Internal national legislation for this, and not only the panic system and the Arab tribal hospitality that resonates between official and popular circles, as it is assumed that there are no red lines to receive refugees, no exceptions to the rights of refugees stipulated internationally and Arabs, and no restrictions that prevent the refugee from obtaining protection from his Arab Muslim brothers who are expelled A few kilometers away, while the Arab refugee looks to the distant stranger to protect him or to exert pressure to force the neighboring Arab state to provide him with the protection he needs, and there must be an Arab mechanism to support the host countries for these refugees who are anxious for security and refuge to escape murder, torture and abuse.

Despite all of the above, Jordan, which is small in terms of space and few resources, and who did not ratify the 1951 Convention, has stressed that it is one of the Arab countries that bestows the rights of refugees and their equality with its citizens. For example, Iraq is adjacent to three Arab countries; Jordan is one of them. But there was a larger than it in terms of area and greater resources, but it closed its borders without its citizens who were stranded towards it and did not receive them. There are undoubtedly shortcomings, but they are few for the more than one million refugees received by Jordan. Since the beginning of the Syrian crisis, only a small percentage of the arrivals have been unreceived compared to those who were allowed to enter. Not up to 5% of those allowed to enter. Examples of

those who prevented Palestinian refugees in Syria, unmarried men, and those who enter without legal papers (undocumented).<sup>80</sup>

"Both Jordan and Egypt have largely closed their doors to Iraqi refugees," said Bill Frelick. As for Syria, it refuses to accept the Palestinians who are trying to flee from Iraq), and he continued that "the Geneva conference should address the problem of refusing to grant asylum to Iraqis, and not be satisfied with distributing aid to those outside Iraq or to the displaced within it." Jordan has completely stopped entry of Iraqi nationals through the land border with Iraq, and it also prevents many, if not most, Iraqis trying to enter Jordan by air. Since (November 2006), refugees and other travelers say that at its land borders, Jordan has been preventing entry to individual Iraqi men and boys between the ages of (17-35) years.

However, more recent accounts indicate that Jordan is practicing this ban on a much larger scale. According to the statements of members of families dispersed.<sup>81</sup>

### **2.3 Jordan's obligations under international law**

Non-refoulement<sup>82</sup>, in refugee law, is the principle under customary international law that a state may not return a refugee or asylum-seeker to a country where his or her life or freedom would be threatened because of race, religion, nationality, membership of a social group, or to a particular political opinion. Refugee status is also declarative, meaning that it is a recognition of someone's conformity to the definition of a refugee, not an acquired status. As such, the Basic Principles of Refugee Protection apply to those who have not been formally recognized as they apply to recognized refugees. The most important achievements that Jordan has achieved for refugees from what was stipulated in the 1951 Convention, in the absence of national legislation on asylum in Jordan:

- Expulsion of a refugee - except for reasons of national security or public order. Article: 32

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<sup>80</sup> Human Rights Watch and the International Human Rights Clinic at Harvard Law School (Harvard Clinic): During two separate trips to Jordan and Lebanon (January and February), in-depth interviews were conducted with more than: 120 Syrian and Palestinian refugees from Syria. Documented cases of return from the Jordanian border. See more Human Rights Watch's coverage of Jordan, two websites:

Human Rights Watch for Jordan:

<http://www.hrw.org/ar/middle-eastn-africa/jordan>

<http://www.hrw.org/topic/refugees>

<sup>81</sup> Article entitled: Iraq: Neighboring Countries Stop the Flow of Iraqis Fleeing the War to the US, and the UK Takes a Special Responsibility to Help Refugees (dated: April 17, 2007) at Human Rights Watch:

<http://www.hrw.org/ar/news/2007/04/16>

<sup>82</sup> The prevention of forced return is called nonrefoulement, a French term: it is one of the basic principles of international refugee law. This principle is found in Article: 33 of the Convention relating to the Status of Refugees, which says: "No state shall have the right to expel or return a refugee in any manner whatsoever to frontiers or territories where his life or liberty might be threatened on grounds of race, religion or nationality, belonging to a particular social group, or political opinion."

- The refugee shall not be expelled or returned to the borders or territories where his life or freedom would be threatened. Article: 33
  - Respect the refugee's previously acquired rights related to his personal status. Article: 12/2
  - Apply the provisions of the 1951 Convention to refugees without discrimination. Article: 3
  - Securing administrative assistance for refugees residing on Jordanian territory. Article: 25
  - Facilitate and support the efforts of qualified organizations. Article 35
  - Protecting the security and safety of refugees and their families and the family unit.
  - Securing residence and issuing travel documents and transit visas. Article: 28
  - No penalties for illegal entry or presence. Article: 31 No restrictions on refugee movements. Article 26

Although Jordan is not a party to the 1951 Refugee Convention or its 1967 Annex, it is nevertheless bound by customary international law not to return refugees to a place where their lives or freedom are at risk. The Executive Committee of the High Commissioner for Refugees, of which Jordan is a member, adopted conclusion No. 25 in 1981 declaring that: Paragraph (B) reaffirmed the importance of the basic principles of international protection, in particular the principle of non-refoulement, which is gradually acquiring the character of a peremptory norm in international law.<sup>83</sup>

Jordan's non-refoulement obligation applies to its territory as well as to its borders. At the UNHCR Executive Committee meeting in October 2004, the Committee issued Conclusion 99, calling on states to ensure full respect for the fundamental principle of non-refoulement, including no refusal at borders without access to fair and effective procedures for determining Status and protection needs.<sup>84</sup>

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<sup>83</sup> Conclusion Text: On the website of the UN Refugee Agency at website:

<http://www.unhcr.org/excom/EXCOM/3ae68c434c.html>

EXCOM No. 25 (XXXIII) – 1982, General Conclusion on International Protection Conclusions 20 October 1982 the Executive Committee,

full text: (b) “Reaffirmed the importance of the basic principles of international protection and in particular the principle of non-refoulement which was progressively acquiring the character of a peremptory rule of international law;”

<sup>84</sup> Conclusion Text: On the website of the UN Refugee Agency on the website:

<http://www.unhcr.org/excom/EXCOM/41750ef74.html>

EXCOM No. 99 (LV) – 2004 General Conclusion on International Protection The Executive Committee Conclusions, 8 October 2004,

Full text:” 1) Expresses concern at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and calls on States to address these challenges while

It is noted here that the non-refoulement obligation applies to refusals at the border and calls for fair and effective procedures for determining status and protection needs. However, these procedures are currently absent from the borders that receive arrivals from Syria in Jordan, and the huge number of arrivals makes individual refugee status determination not feasible at the present time.

The United Nations High Commissioner for Refugees (UNHCR) has characterized the Syrian situation as: a massive exodus of refugees.<sup>85</sup> The term has been popularized in international forums as William Burns, Deputy Minister of Foreign Affairs of Switzerland said: “The crisis in Syria has reached an astonishing size and scope. We are witnessing the largest mass exodus in the world in more than three decades. People have been displaced from Syria in even greater numbers of genocide. in Rwanda or ethnic cleansing in the Balkans)<sup>86</sup>, and UNHCR Executive Committee Conclusion No. 22 of 1981 states.<sup>87</sup>

### **2.3.1 II- Measures to protect/ A- Admission and non-refoulement**

1. In cases of large-scale influx, asylum-seekers should be admitted to the State in which they have entered for asylum, and, if the State is unable to allow them permanent asylum, they should always be recognized at least as temporary asylum and provided with protection in accordance with the principles set forth below- Article: (31) of the 1951 United Nations Convention relating to the Status of Refugees. They should be allowed to enter the country of asylum without any discrimination as to race, religion, political opinion, nationality, country of origin or physical disability.

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ensuring full respect for the fundamental principle of non-refoulement, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;”

<sup>85</sup> For an article entitled: “Ramtha witnesses the largest mass displacement of Syrians fleeing the fighting on the Zad Jordan news website - Jordan News, on the website:

<http://www.jordanzad.com/print.php?id=89991>

<sup>86</sup> See his speech in his intervention at the high-level meeting of the Executive Committee of the United Nations High Commissioner for Refugees, in Geneva-Switzerland, on: 30 September 2013, on the official US Embassy website:

<http://iipdigital.usembassy.gov/st/arabic/texttrans/2013/10/20131001283880.html#ixzz2sd08Ilm6>

<sup>87</sup> Text of the conclusion: On the website of the UN Refugee Agency, on the website:

<http://www.unhcr.org/excom/EXCOM/3ae68c6e10.html>

full text :” II. Measures of protection

A. Admission and non-refoulement

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

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

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

2. In all cases, the basic principle of non-refoulement – including non-refoulement at the border – must be strictly and professionally implemented.

Second - II Measures to protect / b - Dealing with asylum seekers who have been temporarily crossed into the country until the necessary arrangements are made to find a permanent solution for them.

The practical consequences of implementing the principle of non-refoulement at the border oblige the Jordanian government to allow asylum seekers arriving as part of a mass exodus fleeing widespread human rights abuses and generalized violence to enter the country, even temporarily, to ensure that no one returns to persecution.

In addition to customary international law obligations, Jordan is a state party to the Convention against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child, which all include non-refoulement obligations, where returning an individual would pose a serious risk of violating a fundamental human right, such as torture or Cruel, inhuman or degrading treatment. The government of Jordan has also repeatedly agreed to strengthen its commitment not to return asylum seekers. In the memorandum of understanding signed by the Jordanian government with the High Commissioner for Refugees in April 1998, in which Jordan agreed to abide by the text:

Article (2): For the purpose of protecting the asylum institution in Jordan, and enabling the High Commissioner for Refugees to act in accordance with its mandate...

It was agreed ... that the principle of non-refoulement should be respected, and that any refugee seeking asylum in Jordan should not be returned to a country where his life or freedom would be in danger because of his race, religion, nationality, belonging to a particular social group or political opinion.

When Jordan applied for its candidacy to the United Nations Human Rights Council<sup>88</sup> on April 20, 2006, it formally submitted to the United Nations its “pledges” and commitments to the promotion and protection of human rights. He said: Over the past decades, the country has provided shelter and protection to many waves of refugees; Jordan reiterates its commitment, as a long-standing hosting country, to fulfill its obligations in accordance with the principles of international refugee law, including peremptory principles, as well as international human rights law.<sup>89</sup>

Jordan reiterated its commitment in March 2012, before the United Nations Committee on the Elimination of Racial Discrimination, where it quoted the Jordanian delegation as saying: (Although this country was not among the signatories to the 1951 Convention relating to the Status of Refugees, it has always recognized the peremptory standards of

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<sup>88</sup> Human Rights Council: The United Nations General Assembly established the Human Rights Council on: March 15, 2006, by resolution (60/251), and held its first session from June 19 to 30, 2006. As the principal political body of the United Nations concerned with human rights. The Council is made up of 47 elected member states, which must enjoy the highest standards of promotion Human rights and their protection.

<sup>89</sup> Jordan's membership was not accepted at the time, despite the pledges made, forcing Jordan to run again and accept Jordan's membership in 2009.

international refugee law and reinforced it, especially the principle of non-refoulement).<sup>90</sup> Jordan's statements officially recognize that refugee protection is an obligation, and that it is keen to fulfill this obligation, which includes adherence to peremptory standards, i.e. (customary law). The most fundamental of these criteria, for refugees, is the principle of non-refoulement.<sup>91</sup>

### **2.3.2 The relationship between the UNHCR and the Jordanian government**

Jordan is not a party to the 1951 Geneva Convention relating to refugees, as Jordan has not ratified it, as mentioned above. However, the UNHCR officially opened an office in 1991 following the events in Iraq and the start of the flow of refugees from Iraq to Jordan, but the work of the office remained Restricted and limited within the refugee camps and humanitarian cases without being able to carry out its functions stipulated in the mandate of the Secretary-General of the United Nations to the UNHCR, and the office was unable to impose the 1951 Geneva Convention on refugees, except in a limited way.

Then came the second practical step regarding asylum due to the continuity of asylum and its being a burden on resources.

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<sup>90</sup> On the UNHCR website, under the title: Ref World,  
On the website:

<http://www.refworld.org/country,,,JOR,,52eb794a4,0>

Jordan: Deliver on Promises to Respect Free Express. Publisher: Human Rights Watch 28 January 2014. World Report 2014 - Jordan

<sup>91</sup> Deportation of refugees: The rules of customary or convention international law did not take into account the conditions of refugees, but rather were applied to them by national laws relating to foreigners who are not obliged to live abroad, but the grave events that the world has been exposed to since the beginning of the twentieth century, especially the massive mass exodus to escape From persecution and the scourge of war, it prompted the international community, since the establishment of the League of Nations, to pay special attention to this vulnerable group, by adopting several multilateral treaties under its auspices related to refugees, and the first objective of these treaties was to grant refugees personal documents later known as Nansen Passports, Then several agreements related to refugees were signed, including the 1933 agreement and the 1936 agreement on the status of refugees in Germany. After the end of the Second World War, and as a result of the tragedies and dispersal of the same family, the United Nations included refugee issues at the top of its agenda. It held: 7/28/1951 The United Nations Convention on Refugees, which considered him a refugee everyone who found himself as a result of the events that occurred in Europe Before the beginning of 1951, outside the country of his nationality, and then the 1967 Protocol Relating to Refugee Affairs expanded this definition by deleting the time and place restrictions that distinguished the 1951 Convention. For the principle of non-refoulement, unless in its presence there would be a serious prejudice to the interests of the receiving state or its national security, and to compromise between the principle of the absolute sovereignty of the state over its territory and the refugee's interest and his right not to endanger his life. Articles (31/2) and (32/2) of the Convention 1951 and Article 3/3 of the United Nations Declaration on Territorial Shelter of 1967 The principle of temporary asylum, which involves the obligation of the receiving state to give the refugee sometime during which he can obtain The ability to enter another country depending on the efforts of self or the efforts of specialized international organizations, and its application in a number of countries has saved many lives, and the international community is still trying to expand the concept of refugee to include some important cases that were not covered by these two documents, as in the case of those fleeing acts of violence. Or economic difficulties. As for cases of internal displacement to escape persecution, the international community is still making a lot of effort to determine the legal status of the victims of this type of internal forced movement and to secure protection for them within the framework of human rights law because the rules of asylum do not apply to them.

The Jordanian economy and Jordan's need for financial and political support, then the cooperation agreement was born in 1997 between the High Commissioner for Refugees and the Jordanian government.<sup>92</sup> As the memorandum did not address the rights or duties of refugees, nor did it refer to any privileges or commitments towards them, the agreement was based on Jordan being a temporary host country that will provide protection and shelter for UNHCR, its staff and activities until UNHCR arranges a solution for refugees. Jordan will present it only to it as a UN body and to its staff as international envoys.

Then, a year later, the High Commissioner for Refugees and the Jordanian government signed a memorandum of understanding in 1998, which gave the commission broader powers and officially enabled it to address and coordinate with the official Jordanian authorities; Such as the Jordanian Ministry of Interior through the coordination office that was established in the ministry for this purpose, as well as coordination with security bodies such as the Department of Residency, Borders, Judiciary and Judicial Enforcement and others (through liaison officers accredited for this purpose), and finally diplomatic relations between the High Commissioner for Refugees and countries that provide aid And the countries granting asylum and (the Jordanian Ministry of Foreign Affairs and Expatriate Affairs).

Then the efforts finally culminated in a letter of understanding in 2003, this letter was signed in: April / 2003 / in order to deal with any humanitarian crises that need international and humanitarian assistance to people in need. This letter constitutes the framework and conditions under which the government of the Kingdom of Jordan and the UNHCR work to provide temporary international protection and humanitarian assistance to refugees, and this agreement was a declaration to launch a temporary regional shelter for people coming

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<sup>92</sup> This memorandum was issued in: (Amman, on the thirtieth day of July of 1997, in both Arabic and English, and its purpose was:

Determining the legal cover through which the Commission will operate on Jordanian territory, as the preamble states: (Whereas the office of the United Nations High Commissioner for Refugees was established pursuant to United Nations General Assembly Resolution 319 (D-4) on December 3, 1949. Whereas the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly in its resolution 428 D-5 on 14 December 1950, provides, among other things, that the High Commissioner, under the authority of the General Assembly, shall undertake the task of securing international protection under the auspices of the United Nations for refugees who They are covered by the provisions of the Statute and the search for permanent solutions to the refugee problem with the assistance of governments as well as private bodies if the concerned governments agree to that. It is an integral part of the United Nations, and applies to its status, privileges and immunities the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on February 13, 1946, and at the request of the Bureau of the The High Commissioner for Refugees and the Government of the Hashemite Kingdom of Jordan in setting the terms and conditions under which the office is represented and according to its jurisdiction in the Hashemite Kingdom of Jordan. Here, it was only mentioned that Jordan provides temporary asylum so that the UNHCR can find permanent solutions only for the refugees. The purpose of the agreement was according to Article 2: (This agreement sets out the basic conditions under which the High Commissioner will, in accordance with its mandate, cooperate with the government and establish an office for it in the country and enable it to carry out its activities related to international protection and humanitarian assistance for the benefit of refugees and other persons under its care in the host country). And the host country here is Jordan, according to the definitions clause of the agreement. For the terms of the memorandum, refer to the official website of the Borders and Foreigners Department at the electronic link: [http://www.rbd.psd.gov.jo/index.php?option=com\\_content&task=view&id=182&Itemid=166](http://www.rbd.psd.gov.jo/index.php?option=com_content&task=view&id=182&Itemid=166)

from Iraq on Jordanian territory. Accordingly, the government of the Hashemite Kingdom of Jordan has obligations in accordance with the letter of understanding, among several matters agreed upon with the Commission, which are: Facilitating the work of the Commission.

- Registration of all beneficiaries in need of international protection.
- Responsibility for entry and immigration procedures in accordance with the principle of non-refoulement.

In this study, he relied on the international legal framework for asylum, which are the following international conventions and agreements:

- Universal Declaration of Human Rights 1948 Article 14: Everyone has the right to seek asylum in other countries or to seek refuge therein to escape persecution.
- Fourth Geneva Conventions relative to the Protection of Civilian Persons in Time of War, Article 3.
- CRC Convention on the Rights of the Child.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- International Convention on the Elimination of All Forms of Racial Discrimination ICERD.
- International Covenant on Civil and Political Rights (ICCPR).
- International Convention for the Suppression and Punishment of the Crime of Apartheid ICSPCA.
- International Covenant on Economic, Social and Cultural Rights ICESCR.
- Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees.
- Convention Against Torture CAT.
- Convention on the Rights of Persons with Disabilities (CRPD).
- International Convention for the Protection of All Persons from Enforced Disappearance.

Other international legal instruments do not detail other provisions towards expanding the scope or “circle” of human rights and developing their protection in Jordan, and finding specialized mechanisms in each of the distinct areas of human rights. The International Covenant on Civil and Political Rights are the main legal documents of the United Nations and the International Covenant on Civil and Political Rights, as the two Optional Protocols are annexes to the last covenant, and together with it constitute one international legal document.

Texts of the letter of understanding came in 2003, to stipulate some texts drawn from the 1951 agreement. Article 2 of the memorandum of understanding stipulated the principle of non-refoulement of refugees.

As for Article 3: it provides for UNHCR staff to be allowed to interview asylum seekers who have entered the Kingdom illegally. While Article 10 provides for exemption from fines for exceeding residency and departure tax.

### **2.3.3 Non-Refoulement and Protection from Persecution**

#### **Definition of non-refoulement and its importance in refugee law**

Non-refoulement is a fundamental principle of refugee law that prohibits the forced return of individuals to a country where they face the risk of persecution, torture, or other forms of harm. This principle is enshrined in several international treaties, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as regional refugee instruments such as the African Union Convention on Refugees.

The principle of non-refoulement is based on the recognition that refugees are entitled to protection under international law, and that returning them to a situation where they face persecution or harm would violate their human rights. It is also grounded in the principle of non-discrimination, which holds that all individuals have the right to be protected from persecution and harm regardless of their nationality, race, religion, or other factors.<sup>93</sup>

Non-refoulement is considered a cornerstone of refugee protection, and is widely recognized as a norm of customary international law. It is also an important legal principle in national refugee laws, including in Jordan, where it is explicitly enshrined in the country's legal framework for refugees.<sup>94</sup>

The importance of non-refoulement in refugee law cannot be overstated. It is a fundamental principle that ensures the safety and security of refugees, and protects them from the risk of persecution, torture, and other forms of harm. Without the principle of non-refoulement, refugees would be at risk of forced return to situations of danger and would be denied the basic human rights to which they are entitled.

#### **Jordan's commitment to non-refoulement and protection from persecution**

Jordan has a strong commitment to non-refoulement and to protecting refugees from persecution and harm. The country has been a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol since 1956, and has developed a legal framework for refugees that is in line with international standards.

Under Jordanian law, refugees cannot be returned to their country of origin if they are at risk of persecution or harm. This principle of non-refoulement is enshrined in the country's refugee laws, which prohibit the forced return of refugees to situations of danger. Jordan has also taken steps to ensure that refugees have access to legal assistance and representation, and has established procedures for determining refugee status and providing protection to those who are recognized as refugees.

In addition to its legal framework for refugees, Jordan has also demonstrated a strong commitment to protecting refugees from persecution and harm through its humanitarian

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<sup>93</sup> Trevisanut, Dr. Seline (September 1, 2014).

<sup>94</sup> Esteh, Fawzia Muhammad Saeed. (2014)

assistance programs. The country has provided refuge to millions of people fleeing conflict and persecution in neighboring countries, including Iraq, Syria, and Palestine, and has worked closely with international organizations such as UNHCR to provide support and protection to refugees.<sup>95</sup>

Despite the challenges posed by the ongoing refugee crisis, Jordan's commitment to non-refoulement and to protecting refugees from persecution remains strong. The country's efforts to provide assistance and protection to refugees reflect its recognition of the importance of upholding the fundamental principles of refugee protection and human rights.

### **Impact of non-refoulement on refugees in Jordan**

The principle of non-refoulement has had a significant impact on refugees in Jordan, as it has helped to ensure their safety and protection from persecution and harm. By prohibiting the forced return of refugees to situations of danger, non-refoulement has provided a critical safeguard for refugees in Jordan and has helped to prevent the violation of their human rights.

In practice, the principle of non-refoulement has enabled refugees in Jordan to seek asylum and protection without fear of being forcibly returned to their country of origin. This has given them the opportunity to rebuild their lives in safety and security, and has enabled them to access vital humanitarian assistance and support.

Non-refoulement has also played an important role in shaping Jordan's legal framework for refugees, which is designed to protect the rights of refugees and ensure that they are treated with dignity and respect. By enshrining the principle of non-refoulement in its refugee laws, Jordan has demonstrated its commitment to upholding the fundamental principles of refugee protection and human rights.<sup>96</sup>

Despite the challenges posed by the ongoing refugee crisis, the principle of non-refoulement continues to be a critical tool for protecting refugees in Jordan. As long as the country remains committed to this principle and to upholding the rights of refugees, it will continue to serve as a model for other countries seeking to provide protection and assistance to vulnerable populations.

## **2.4 The legal status of the memorandum of understanding according to the Jordanian legal system**

The term memorandum of understanding may raise many questions, is it an international treaty or just a declaration of programs or

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<sup>95</sup> Najwa Mustafa, Hasawi (2008)

<sup>96</sup> Abdullah, Al-Tawalbeh (2010)

Curriculum? Or does it not include more than a declaration of the intentions of the parties without entailing specific obligations! Is it in itself not an international treaty, and does not entail an obligation?

Article (2/1) of the Vienna Convention on the Law of Treaties states that a treaty means: an international agreement concluded between two or more states in writing and subject to international law, whether made in one or more documents and whatever the name. And if this advanced definition refers only to treaties concluded between states, it is only because Article 1 of the aforementioned Vienna Convention has limited the scope of the Convention's application to treaties concluded between states, which is what led the framers of the agreement to reserve in its third article by referring to agreements between states and other subjects of international law.<sup>97</sup> And that the non-applicability of the agreement to it does not affect its legal force or the applicability of the rules of that agreement to it as a rule of international law, and in light of this, an international treaty can be defined as a written agreement,<sup>98</sup> between two or more persons of public international law, whatever the name given. It shall be concluded in accordance with the provisions of international law, with the aim of producing legal effects.<sup>99</sup>

Based on the foregoing, the international agreement may take multiple names without prejudice to this consideration, such as international treaties and is therefore subject to the rules governing them as long as the conditions set forth in the definition.<sup>100</sup> The International Court of Justice has previously indicated in one of its rulings that the term used is not important for determining the nature of the international agreement or undertaking.<sup>101</sup> Those familiar with the texts of the memorandum will find that the elements of the previous definition apply to it, as it is an international agreement concluded between the Jordanian government and the High Commissioner for Refugees, which is an international organization, which included legal obligations on its parties,<sup>102</sup> and is subject

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<sup>97</sup> By international law persons, we mean states, international organizations, liberation movements and individuals. See: d. Rashad Al-Sayed, Public International Law., 2005, in his new dress, Wael Publishing House - Amman, 2nd Edition, pp.: 9-10

<sup>98</sup> Article 2 of the 1969 Vienna Convention indicates that the non-applicability of the rules of this agreement to international agreements that do not take a written form does not affect the legal value of those agreements among their parties and is governed by the rules of customary international law. Some point out that the treaty can be based on an oral basis, and there is no requirement in international law regarding the form of the treaty, and therefore the writing requirement mentioned in Article (2/a) of the 1969 Vienna Convention is only a way to move away from the consequences of oral agreements. Of confusion and lack of clarity in the interpretation.

<sup>99</sup> Dr.. Salah al-Din Amer, Introduction to the Study of Public International Law, Dar al-Nahda al-Arabiya - Cairo, 2002 (This definition was taken by the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

<sup>100</sup> Dr. Muhammad Saeed Dakkak, and Dr. Mustafa Salama Hussein, Contemporary International Law, University Press - Alexandria, 1997, p.: 74

<sup>101</sup> Case Southwest Africa, Ethiopia v. South Africa, Liberia v. South Africa, Preliminary Advances, Decision dated: September 26, 1962, citing: Dr. Muhammad Yusuf Alwan, Public International Law, Introduction and Sources, Dar Wael Publishing - Amman, 3rd Edition, 2003, p. 123

<sup>102</sup> There are a set of texts of the Memorandum of Understanding that place obligations on the Jordanian government, such as Article 2/a which obliges Jordan to respect the principle of non-refoulement or return of any refugee seeking asylum in the Hashemite Kingdom of Jordan, Article 6 which obliges Jordan to enable the refugee to practice religious rites, and Article 7 which Jordan obliges to give the refugee the right to sue,

to the provisions of public international law. The Memorandum of Understanding was published in the Official Gazette,<sup>103</sup> but was not submitted to the National Assembly.

The other question that arises in this regard, is the Memorandum of Understanding considered one of the treaties and agreements referred to in Article (33/2) of the Jordanian Constitution, in which it was stated (Treaties and agreements that entail charging the state treasury with some expenses or infringing on the public or private rights of Jordanians? effective unless approved by the National Assembly, and it is not permissible in any case for the secret terms of a treaty or agreement to contradict the overt terms).

Jordan and the Commission agreed on a rapid response, and this agreement includes the establishment of a joint mechanism for emergency and cooperation among government agencies. The person familiar with the texts of the memorandum notes that it does not affect the public or private rights of Jordanians, but there are some provisions that may carry the state treasury with some agreements. Article (12) of the memorandum indicates that when large-scale refugee flows occur, the various Jordanian administrations and UNHCR cooperate to provide food, water, sanitation, shelter, medical care, and enhance physical security for refugees and asylum seekers. There is no doubt that such obligations incurred by Jordan incur large and periodic expenditures for the state treasury.<sup>104</sup> Also, Article (10) of the memorandum exempts the refugee from fines for overstaying and the departure tax.

Thus, the state treasury was deprived of some of its revenues. Based on the foregoing, the memorandum of understanding must be submitted to the National Assembly for ratification, otherwise it will not be enforceable pursuant to Article (33/2) of the Constitution. It is not sufficient for the purposes of implementing the provisions of these treaties to publish it in the Official Gazette, as a constitutional law must be issued to implement its provisions. Also, publishing it in the Official Gazette is not a presumption to prove that this agreement was accompanied by the approval of the National Assembly and passed its constitutional stages, as long as the issue in which this agreement was published did not indicate that. Some have indicated that the international human rights conventions that Jordan accepted Commitment to them, which are numerous, were not

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and Article 10 in which Jordan committed to exempting refugees from fines for overstaying and departure tax. There are also some texts that arrange obligations on the UNHCR, such as Article 11, in which the UNHCR committed to providing the costs of living, including housing, food, and treatment, and Article 5, in which UNHCR committed itself to finding a permanent solution for the refugee, either by voluntary return to his country of origin or by resettlement. In a third country, provided that the period of residence does not exceed six months.

<sup>103</sup> Official Gazette, Issue No.: 4277, p.: 1464, dated: May 3, 1998.

<sup>104</sup> An example of this is the expenses incurred by Jordan when dealing with the refugees residing in Al-Ruwaished camp who came with the beginning of the US invasion of Iraq in 2003. Where the former Minister of Interior Samir Habashneh indicated that the government provides many services in addition to maintaining security in the camp. See: Al-Dustour newspaper, dated: Thursday, September 29, 2003, p.: 2. The government also provided many facilities and aid in order to alleviate their suffering, as well as financial aid during the holidays and the renewal of the tents residing in them. Statements of Mr. Adnan Awad Governor. In the Ministry of Interior, the crisis management coordinator in Al-Ruwaished, in a statement to the Jordanian newspaper Al-Dustour, dated: November 3, 2003, p.:6

subject to law and were not published in the Official Gazette.<sup>105</sup> Undoubtedly, this situation does not encourage the application of these agreements by the Jordanian judiciary.<sup>106</sup>

Despite the foregoing, the Jordanian government shows great respect for all the terms of the Memorandum of Understanding. Which we will refer to in the following.<sup>107</sup>

#### **2.4.1 Protection systems implemented by UNHCR in Jordan<sup>108</sup>**

Originally, the Jordanian state is responsible for determining refugee status, given that the refugee resides on its territory and assumes the existence of a local standard and a local legal instrument, but the reality is that the Memorandum of Understanding places the burden of refugee status determination on the shoulders of the High Commissioner for Refugees, because Jordan is not a party to the Convention 1951, which defined the concept of the refugee and his rights, and it became Jordan's role to adopt refugee status for those granted by the Commission.

Refugee Status Determination Interviews (RSD)<sup>109</sup>, 1991-2003.

Temporary protection from 2003 to 2007<sup>110</sup>

Mass admission starting from 2007<sup>111</sup>

Refugee Status Determination System R S D: (Refugee Status Determination Interviews):

The countries that drafted the Refugee Convention deliberately kept the procedure by which a person is determined whether a person suffers from a justified fear on the basis of

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<sup>105</sup> The exceptions to this are the Geneva Conventions of 1949, and the Statute of the International Criminal Court.

<sup>106</sup> Dr. Muhammad Yusuf Alwan, previous reference, margin p.: 270. Here, it should be noted that publishing the international agreement in the Official Gazette gives it legal value at the domestic level. See also the National Center for Human Rights, Report on the Human Rights Situation in the Hashemite Kingdom of Jordan during the period (6/1/2003 - 12/31/2004), Amman - Jordan, dated: May 31, 2005 p.: 64. The report referred to 9 human rights conventions ratified by Jordan but not submitted to the National Assembly.

<sup>107</sup> An official report issued by the Jordanian judiciary and submitted to the United Nations through the Ministry of Foreign Affairs affirmed that Jordan is one of the countries that explicitly adheres to international conventions regarding respect for human rights, and is at the forefront of countries that have implemented bold legislative reforms in the field of human rights. See: Al-Ra'i Jordanian newspaper, dated: Wednesday, August 18, 2004 p.: 14

<sup>108</sup> These systems and the way they work can be referred to in the High Commission for: Protection, Self-Study Module 5, Vol. II, PUB: 15 December 2006, published (Human Rights And Refugee by: UNHCR)

<sup>109</sup> It is a set of tests to determine refugee status, to give him refugee status, Prima Facia Refugee Status, whereby every Iraqi subject to the five Geneva Conventions criteria specific to those who qualify for refugee status is tacitly considered, having justified fears that their lives in their country are in danger.

<sup>110</sup> It means that any Iraqi coming from these areas (Iraqi provinces) will be given temporary international protection for Syria or Jordan without commitment to the RSD tests, that is, collectively, a measure that practically means stopping the suffering of about two million Iraqis who have fled their country since the 2003 war, with procedures Variable and sometimes complicated or aggravated residence permits in both countries.

<sup>111</sup> This was officially announced as of March 2, 2007. For more details, see the official website of the Chaldean Iraqis, in an article entitled: (UNHCR: Measures for international protection of Iraqi refugees in Jordan, Syria, and soon Egypt).

one of the reasons mentioned in the document, subject to considerations specific to the affairs of each state, in light of the great diversity of practices that have taken root in different countries. , will illustrate the procedure here only in very broad strokes. This procedure has a number of nuances that are repeated in many Nordic countries and these have been elaborated with the participation of the United Nations authorities, which will be described here with the aim of clarifying the modus operandi of the current refugee system. But before that, and in order to clarify a certain aspect of this apparatus, it is necessary to discuss a last essential matter related to the definition of a refugee contained in the Convention, which is the first aspect mentioned in it, which is “justified fear”. What exactly is a “justified fear”? And how did the main actors in the field interpret this requirement?

From the words of the agreement, it appears that this requirement is related to the emotional world of the asylum-seeker. The person seeking asylum is required to feel genuinely and with good intentions of fear. The central international document in which this idea emerged before the Refugee Convention was the IRO definition, and it included the rule of “strict opposition” to return to the country of origin. In that period, just as it was in the Cold War era, protection against persecution on a political background was the ideology of the refugee regime, against which the word “fear” was used as an echo of the presence of authorities that were considered terrifying; And so, indeed, in the period of ascertainment of the IRO, the question of whether the asylum seeker was really afraid was the central question that had the decisive role in the issue of refugee defense. Accordingly, the RSD procedure is central to the current refugee system precisely because of the withdrawal of international organizations from its organization.

Refugees that the state is obligated to protect in accordance with the Refugee Convention; and economic refugees, and war refugees, and fleeing from hunger and disease, whom a country may by law return to their home countries without any regard to the question of whether they will die as a result. They are not refugees, as the authority tells us that they are work migrants.

To decide on the question of what the state should defend and whom it is entitled to send to his death the RSD: a procedure that combines, without separation, legal determination and professional determination, and an event based on considerations within its function, to measure the severity of the risk claimed by the refugee and to ascertain the its source. To this capacity has been added a complementary ability to measure the degree of fear of an applicant and to identify manifestations of lying, if any, for a broader investigation of the type of specialization practiced by UNHCR and its relevance to understanding the system created by the Convention.<sup>112</sup>

In Jordan, which is described as accommodating the largest number of refugees compared to its population and limited resources, the Office of the High Commissioner for Refugees signed a memorandum of understanding with the Jordanian government, and the desire of the Office of the High Commissioner for Refugees and the Government of the Hashemite Kingdom of Jordan to set the terms and conditions under which the office is represented

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<sup>112</sup> David Kennedy , *The Dark Side of Virtue: Reassessing International Humanitarianism* (pp 199-234)

According to the powers of the Commission in the Hashemite Kingdom of Jordan. Therefore, the Office of the High Commissioner for Refugees and the Government of the Hashemite Kingdom of Jordan, in a spirit of friendly cooperation between them, agreed on several items, as Jordan is a host country, on the following regarding the regulations and sources of refugee protection:

Article (3): With its care in the host country: Cooperation between the government and the High Commissioner:

1. Cooperation between the government and the High Commissioner in the field of international protection and humanitarian assistance to refugees and other persons under the care of the High Commissioner shall take place in accordance with the Statute of the High Commissioner and the resolutions and decisions adopted by the United Nations branches relating to the High Commissioner and for the purpose of achieving cooperation and empowerment of the High Commissioner or any other agency of the United Nations that may succeed it The government undertakes to provide it, in the appropriate form, with the information and statistical data it requests relating to:

a. The status of refugees, with the exception of Palestinian refugees.

B. Laws, regulations, and decisions related to refugees that are in force or that may be implemented later.

2. The Office of the High Commissioner continues to consult and cooperate with the government regarding the preparation and review of refugee projects. Projects implemented by the government with funding from UNHCR, the terms and conditions of which, including the commitment of both the government and UNHCR regarding the provision of funds, equipment, services or any other assistance to refugees, will be established in project agreements to be signed by the government and UNHCR.

3. The government undertakes not to impede the access of UNHCR staff at any time to refugees and other persons under its care and to UNHCR project sites, in order to supervise all stages of implementation.

UNHCR's efforts are also focused on ensuring that governments comply with international refugee law, not only with satisfaction, but also in spirit. The UNHCR's responsibilities also include preventing and limiting cases of displacement outside countries, as well as protecting the homeless. Meeting the needs of the weak and displaced comes as the first and most important thing that it means to protect refugees.<sup>113</sup>

The activities of that protection focus on ensuring the recognition of refugees and others who need international protection, granting them refuge and ensuring that the basic human rights that must be provided to them are respected in accordance with international standards. Provide them shelter.<sup>114</sup> Working in border areas, camps, airports, and detention centers provides an opportunity for UNHCR staff to monitor and address protection issues

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<sup>113</sup> Dr.. Muhammad Sami Abdel Hamid, Law of International Organizations, 7th Edition, Part One, without a place of publication, 1987, (p.: 213)

<sup>114</sup> UNHCR Functions Overview, Source from the UN Refugee Agency website

for refugees that they often encounter during their flight, and the ensuing searches for refuge. UNHCR's responsibility also continues for a limited period after refugees return to their home countries.

1- Temporary protection: It is the protection provided by the Jordanian government to refugees in the event of an influx until they return to their country or resettle in a third country.<sup>115</sup>

States sometimes provide (temporary protection) when they encounter sudden mass influxes of people, as happened during the conflicts that erupted in the former Yugoslavia in the early 1990s and later in Kosovo, and when the normal asylum systems in place in those countries are unable to cope large numbers of refugees. In such circumstances, people can be allowed to enter quickly to safe countries, but this does not mean guaranteeing permanent asylum.

Hence, (temporary protection) can be in the interest of both governments and asylum seekers in certain circumstances. But it does not act as a substitute for broader protection measures, including the granting of asylum to refugees under the 1951 Convention, and the provisional period of protection should not be extended, and UNHCR considers that after a reasonable period of time, persons benefiting from temporary protection should be given the right to claim access to refugee status. However, those whose applications are rejected should be allowed to remain in the country of asylum until it is safe to return home.<sup>116</sup>

2- Mass admission of refugees (mass influx) (Prima facia):

Article 14 of the Universal Declaration of Human Rights states: "Everyone has the right to seek asylum in other countries or to seek refuge there from persecution." This right cannot be invoked in cases of legal cases arising from non-political crimes or from acts that contradict organized principles United nations.

In 1967 the United Nations General Assembly issued a special declaration on regional asylum. As decided in the advertisement. That the right to asylum is a humanitarian act, then a set of principles were announced to guide countries, the most important of which are the following:

- Other countries must respect the right of asylum granted by any State, in fulfillment of its right to sovereignty, to persons who are entitled according to

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<sup>115</sup> There is a set of texts of the memorandum of understanding between Jordan and UNHCR that impose obligations on the Jordanian government, such as Article 2 / A, which obliges Jordan to respect the principle of non-refoulement or return of any refugee seeking asylum in the Hashemite Kingdom of Jordan. During which UNHCR works to find a permanent solution for the refugee, either by voluntary return to his country of origin or by resettling him to a third country, provided that the period of residence does not exceed six months, and the Jordanian government is committed to giving the refugee all rights during this period, and they are renewed when the Commission is unable to provide a country A third asylum receives a refugee, as it is a joint obligation that provides a refugee with a safe haven and local legal cover in Jordan.

<sup>116</sup> A training brochure, entitled: Refugee Protection: Questions and Answers, published by the High Commissioner for Refugees in Arabic, under the title: What is Temporary Protection?, pp. 4-5

Article 14 of the Universal Declaration of Human Rights, including those who struggle against colonialism.

- The right of asylum may not be granted to any person for whom there are strong reasons to believe that he has committed a crime against peace, a war crime or a crime against humanity, according to the specific definition of such crimes in international documents.
- The state granting asylum has the right to determine the grounds for granting this right.
- The status of persons to whom Article 14 of the Universal Declaration of Human Rights applies, is of interest to the international community.
- When a country finds it difficult to grant asylum or continue to grant it, the other countries, individually or collectively or through the United Nations and in the spirit of international solidarity, consider appropriate measures to ease the burden on that country.
- No person to whom Article 14 of the Universal Declaration of Human Rights applies to procedures such as refusal of asylum at the borders of the country to which he seeks asylum, if he has already entered its territory or expulsion. Or return in which he may be subjected to persecution, and no exception may be made to the previous principle, except in the case of a compulsory "state" on any compelling reasons, relating to national security or the protection of the population, as in the case of a mass influx of refugees.

And if a country decides, in any case, that this exception exists and is justified, it considers the possibility of giving the person concerned an opportunity, whether through temporary asylum or otherwise, to go to another country.

Does not allow the country to grant asylum, for people who obtained this right to do business contradict the purposes and principles of the United Nations.

Then there is a draft convention related to political asylum that was presented to the General Assembly of the United Nations on the initiative of the Executive Committee of the High Commissioner for the Refugee Program.

Then there is a set of agreements related to the right of asylum, the most important of which are:

The Asylum Agreement of February 29, 1928

Convention relating to political asylum of 26/12/1933

Convention relating to regional asylum dated 3/28/1954

The Convention on Diplomatic Asylum of 1954.

As for the Refugee Convention issued on July 28, 1951, and the Protocol to the Convention on January 21, 1967, according to this convention, the distinction must be very limited between nationals and refugees, and this distinction must not be on the basis of religion, country of origin, or gender. The states parties to the convention have pledged to treat the refugees well with regard to the right to work, the right to assembly, and to their free

professions and education, except for primary education. The state residing on its territory must guarantee them treatment no less than that of foreigners residing there.

Based on Article 14 of the Regulations of the High Commissioner for Refugees issued on December 14, 1950, the Commission is charged with the international protection of refugees. In addition, given the seriousness of the situation of African refugees, the Organization of African Unity issued an agreement relating to African refugees on 9/10/1969.

It is worth noting that the European Commission on Human Rights decided that the expulsion or extradition of a foreign refugee to his country against his will is an inhumane act and a flagrant violation of human rights and fundamental freedoms.

#### **2.4.2 What are the national laws in Jordan related to asylum?**

1. Article: 21 of the Jordanian constitution stipulates those political refugees may not be extradited.<sup>117</sup>

The refugee is subject to the national laws of the country of asylum in matters not regulated by the memorandum of understanding, taking into account the privacy of the personal status of some sects.

Syrian refugees and others in Jordan receive public services as Jordanian citizens without discrimination or preference for citizens. For example, treatment is taken and received by the Syrian in all primary and comprehensive health centers and public and private hospitals in Jordan, which threatens the drug stock, and some refugees even exceed it by trading it. National systems allow him to receive treatment several times, and the citizen has records and appointments, especially chronic diseases, and a refugee has not been prevented from them despite repeated calls from the Jordanian government and the delay in dispensing medical prescriptions that Jordanian citizens have become suffering from.

His Excellency the former Jordanian Minister of Health, Dr. Abdul Latif Werekat said that Jordan's medical image of being free of communicable diseases such as tuberculosis and polio has been negatively affected by the influx of Syrian refugees into the kingdom infected with these diseases.

He stressed that the ministry is doing its best to control the consequences of the Syrian asylum, especially with regard to the increasing number of patients who visit the ministry's hospitals and centers on a daily basis in the governorates.

His Excellency Warikat indicated that there is a real crowding out of refugee patients for Jordanian patients over all the ministry's resources, whether in treatment or in medicines, pointing out that standing with the homeland, especially with the people of Mafraq, needs

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<sup>117</sup> The article is limited to the political refugee, because the Jordanian constitution was drafted in an early period after the Second World War, and the 1951 agreement had not been drafted and circulated as is the case in this period, and accordingly, the five forms of asylum contained in the agreement were dealt with in the definition of the refugee contained in the The memorandum of understanding and the Jordanian government will recognize and accept it if the UNHCR grants refugee status to refugees.

urgent assistance to Jordan. His Excellency the Minister of Health, Dr. Abdul Latif Wereikat, the Syrian refugee, considered the largest humanitarian disaster in the Kingdom in its contemporary history, due to the additional pressures that it poses to the state budget, especially the Ministry of Health.

During his visit to Mafraq Governmental Hospital, Warikat added that the cost of treating Syrian refugees in the Kingdom exceeded 65 million Jordanian dinars.<sup>118</sup> On the other hand, we see the reality of Syrian asylum in Turkey in what was published by CCTV.com, which stated: The city of Gaziantep is located near the Turkish-Syrian border, where more than eighty thousand Syrian refugees currently live, most of whom entered Turkey illegally, which made them face difficulties in medical treatment. and other assistance such as food. Syrian families suffered from this, especially those who did not have legitimate identities. Which brought them unforeseen difficulties.

In the coordination center for Syrian guests set up by the Turkish government to handle the affairs of Syrian refugees, many have queued since early morning in front of the gate to obtain guest cards. Note that obtaining the card is somewhat easy with the help of relatives in Turkey, despite this, a large number of them did not receive the cards on time.

In order to obtain a guest card, Syrians must provide passports, information about their fixed address in Turkey, and health reports provided by doctors. During the four months since its establishment, the center received more than one hundred and fifty requests every day. In one day, only fifty cards can be dealt. As the days go by, the number of requests that have not been processed increases more and more, but the Syrian refugees have no choice but to wait.<sup>119</sup>

Considering that Turkey, which has eighty million, provided little of its resources to nearly 800,000 refugees, and Jordan provided the refugees with everything they needed while they were raised over a million in a country whose population is estimated at only 4.5 million. And the refugees in Lebanon have not been offered anything by the state, and all they have is either support from families or NGOs in the world, and Lebanon has a national asylum legislation that is considered the oldest in the Arab region.

### **2.4.3 custom in international law (international custom) ( International Customary Law)**

International custom is historically the oldest source of international rule. It is second only to treaties, according to Article 38 of the Statute of the International Court of Justice. International custom was the source of a large set of rules that made up the bulk of the recognized rules of international law. However, the codification movement reduced its

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<sup>118</sup> Youssef Al-Mashaqbeh, an article published in the Jordanian newspaper Al-Arab Al-Youm, entitled: (Wreikat: Syrian Asylum is the largest humanitarian disaster in the Kingdom, dated: 3/13/2013. Information, data and statements of His Excellency can be consulted on the newspaper's website: [http://alarabalyawm.net/Public\\_News/NewsDetails.aspx?NewsID=71267](http://alarabalyawm.net/Public_News/NewsDetails.aspx?NewsID=71267)

<sup>119</sup> Article titled: Undocumented Syrian refugees face difficulties in medical treatment. CCTV.com [http://arabic.cntv.cn/program/news\\_ar/20130426/102779.shtml](http://arabic.cntv.cn/program/news_ar/20130426/102779.shtml)

importance, as many of the martial provisions were included in international agreements that were concluded starting in the mid-nineteenth century.<sup>120</sup>

Definition of custom: (a set of legal provisions that arose from the repeated commitment of states to them in their actions with others in certain cases as rules that acquire in the belief of the majority of states the description of legal obligation)<sup>121</sup>

International custom does not differ from custom in domestic law in terms of its composition and its obligation. The international custom is a mixture of two basic pillars, a material pillar and a moral pillar, which is the belief of these countries or international organizations that they are obligated to follow this or that behavior. It should be noted here that no matter how a single state acts, it does not create an international norm because its action remains isolated and unique. Accordingly, for the establishment of international custom, two pillars are required: a material pillar and a moral one.

Elements-materiel: It is represented in the issuance of a behavior or action, whether positive or negative, and its repetition by international persons or those who practice actions in the field of international relations (actors expressing the will of states and other persons). The expression may be expressed only once. If it is proven that the legal will adhered to a certain course of action in a specific incident, this is sufficient for the emergence of international custom or customary rule when it is proven that the lawful will has committed itself to this path.<sup>122</sup>

It is not enough for the state to come to it unilaterally, but the other concerned states must follow the same behavior, whether it is positive or negative, meaning that the behavior is considered a general behavior in the matter of custom. It is also required that it be general, meaning that it should be practiced by states in general in all similar cases that occur in the future. Because generality does not mean unanimity, the custom may be a special international or regional custom; That is, its provisions go out to regulate the relations of certain countries, whose civilizations converge or share the unity of gender and which are included in regional institutions, for example, the American countries where there is a special custom for them, as well as the Arab countries and the Slavic countries...etc., or if the international custom is general and in this case the majority of countries continue to act according to its provisions.

## **2.5 Jordan's Legal and Policy Framework for Refugees**

### Historical Context of refugees in Jordan

Situated at the crossroads of a volatile region, Jordan has a longstanding tradition of providing refuge to people fleeing crises. Over the 19th, 20th, and 21st centuries, Jordan has hosted numerous waves of refugees, primarily Palestinians, Iraqis, and

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<sup>120</sup> Dr.. Hassan Chalabi, Principles and Organizational Characteristics of the United Nations, Baghdad, 1970, p.: 62

<sup>121</sup> Northedge F.S.and Donelan..M.d. international disputes London 1971,p215

<sup>122</sup> Full text of the Universal Declaration of Human Rights on the official website of the Office of the High Commissioner for Human Rights: <http://www.Unhcr.ch/udhr/lang/arz.htm>

Syrians<sup>123</sup> During the 19th century, Circassians escaping Russian expansion settled in the territory then known as Transjordan, part of the Ottoman Empire. Refugees also arrived during World War I, including Armenians seeking safety in the region <sup>124</sup>

The mid-20th century brought additional waves of displacement. Following the 1948 Arab-Israeli War and 1967 Six-Day War, large numbers of Palestinians sought refuge in Jordan. Smaller migrations followed the First Palestinian Intifada in 1987, and another influx occurred after Iraq's invasion of Kuwait in 1991, when Palestinians were forced to leave Gulf states <sup>125</sup> Jordan also became a sanctuary for Iraqis fleeing the collapse of Saddam Hussein's regime, with many building lives in Jordan over successive generations <sup>126</sup>

Since 2011, Jordan has accommodated Syrian refugees fleeing the ongoing civil war. These refugees reside in camps such as Za'atari, Azraq, and the Emirati-Jordanian Camp, as well as in urban and rural areas, provided they meet sponsorship requirements set by Jordanian citizens <sup>127</sup>.

### **Legal Framework and National Legislation**

Despite its humanitarian efforts, Jordan has not ratified the 1951 Refugee Convention or its 1967 Protocol. This decision reflects Jordan's position on the right of Palestinians to return to their homeland rather than permanently resettling elsewhere <sup>128</sup>. Furthermore, Jordan lacks domestic legislation specifically regulating refugee status or mechanisms for managing large-scale influxes of displaced persons. However, Article 21 of Jordan's 1952 Constitution prohibits the extradition of political refugees fleeing persecution due to their beliefs or advocacy for freedom <sup>129</sup>

In 1973, Law No. 24 on Residence and Foreigners' Affairs was enacted to address political asylum. According to the law, asylum seekers must report to the nearest police station within 48 hours of entering the country. Article 31 grants the Minister of Interior discretionary powers to determine whether asylum seekers may stay or face deportation. However, the law does not specify the criteria for granting asylum or penalties for unauthorized entry, leaving significant room for subjective interpretation <sup>130</sup>

Critically, Law No. 24 stipulates that refugees are not automatically entitled to residency, employment, healthcare, or education. Foreign nationals must secure a renewable residency permit, which requires annual approval from the Ministry of Interior <sup>131</sup>

### **1998 Memorandum of Understanding with UNHCR**

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<sup>123</sup> ([Carnegie, 2015](#); [Alshoubaki and Harris, 2018](#)).

<sup>124</sup> ([WANA Institute, 2019](#)).

<sup>125</sup> ([Becker, 2013](#)).

<sup>126</sup> ([WANA Institute, 2019](#)).

<sup>127</sup> ([Alshoubaki, 2018](#); [UNHCR, 2020](#))

<sup>128</sup> ([Alshoubaki, 2018](#); [Sadek, 2013](#))

<sup>129</sup> ([Jordan Constitution, 1952](#)).

<sup>130</sup> ([Sadek, 2013](#)).

<sup>131</sup> ([Law No. 24 of 1973](#); [Sadek, 2013](#)).

Although Jordan has not acceded to the 1951 Refugee Convention, it signed a Memorandum of Understanding (MoU) with UNHCR in 1998, outlining a framework for the treatment of refugees. The MoU allows refugees to enter Jordan without a visa or residency permit and provides a six-month grace period for resettlement in a third country. The agreement also requires Jordan to respect the principles of non-refoulement and ensure refugees' rights to freedom of religious practice, litigation in domestic courts, and exemption from penalties for overstaying <sup>132</sup>

The UNHCR retains the authority to interview asylum seekers who entered Jordan illegally and make determinations within one week, with exceptions requiring resolution within one month. In 2014, amendments to the MoU extended the processing period to 90 days and increased the validity of refugee identification cards from six months to one year <sup>133</sup>

### **Challenges in Refugee Policy Implementation**

Despite Jordan's efforts to assist refugees, it avoids formally recognizing them under domestic law, often referring to displaced populations as "Arab brothers," "guests," or "visitors." These designations hold no legal significance under Jordanian law <sup>134</sup> Syrian refugees in Jordan receive access to public services such as education, food aid, and healthcare, but they are largely restricted from employment opportunities <sup>135</sup>

In addition to the MoU, Jordan adheres to the 1994 Arab Charter on Human Rights, which aligns closely with the principles of the 1951 Convention. The Charter emphasizes the protection of fundamental rights, including access to education, mobility, and legal recourse. It obligates Jordan to minimize the use of forcible return for displaced individuals fleeing persecution based on race, religion, or political beliefs <sup>136</sup>

## **2.6 Institutional Framework for Refugees in Jordan**

In Jordan, the Ministry of Interior (JMOI) plays a pivotal role in overseeing refugee-related issues while ensuring national security. Working alongside security services, the Ministry is responsible for registering refugees to determine their eligibility for entry. Refugees undergo criminal background checks before receiving identification cards. These cards allow those outside refugee camps to access vital services such as education and healthcare, while those residing within camps use them for official registration purposes. The JMOI also collaborates with the United Nations High Commissioner for Refugees (UNHCR) to manage refugee camps, evaluate the status of asylum seekers, and address resettlement needs <sup>137</sup>

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<sup>132</sup> ([UNHCR MoU, 1998](#); [UNHCR Global Appeal, 2015](#)).

<sup>133</sup> ([Malkawi, 2014](#)).

<sup>134</sup> ([ILO, 2015](#)).

<sup>135</sup> ([Fakih and Ibrahim, 2015](#)).

<sup>136</sup> ([Arab Charter on Human Rights, 1994](#)).

<sup>137</sup> ([Jordanian Ministry of Interior Website](#); [Alshoubaki, 2018](#); [UNHCR Memorandum, 1998](#)).

## **Government Coordination and Refugee Management**

At the onset of the Syrian refugee influx, the Jordanian government established a technical committee tasked with assessing the conditions of refugees crossing the border. The Jordanian Council of Ministers assigned responsibility for refugee affairs to the Armed Forces, security services, and relevant ministries, directing them to manage border crossings and set up accommodation centers and camps for incoming refugees. Shortly thereafter, the government formed a higher committee to coordinate these efforts, chaired by the Minister of Interior and including representatives from the ministries of Foreign Affairs and Health, as well as the directors of General Intelligence, Public Security, Gendarmerie, Civil Defense, and the Jordanian Armed Forces. The UNHCR supported these efforts by registering refugees, conducting interviews, and determining their eligibility for asylum <sup>138</sup>

In 2013, the Jordanian Council of Ministers established the Syrian Refugee Affairs Administration, affiliated with the Ministry of Interior. This administration was designed to oversee refugee affairs across the Kingdom's governorates, improve service delivery to Syrian refugees, and coordinate efforts among government agencies, international organizations, and NGOs involved in humanitarian aid. Subsequently, the administration's scope was expanded to address issues concerning residency, voluntary return, and resettlement, prompting its renaming as the Directorate of Syrian Affairs <sup>139</sup>

### **Charity Coordination and Aid Distribution**

In 2014, the Jordanian Council of Ministers designated the Jordan Hashemite Charity Organization as the sole entity authorized to manage the receipt and distribution of in-kind donations to Syrian refugees. This organization coordinates aid from local and international associations, supervises assistance programs, and works closely with the UNHCR to improve living conditions within refugee camps <sup>140</sup>

## **Jordan Response Plan and Long-Term Partnerships**

Since 2015, Jordan has implemented the Jordan Response Plan (JRP), led by the Ministry of Planning and International Cooperation (MOPIC). The plan is a comprehensive model for long-term cooperation between Jordan and the international community, aimed at addressing the challenges posed by the Syrian refugee crisis. Developed in collaboration with over 150 national and international partners, the JRP addresses both refugee-specific needs and the adverse effects of the crisis on vulnerable Jordanian communities. The plan focuses on mitigating the strain on sectors such as electricity and water while managing the broader impacts of refugee integration <sup>141</sup>

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<sup>138</sup> ([AlDleffe, 2013](#); [Al Sarhan, 2017](#)).

<sup>139</sup> ([Al Sarhan, 2017](#); [Al Rai Newspaper, 2014](#)).

<sup>140</sup> ([Jordan Hashemite Charity Organization Website, 2014](#); [Al Rai Newspaper, 2014](#)).

<sup>141</sup> ([MOPIC, 2020](#)).

## Role of the Ministry of Planning and NGOs

MOPIC plays a central role in coordinating refugee-related efforts, including managing the operations of NGOs. Organizations seeking to assist refugees must submit detailed proposals to the Ministry for approval. This ensures humanitarian aid is distributed in line with refugees' needs and organizational capacity. MOPIC also oversees the allocation of tasks among relevant ministries, which address educational, health, environmental, food security, judicial, and municipal needs. Additionally, MOPIC determines funding allocations and monitors asylum-related developments through an integrated information system.<sup>142</sup>

## UNHCR's Role in Refugee Protection

The UNHCR is a critical actor in Jordan's refugee management efforts, implementing its mandate to provide protection, social support, and economic assistance to refugees. Under the 1998 Memorandum of Understanding, Jordan is obligated to resettle refugees within six months and ensure compliance with international standards, including the principle of non-refoulement. The UNHCR focuses on safeguarding vulnerable populations, such as children, women, and the elderly, and combating gender-based violence<sup>143</sup>

The UNHCR also collaborates with international bodies and NGOs to deliver essential services such as food, water, shelter, and medical care. It works alongside organizations like the World Food Programme, UN Entity for Gender Equality, and UNICEF to monitor refugee movements, prevent exploitation and trafficking, and ensure accountability in cases of forced deportation<sup>144</sup>

## 2.7 Jordan's Response to the Refugee Influx and Its Challenges

The arrival of Syrian refugees in Jordan since 2011 has necessitated a structured and coordinated approach to addressing their needs. Recognizing the urgency of the situation, the Jordanian government formulated the Jordan Response Plan (JRP) for 2014–2015, which has since been continuously updated<sup>145</sup>The government's directive emphasizes a collaborative framework, incorporating Jordanian authorities, the United Nations (UN), donor states, international organizations, and local and international NGOs. The Jordan Response Plan (2020) highlights that humanitarian responses must be flexible, timely, and targeted to ensure sustainability<sup>146</sup>

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<sup>142</sup> ([Alshoubaki, 2018](#); [MOPIC, 2015](#)).

<sup>143</sup> ([UN Women, 2013](#)).

<sup>144</sup> ([UNHCR Website](#); [Alshoubaki, 2018](#)).

<sup>145</sup> ([MOPIC, 2020](#)).

<sup>146</sup> ([MOPIC, 2020](#)).

The most recent JRP (2020–2022) reaffirms Jordan’s commitment to international refugee protection standards. The plan’s structure is designed to meet the needs of Syrian refugees while simultaneously supporting vulnerable Jordanian communities impacted by the crisis. The strategy focuses on resilience-building and comprehensive budget planning to address both immediate humanitarian needs and long-term stability. The plan underscores the importance of tailored programs that effectively respond to the evolving crisis. Its key objectives include:

1. Implementing targeted programs that align with Syrian refugees’ needs.
2. Strengthening beneficiary capacity and supporting national institutions to sustain refugee services.
3. Ensuring legal and social protection for refugees.
4. Assisting Jordanian citizens affected by the crisis to mitigate economic and social repercussions.
5. Supporting Jordan’s public systems to uphold service quality for both refugees and local populations <sup>147</sup>

## **2.8 UNHCR-Registered Refugees and Asylum-Seekers in Jordan (as of 31 March 2025)**

As part of this research, I examine recent empirical data published by the United Nations High Commissioner for Refugees (UNHCR), which documents the scope and composition of the refugee and asylum-seeker population in Jordan. The External Statistical Report on Registered Refugees and Asylum-Seekers, current as of 31 March 2025, offers a detailed demographic and geographic snapshot of individuals under UNHCR’s mandate within the Kingdom of Jordan. The report is especially relevant in understanding the ongoing legal and humanitarian challenges that persist over a decade into the Syrian refugee crisis.

According to the report, Jordan hosts 614,970 registered refugees and asylum-seekers, of whom 90.7% (557,783 individuals) are of Syrian origin. Other significant populations include Iraqis (6.6%), Yemenis (1.7%), and Sudanese nationals (0.8%). Smaller groups also include Somalis and individuals of various other nationalities. This reflects the regional nature of displacement affecting Jordan and reaffirms the Kingdom’s role as a major host country despite its non-party status to the 1951 Refugee Convention and its 1967 Protocol.

In terms of demographic breakdown, children (0–17 years) comprise approximately 39.3% of the registered refugee population, indicating a high level of dependency and

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<sup>147</sup> ([MOPIC, 2020](#)).

vulnerability. Adults aged 18 to 59 years account for 67.1%, while elderly persons (60+) represent 5.0%. The gender distribution is nearly even, with 50.3% female and 49.7% male.

Geographically, the data reveals that the majority of refugees reside in urban areas rather than in camps. The three largest host governorates are Amman (215,167 individuals), Irbid (107,703), and Mafrqa (73,896). Nonetheless, Jordan's formal refugee camps still support substantial populations: Zaatari Camp (70,197), Azraq Camp (40,545), and Emirates Jordanian Camp (EJC) (6,702).

One of the report's most critical findings relates to vulnerability and specific protection needs. Nearly 24.2% of the registered population (149,081 individuals) are identified as having one or more protection concerns. These include:

- Serious medical conditions (13.9%)
- Disabilities (9.3%)
- Children at risk (4.2%)
- Legal and physical protection needs (3.6%)
- Single-parent households, women at risk, and unaccompanied minors

This data is essential for understanding the scope of protection responsibilities in the absence of a formal domestic asylum law. The high proportion of persons with special needs places a significant burden on UNHCR and Jordanian authorities, both in humanitarian and legal terms.

Furthermore, the report shows that the vast majority of refugees were registered between 2012 and 2015, correlating with the height of the Syrian civil conflict. Registration numbers have declined in recent years, with only 14,973 new arrivals in 2024 and 2,830 in the first quarter of 2025. This decline may indicate a transition from emergency response to long-term legal and policy challenges associated with protracted displacement.

From a legal perspective, these figures emphasize the importance of consistent protection standards, particularly in a country where refugee status is determined through administrative cooperation with UNHCR rather than a national legal framework. While Jordan has demonstrated significant humanitarian leadership, the data supports my broader argument that formal legal codification of refugee protections is urgently needed to ensure clarity, consistency, and compliance with Jordan's international obligations under general human rights law.

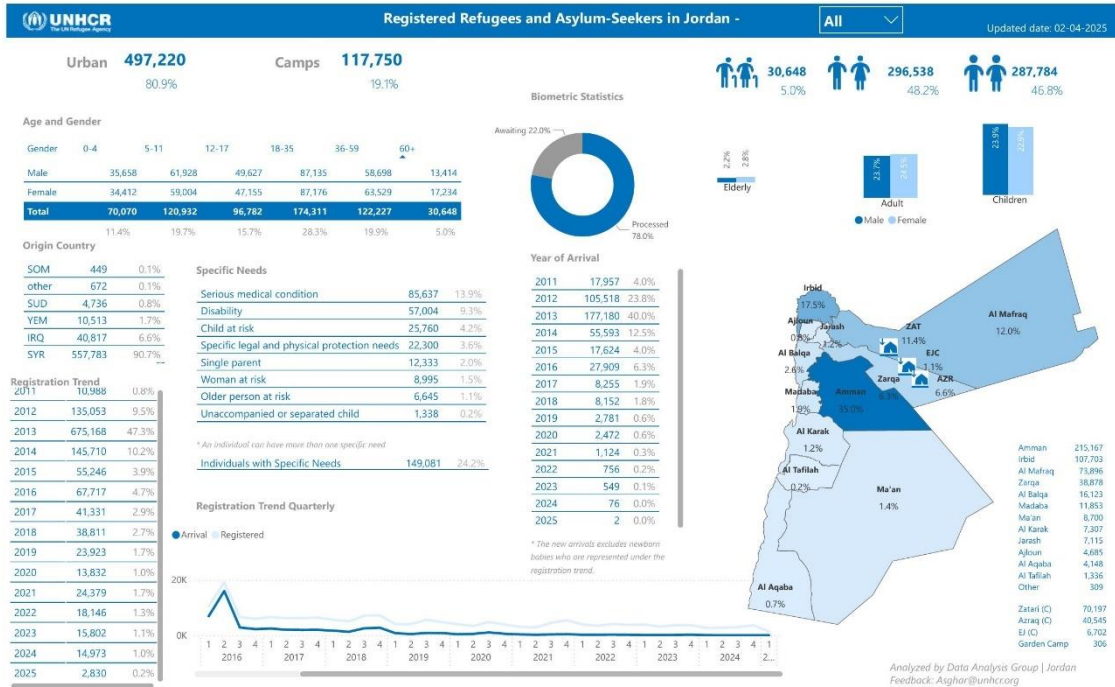


Figure 1 UNHCR-Registered Refugees and Asylum-Seekers in Jordan (as of 31 March 2025)

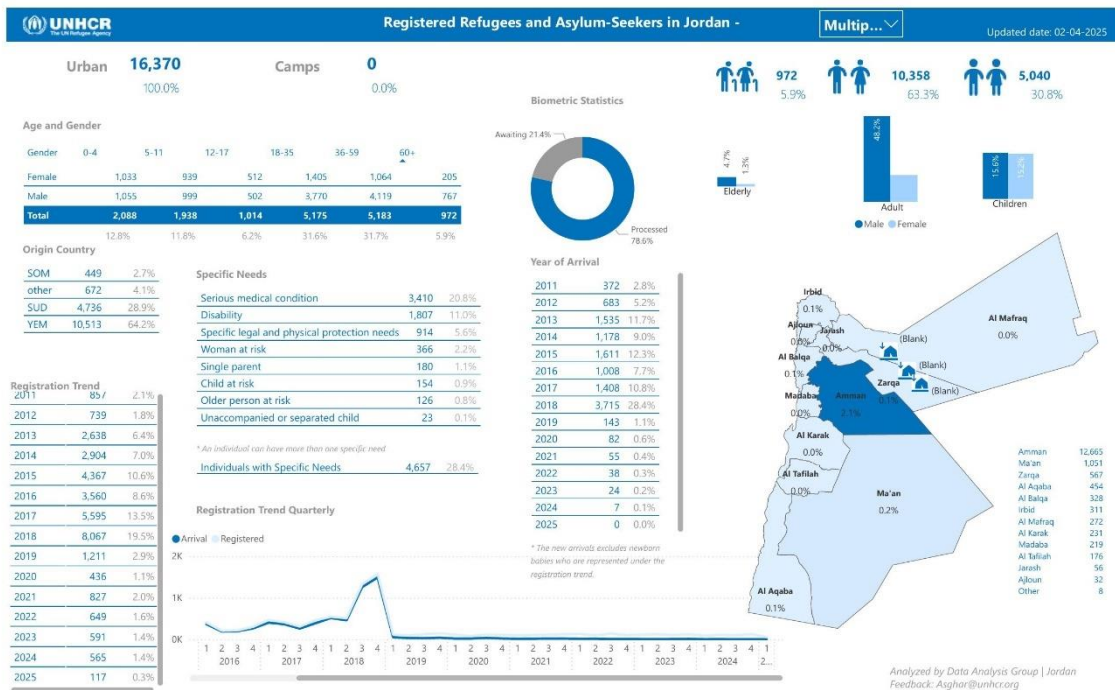


Figure 2 UNHCR-Registered Refugees and Asylum-Seekers in Jordan (as of 31 March 2025)

## 2.9 Challenges in Managing Refugee Integration

Since the onset of the Syrian crisis, Jordan has intensified efforts to provide essential services to approximately 655,435 registered Syrian refugees residing primarily in the northern regions<sup>148</sup>). Municipal services, including waste collection, water distribution, energy supply, environmental management, and transportation, have faced immense pressure due to rapid population growth.

According to a 2018 report issued by MOPIC, Syrian displacement accounted for a 13% increase in Jordan's population, exacerbating challenges for municipalities struggling to meet basic service demands. The strain on transportation, solid waste management, and energy distribution has placed severe constraints on Jordan's budget. Without additional international support, sustaining essential sectors critical to both Jordanian citizens and refugees remains increasingly difficult<sup>149</sup>

### Healthcare Services for Refugees in Jordan

Since 2019, Syrian refugees have been eligible for healthcare services in Jordanian governmental hospitals and health centers at a discounted rate of 80%, equivalent to that of uninsured Jordanian citizens<sup>150</sup>. This policy aims to ensure refugees receive comprehensive medical assistance, including preventative care and treatment.

However, prolonged displacement—compounded by COVID-19's impact on healthcare infrastructure—has exhausted Jordan's healthcare system<sup>151</sup>. Syrian refugees received equitable treatment during COVID-19 testing and therapeutic interventions for severe cases, consistent with Jordan's approach to treating its own citizens. Preventive measures were implemented to contain the virus in refugee camps and minimize infection risks among the broader population<sup>152</sup>.

In addition, health concerns such as nutrition deficiencies among women, children, and disabled individuals have posed additional challenges. Jordan has prioritized maternal and infant healthcare by ensuring access to vaccinations against tetanus and other diseases.

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<sup>148</sup> [\(UNHCR, 2020\)](#)

<sup>149</sup> [\(MOPIC, 2020; Al Rai Newspaper, 2016; Petra Jordanian News Agency, 2016\)](#).

<sup>150</sup> [\(MOPIC, 2020\)](#)

<sup>151</sup> [\(JMoH Website, 2020\)](#).

<sup>152</sup> [\(JMoH Website, 2020\)](#)

Failure to meet these healthcare requirements could lead to significant public health risks for both refugees and host communities <sup>153</sup>

### **Education Services for Refugees**

Jordanian law ensures children’s rights to survival, education, protection, and healthcare, as outlined in the Jordanian Constitution (1952) and reaffirmed under the United Nations Convention on the Rights of the Child (1989)<sup>154</sup>.

Since the initial wave of Syrian refugees arrived in Jordan, the Ministry of Education (MoE) has responded swiftly by implementing free compulsory education for all refugee children registered with UNHCR <sup>155</sup>To manage capacity constraints, schools were established within refugee camps, and Syrian children living outside camps were allowed to enroll in public schools.

To accommodate the influx, Jordan introduced a two-shift system (morning and evening sessions) in overcrowded public schools. This strategy was necessary to balance educational access for both Jordanian and Syrian students<sup>156</sup>. However, the implementation of this system has led to reduced classroom hours, affecting academic outcomes and the quality of education <sup>157</sup>

Despite Jordan’s efforts to integrate Syrian students, the ongoing crisis continues to strain educational resources, increasing demand for additional teachers, school maintenance, and student accommodations. Ensuring equitable educational opportunities remains a challenge in light of Jordan’s financial limitations <sup>158</sup>

### **Jordan's Response to the Refugee Influx and Its Challenges**

Since the beginning of the Syrian refugee crisis in 2011, Jordan has recognized the necessity of a coordinated and strategic approach to managing the humanitarian influx. To address these challenges effectively, the Jordanian government developed the Jordan Response Plan (JRP), initially launched for the 2014–2015 period and continuously updated since then. The response plan operates under a collaborative framework, incorporating Jordanian government agencies, the United Nations (UN), donor states, international organizations, and local and international NGOs. According to the Jordanian

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<sup>153</sup> ([MOPIC, 2020](#)).

<sup>154</sup> ([MoE Website](#))

<sup>155</sup> ([MOPIC, 2020](#); [MoE Website](#); [Al Ghribeah, 2017](#)).

<sup>156</sup> ([MoE Website](#); [Al Ghribeah, 2017](#))

<sup>157</sup> ([Jordanian Department of Statistics, 2019](#)).

<sup>158</sup> ([MoE Website](#); [MOPIC, 2020](#)).

Ministry of Planning and International Cooperation (MOPIC), the humanitarian response can only be sustainable if it remains flexible, rapid, and targeted <sup>159</sup>

The 2020–2022 JRP further reinforces Jordan’s commitment to meeting international refugee protection standards. The latest iteration of the plan outlines a comprehensive strategy designed to address the needs of Syrian refugees while supporting vulnerable Jordanian communities affected by the crisis. Core objectives include:

1. Implementing targeted assistance programs aligned with Syrian refugees' immediate and long-term needs.
2. Enhancing institutional capacity to ensure effective service delivery.
3. Providing legal protection and humanitarian support for refugees.
4. Mitigating socio-economic challenges arising from the refugee presence.
5. Strengthening national institutions to uphold service quality across various sectors<sup>160</sup>.

## **Challenges Faced by Jordan**

### **Housing and Shelter Constraints**

Jordan’s collaboration with UNHCR in managing the refugee crisis initially involved accommodating displaced Syrians in temporary shelters within Mafraq City. Later, the Za’atari refugee camp was established in Mafraq with a capacity of 89,000 refugees <sup>161</sup>

The influx of refugees has significantly impacted Jordan’s housing market, particularly in Northern Governorates, which house large numbers of displaced Syrians. Rental prices in Mafraq have escalated considerably, making housing unaffordable for many Jordanian citizens. Increased demand for shelter from both Syrian refugees and local residents has placed additional pressure on Jordan’s ability to sustain stable living conditions. In Za’atari and Azraq camps, approximately 123,000 refugees continue to endure difficult living conditions, especially during winter, further straining Jordan’s ability to maintain and support refugee accommodations<sup>162</sup>

### **Demographic and Security Concerns**

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<sup>159</sup> ([MOPIC, 2020](#)).

<sup>160</sup> ([MOPIC, 2020](#)

<sup>161</sup> ([Al Wazni, 2012](#)).

<sup>162</sup> ([MOPIC, 2020](#)).

Jordan has long faced demographic challenges due to successive waves of displaced populations, including Palestinians, Iraqis, and Syrians. Since 2012, Jordan's population has surged from 6 million to nearly 11 million, exacerbating socio-economic difficulties<sup>163</sup>Key security concerns include:

1. Limited resources struggling to meet population demands.
2. Potential extremist ideologies developing among displaced populations.
3. Border security risks associated with irregular armed groups.
4. Political instability due to public dissatisfaction over resource allocation <sup>164</sup>

### Economic and Employment Challenges

As a developing country, Jordan faces severe resource limitations and depends heavily on foreign aid to sustain economic stability. The 2008 Global Financial Crisis led to a sharp decline in foreign investments, and regional turbulence stemming from the Arab Spring further impacted economic growth. One major consequence was the disruption of Egypt's natural gas supply to Jordan, significantly increasing Jordan's energy costs. Consequently, Gross National Product (GNP) growth contracted from 7.9% in 2008 to 2.3% in 2010, raising unemployment rates and inflation .<sup>165</sup>

Over the past nine years, the economic impact of asylum has become a major concern for both refugees and vulnerable Jordanians. Jordan issued 179,445 work permits for refugees between 2016–2020, creating economic tensions in the labor market <sup>166</sup>Syrian workers often accept lower wages, no social security benefits, and lack health insurance, making them more attractive to employers. Consequently, Jordanian unemployment rates increased from 14% before the crisis to 19% in 2019 <sup>167</sup>

### Food Security Risks

The 2020 JRP highlights concerns regarding Jordan's food security. The World Hunger Index recorded 10.5 in 2019, a significant increase from 6.7 in 2017 <sup>168</sup>Additionally, poverty rates climbed to 17.9% in 2020, compared to 14.4% in 2010, signaling worsening food security conditions <sup>169</sup>Securing adequate food supplies for both Syrian refugees and local communities remains an escalating challenge.

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<sup>163</sup> (Al Sheeb & Nasree, 2017).

<sup>164</sup> (Carnegie, 2015; Middle East Studies Center, 2015).

<sup>165</sup> (Carnegie, 2015).

<sup>166</sup> (Ministry of Labor, 2020).

<sup>167</sup> (Jordanian Department of Statistics, 2019).

<sup>168</sup> (MOPIC, 2020).

<sup>169</sup> (MOPIC, 2020).

## Water Resource Scarcity and Sustainability

Jordan faces persistent water shortages, exacerbated by the refugee crisis. Historically, the Jordan River supplied most of the country's freshwater needs. However, Israel's control of the river has disrupted Jordan's access to its allocated share under the 1994 Peace Agreement<sup>170</sup>Jordan is now classified as the second most water-scarce country in the world<sup>171</sup>

Key challenges related to water shortages include:

1. A 40% increase in annual water demand across Northern Governorates since the Syrian crisis.
2. Over-extraction of groundwater, depleting reserves and deteriorating water quality.
3. Insufficient sanitation infrastructure, leading to potential groundwater contamination.
4. Projected 15% reduction in surface and groundwater availability by 2040 due to climate change<sup>172</sup>.

The rising demand for water threatens Jordan's long-term sustainability, potentially escalating security risks related to resource scarcity. Without additional international support, Jordan's ability to manage water sustainability may face significant obstacles, impacting both refugees and local citizens.

### 2.10 UNHCR, Donor States, and the International Community's Responsibilities Toward Jordan

Jordan has played a pivotal role in hosting Syrian refugees since the outbreak of the Syrian conflict in 2011, yet the country continues to face significant challenges in managing the humanitarian crisis. In 2016, King Abdullah II issued a stark warning, stating that Jordan would permanently cease receiving refugees if the international community failed to uphold its responsibilities in supporting Jordan's humanitarian efforts. He described the situation as reaching a "boiling point," emphasizing that Jordanian resources were stretched beyond capacity and urging immediate action from global actors<sup>173</sup>The King specifically noted that education, healthcare, and employment opportunities for Syrians were severely strained, placing further pressure on Jordan's national infrastructure.

During a World Economic Forum session (Davos Agenda 2021) held via teleconference, King Abdullah reiterated that protecting refugees is a global responsibility—particularly

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<sup>170</sup> ([Ministry of Water and Irrigation, 2016](#)).

<sup>171</sup> ([Ministry of Water and Irrigation, 2016](#)).

<sup>172</sup> ([Ministry of Water and Irrigation, 2016](#)

<sup>173</sup> ([BBC, 2016](#)).

in the context of the COVID-19 pandemic. He stated that Jordan remains committed to welcoming refugees despite exceptional economic difficulties, stressing that safeguarding the health and well-being of displaced populations should be a priority for all nations <sup>174</sup> As part of its humanitarian response, Jordan became one of the first countries to administer COVID-19 vaccines to refugees free of charge. However, the King emphasized that global support for Jordan had declined to historically low levels, prompting a call for increased international funding to prevent a humanitarian catastrophe .<sup>175</sup>

At the Leaders' Summit on Refugees, held on the margins of the 71st UN General Assembly, King Abdullah asserted that resolving the refugee crisis requires global cooperation, emphasizing that the crisis demands "immediate collective responsibility and engagement without delay" <sup>176</sup>

### **Jordan's Struggles to Meet Humanitarian Obligations**

In 2020, Jordan's Interior Minister urged donor countries to provide substantial financial support to assist in the implementation of the Jordan Response Plan (JRP). This assistance remains vital for sustaining refugee services<sup>177</sup>).

The 2020–2022 JRP underscores Jordan's commitment to its moral responsibilities toward Syrian asylum seekers while acknowledging that the country has surpassed its absorptive capacity <sup>178</sup>Although UNHCR, donor nations, and the international community have provided some financial aid, Jordanian officials argue that the level of support remains inconsistent with the overwhelming burden the country faces. According to the Jordanian Ministry of Planning and International Cooperation, international contributions have failed to exceed 51% of Jordan's financial requirements for managing the refugee crisis, forcing Jordan to cover the remaining costs independently <sup>179</sup>

The Brussels I, II, and III donor conferences established guidelines for global financial pledges to assist Jordan. However, the Jordanian Response Plan (JRP) remains the only

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<sup>174</sup> ([King Abdullah Official Website, 2021](#)).

<sup>175</sup> ([King Abdullah Official Website, 2021](#)).

<sup>176</sup> ([King Abdullah Official Website, 2016](#)).

<sup>177</sup> ([MSN News, 2020](#))

<sup>178</sup> ([MOPIC, 2020](#)).

<sup>179</sup> ([MOPIC, 2020](#)).

initiative capable of implementing these commitments, yet lacks the full-scale funding necessary to carry out its provisions effectively<sup>180</sup>.

### Financial Burden of Refugee Assistance

To maintain support for Syrian refugees through 2020–2022, Jordan requires an estimated \$6.6 billion<sup>181</sup>This budget allocation is essential for sustaining critical sectors, including:

1. Public services
2. Healthcare
3. Education
4. Water management
5. Economic empowerment
6. Food security and livelihood
7. Social protection and judicial assistance

The Jordanian Economic and Social Council (2015) reported that the Syrian asylum crisis exacerbated Jordan’s economic challenges, placing considerable stress on national resources. The direct fiscal consequences of the refugee influx have proven immense, requiring Jordan to bear the financial burden largely without substantial international assistance<sup>182</sup>).

The economic impact of the Syrian crisis has also manifested in reduced fiscal growth, leading to an RGDP decline from 5.5% in 2006–2011 to 2.4% in 2012–2018. Similarly, unemployment rates rose from 12.2% in 2012 to 19.1% in 2019<sup>183</sup>Meanwhile, public debt escalated from 67.4% of GDP (2006–2011) to 96.9% in 2020, placing Jordan in a precarious financial position<sup>184</sup>).

According to the General Budget Department, Jordan’s national debt surged from \$20 billion in 2010 to \$50 billion by 2020, representing 98.2% of GDP. This substantial debt has constrained Jordan’s fiscal flexibility, jeopardizing its ability to provide essential services to refugees and maintain long-term economic stability<sup>185</sup>

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<sup>180</sup> ([MOPIC, 2020](#))

<sup>181</sup> ([MOPIC, 2020](#)).

<sup>182</sup> ([Jordanian Economic and Social Council, 2015](#))

<sup>183</sup> ([MOPIC, 2020](#)).

<sup>184</sup> ([MOPIC, 2020](#))

<sup>185</sup> ([General Budget Department, 2020](#)).

## **Conclusion: The Need for Increased International Support**

Jordan continues to fulfill its humanitarian obligations, but without proper international financing, the country may face economic and infrastructural collapse<sup>186</sup>To mitigate this risk, Jordan requires immediate action from UNHCR, donor states, and the broader international community to meet its established funding commitments.

Jordanian officials stress that continued inaction by global actors may force Jordan to close its borders, effectively ending asylum programs—a scenario that could lead to regional instability and worsening humanitarian conditions for Syrian refugees<sup>187</sup>The Jordan Response Plan is the only viable framework to implement long-term solutions, but success depends on substantive international engagement and adequate financial contributions<sup>188</sup>

The Syrian refugee crisis has placed immense strain on Jordan's economy, infrastructure, and social services, raising concerns about the continued sustainability of humanitarian asylum policies. Recognizing these challenges, UNHCR, donor states, and the international community have repeatedly pledged financial support for Jordan's refugee assistance programs. However, the failure to meet promised funding levels threatens the long-term viability of asylum policies, forcing Jordan to reconsider its approach to hosting Syrian refugees.

At the end of 2020, UNHCR called upon signatory states of the 1951 Refugee Convention and donor nations to fulfill their financial commitments necessary to sustain global humanitarian operations. The organization reported receiving \$4.5 billion—less than half of the pledged \$9.1 billion required to meet refugee assistance needs<sup>189</sup>). This funding gap has severely impacted refugees worldwide, restricting access to food, healthcare, and essential aid. UNHCR further noted that financial obligation defaults by donor countries have become a chronic issue, resulting in either reductions or complete suspensions of relief programs in host states.<sup>190</sup>

## **Jordan's Repeated Calls for International Assistance**

Jordan has consistently warned that without significant international support, the country will struggle to continue hosting Syrian refugees. In 2016, King Abdullah II emphasized the severity of the situation, warning that Jordan would permanently halt refugee admissions if donor countries failed to meet their commitments. He stressed that Jordan had reached a "boiling point", urging wealthier nations to act immediately to prevent a humanitarian disaster<sup>191</sup>The King expressed frustration over unfulfilled pledges,

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<sup>186</sup> ([MOPIC, 2020](#)).

<sup>187</sup> ([MOPIC, 2020](#)).

<sup>188</sup> ([MOPIC, 2020](#)).

<sup>189</sup> ([Petra Jordanian News Agency, 2020](#)

<sup>190</sup> ([Petra Jordanian News Agency, 2020](#)).

<sup>191</sup> ([BBC News, 2016](#)).

highlighting that education, healthcare, and employment opportunities for Syrians were severely strained and could no longer be sustained without further financial assistance<sup>192</sup>.

During the World Economic Forum (Davos Agenda 2021), King Abdullah reiterated that safeguarding refugee health and well-being during the COVID-19 pandemic was a global responsibility, not solely Jordan's burden. He stated that Jordan was one of the first nations to administer vaccines to refugees free of charge, but required urgent financial contributions from the international community to maintain its capacity to contain the virus and provide care for displaced populations<sup>193</sup>.

In 2019, Jordan's Minister of Foreign Affairs, Ayman Safadi, underscored the need for global cooperation at the World Refugee Forum in Geneva. Safadi highlighted that the burden of asylum cannot fall entirely on host nations, calling for shared responsibility through sustainable financial and material assistance. He warned that neglecting refugee populations would lead to marginalization, ignorance, and economic deprivation, factors that could foster radicalization, extremism, and instability<sup>194</sup>

### Security Concerns and Refugee-Related Risks

The ongoing presence of Syrian refugees in Jordan presents security risks if UNHCR, donor states, and the international community fail to fulfill their financial commitments. Several contributing factors include:

1. The inability of UNHCR to fully fund humanitarian operations in Jordan.
2. Non-compliance by 1951 Convention signatories in meeting asylum-related responsibilities.
3. A lack of seriousness among donor nations in sustaining financial assistance.
4. The international community's failure to support Jordan's long-term asylum strategy.

Jordan's limited economic resources make it difficult to shoulder refugee-related costs alone. As a developing country facing persistent economic struggles, Jordan suffers from structural financial dilemmas, including public debt escalation and reduced fiscal growth. Without adequate international aid, Jordan may be forced to reconsider its open-border policy, potentially closing its doors to future refugees<sup>195</sup>

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<sup>192</sup> [\(BBC News, 2016\)](#)

<sup>193</sup> [\(King Abdullah Official Website, 2021\)](#)

<sup>194</sup> [\(Safadi, 2019\)](#).

<sup>195</sup> [\(Petra Jordanian News Agency, 2020; The Washington Institute for Near East Policy, 2016\)](#).

## Potential Scenarios for Jordan's Refugee Policy

Given the financial limitations facing Jordan's asylum programs, two possible scenarios could emerge:

1. **Adoption of a Closed-Borders Policy**  
If Jordan is unable to secure international financial support, the government may halt refugee admissions, restricting Syrian asylum-seekers from entering the country. This measure—previously implemented between 2014 and 2015—could place displaced individuals at risk, as many seek entry into Jordan for safety, shelter, and humanitarian assistance <sup>196</sup>
2. **Refoulement of Syrian Refugees**  
Another possibility is Jordan resorting to the forced repatriation of refugees under economic necessity. The Jordanian Response Plan (2020) estimated the total funding required to maintain refugee assistance programs through 2022, emphasizing that failure to meet international commitments could negatively impact the lives of Syrians residing in Jordan <sup>197</sup>

Since Jordan is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, the country retains full discretion over its refugee policies. Jordan's 1998 Memorandum of Understanding with UNHCR stipulated that UNHCR must uphold all financial commitments toward Jordan's refugee management. If UNHCR fails to meet these obligations, Jordan may renounce its adherence to the memorandum's provisions, effectively ending its humanitarian asylum policies <sup>198</sup>

### **The Urgent Need for International Cooperation**

Jordan has repeatedly emphasized that sustaining Syrian refugee assistance requires consistent financial aid and logistical support. Humanitarian asylum policies demand continuous funding, infrastructure development, and coordinated relief efforts, all of which exceed Jordan's financial capabilities.

At present, Jordanian policymakers agree that Syrian asylum has become unsustainable under the country's existing budgetary constraints. The situation necessitates immediate intervention from UNHCR, donor states, neighboring Gulf nations, and the global community. Without rapid financial assistance, the burden placed on Jordan could lead to regional instability, security threats, and the potential collapse of asylum programs, which would have dire humanitarian consequences <sup>199</sup>.

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<sup>196</sup> ([Ammon News, 2016](#)).

<sup>197</sup> ([MOPIC, 2020](#)).

<sup>198</sup> ([MOPIC, 2020](#)).

<sup>199</sup> ([MOPIC, 2020](#)).

## 2.11 Invisible Struggles: Human Stories Behind Jordan's Refugee Struggles

### 1. Living Conditions in Camps

#### Case Study: The Za'atari Refugee Camp

Established in 2012, Za'atari is one of the largest Syrian refugee camps in the world, hosting over 80,000 refugees. While it provides basic shelter, food, and healthcare, daily life remains a struggle. Many residents describe the camp as "a city of tents," lacking privacy, opportunities, and autonomy.

**Personal Narrative:** Amal, a mother of three, recalls fleeing her village in Syria with nothing but the clothes on her back. She describes her current life as "waiting for a tomorrow that never comes" while struggling to feed her children and dreaming of returning to her home.

**Human Insight:** The monotony of camp life, combined with limited access to education and job opportunities, leads to feelings of despair, particularly among young adults.

### 2. Urban Refugees in Jordan

Unlike those in camps, approximately 80% of Syrian refugees in Jordan reside in urban areas like Amman, Irbid, and Mafraq. While this allows them to integrate to some extent, it comes with its own set of challenges.

**Personal Narrative:** Khalid, a 15-year-old, dropped out of school to work in a bakery in Amman to support his family after his father suffered an injury. He earns 3 JD (\$4) a day, barely enough for food, let alone rent.

**Broader Picture:** Refugees in urban areas often face exploitation in the informal labor market. Many live in substandard housing, with overcrowded apartments and landlords charging exorbitant rents.

### 3. Educational Challenges

Jordan has made significant efforts to provide education for refugee children, but the system is overstretched. Double-shift schools, where Jordanian students attend in the morning and refugees in the afternoon, are common.

**Case Study:** Amina, a 12-year-old Syrian girl, describes the humiliation she feels when wearing torn shoes to school, often the target of bullying from peers. Despite her determination, she struggles to keep up due to past interruptions in her education.

**Human Insight:** Refugee children often face language barriers (Jordanian dialect vs. their native Syrian accent), overcrowded classrooms, and emotional trauma from the war.

### 4. Healthcare Access

Jordan has extended healthcare services to refugees, but resources are limited, and many refugees report high out-of-pocket costs for medications and specialized treatments.

Personal Narrative: Layla, a diabetic woman living in Irbid, has had to skip doses of insulin due to costs. Her husband, a construction worker, spends most of his earnings on her medication, leaving little for food or rent.

Human Insight: Chronic diseases and mental health issues are rampant among refugees, but they often go untreated due to financial constraints or limited healthcare infrastructure.

## 5. Social and Emotional Struggles

Refugees frequently grapple with a sense of loss and alienation. The lack of a clear path forward—whether to return to Syria, integrate in Jordan, or resettle elsewhere—creates psychological distress.

Personal Narrative: Omar, a Syrian farmer, struggles with the reality that his children, now teenagers, have spent more time in Jordan than in Syria. "They barely remember their homeland," he laments. "I feel like I've lost my identity, and now they are losing theirs too."

Human Insight: Refugees are not just economic migrants; they carry the burden of displacement, loss of homeland, and the uncertainty of a permanent solution.

## 6. Role of Women and Girls

Women and girls often bear the brunt of refugee crises, facing heightened risks of exploitation, early marriage, and gender-based violence.

Personal Narrative: Nadia, a widow with four children, recounts turning down offers for "protection marriages," where men promised to support her in exchange for marriage. "I won't trade my dignity for safety," she says, though she struggles to make ends meet.

Human Insight: Organizations like the UNHCR and NGOs have implemented programs to empower women, but cultural barriers and economic hardships often hinder their impact.

## 7. Resilience and Innovation

Despite the challenges, many refugees demonstrate remarkable resilience. Small businesses in Za'atari, such as food stalls and tailoring shops, showcase their entrepreneurial spirit.

Personal Narrative: Mahmoud, a barber in Za'atari, started a small salon in the camp. "Cutting hair reminds me of the shop I had back in Daraa. It gives me a sense of purpose," he shares.

Human Insight: Such initiatives highlight the untapped potential within refugee communities, which, if supported, can contribute positively to host economies.

## 8. Host Community Tensions

While Jordan has shown generosity, the influx of refugees has strained resources, leading to tensions with local communities.

Case Study: Fatima, a Jordanian shopkeeper in Mafraq, expresses frustration with rising rents and competition for jobs. "We want to help, but we're struggling too," she says.

Human Insight: Building social cohesion and addressing shared challenges are critical for fostering harmony between refugees and host communities.

### Conclusion

Humanizing the refugee experience in Jordan underscores their resilience, resourcefulness, and struggles. Personal narratives remind us that refugees are not merely numbers but individuals with dreams, fears, and aspirations. To address their challenges effectively, policies must prioritize not only economic assistance but also mental health support, education, and pathways to integration or resettlement.

## **2.12 Remarks Delivered by His Majesty King Abdullah II at the Plenary Session of the 78th General Assembly of the United Nations, 19 September 2023**

His Majesty King Abdullah II of the Hashemite Kingdom of Jordan, in addressing the plenary session, delineated the severe humanitarian crisis currently afflicting numerous nations. It was noted that in excess of 345 million individuals confront daily challenges pertaining to food insecurity, hunger, and the imminent risk of starvation. Within this aggregate are 108 million refugees, approximately 40 percent of whom are minors. The King further asserted that while these statistics are indeed stark, they do not fully capture the profound human tragedy unfolding on a day-to-day basis.

The King emphasized that the refugee population consists not solely of abstract figures, but of individuals—parents, grandparents, and other family members—who have often risked their lives in arduous journeys to secure safeguards for their families. He underscored that these individuals, including youth and children with their attendant aspirations, depend critically on the support of the international community. In this regard, the indispensable role played by various United Nations agencies in ensuring the provision of essential services was duly acknowledged.

It was observed that recent developments have resulted in a significant shortfall of international funding. Consequently, United Nations agencies have been compelled to reduce the level of support extended to these vulnerable segments of the population, thereby exacerbating their precarious situation.

In the context of the Kingdom of Jordan—where refugees constitute in excess of one-third of the total population, estimated at approximately 11 million—the reduction in financial assistance has engendered substantial uncertainty for hundreds of thousands of refugees. The King noted that such diminished support has materially contributed to the increased migration of refugees toward Europe and other regions, often via routes that are fraught with substantial risk and frequently culminate in adverse outcomes.

Notwithstanding these challenges, the Kingdom of Jordan has consistently demonstrated its commitment to ensuring a life of dignity for those under its care. This commitment is particularly significant given that nearly half of the approximately 1.4 million Syrians residing in Jordan are under the age of 18, and for many of these young individuals, Jordan remains their sole domicile. In addition, it is pertinent to note that over 230,000 Syrian children have been born in Jordan since the outbreak of the Syrian crisis in 2011.

In furtherance of its humanitarian obligations, Jordan—despite its limited resources—has allocated its available assets to assist refugees in obtaining access to essential requirements, including food, energy, and notably water. This allocation is especially critical in light of Jordan’s status as one of the most water-scarce countries globally. These efforts are undertaken concurrently with addressing the challenges imposed by climate change, which imposes additional burdens on the region’s already constrained resources.

His Majesty further emphasized that the long-term future of Syrian refugees should ideally be reconstituted within the borders of their homeland rather than in host states. However, the evolving nature of the crisis renders the prospect of repatriation remote. As the situation persists, it is anticipated that an increasing number of Syrian nationals will be compelled to seek refuge elsewhere, thereby highlighting the limitations in capacity and financial resources faced by host countries like Jordan.

The King further articulated that the challenges confronting Jordan serve as a microcosm of the broader regional predicaments. He stressed that persistent regional hardships will continue until there is a concerted international effort to resolve the enduring Palestinian–Israeli dispute. Clarity regarding the future political status and rights of the Palestinian people is deemed indispensable for advancing toward a sustainable resolution of the conflict.

It was noted that approximately five million Palestinians currently reside under conditions of occupation, which effectively precludes their ability to exercise sovereign self-determination. Notwithstanding this reality, all pertinent United Nations resolutions affirm the inherent rights of the Palestinian people to a future characterized by peace, dignity, and hope.

Moreover, His Majesty highlighted a significant disparity in the exercise of national identity between the Israeli and Palestinian peoples. He observed that while Israeli citizens are enabled to participate freely in the expression of their national identity, Palestinian citizens are systematically deprived of this fundamental right. He posited that the establishment of an independent and sustainable Palestinian state, delineated along the lines of the pre-1967 borders with East Jerusalem as its recognized capital, is a prerequisite for addressing this inequity.

Furthermore, the Kingdom of Jordan's unwavering commitment to safeguarding the unique cultural and historical identity of Jerusalem was reaffirmed. His Majesty accentuated the critical necessity for ensuring sustainable financial support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This agency is instrumental in protecting young Palestinians from extremist influences by facilitating access to education in secure environments provided by United Nations schools. Failure to secure such funding, the King warned, may render these vulnerable youth susceptible to ideologies marked by hatred and incitement to violence.

## 2.13 Conclusions and Recommendations

Jordan, due to its extensive border with Syria, has historically been a primary destination for refugee influxes. Over the course of its political history, Jordan has received multiple waves of refugees, including Palestinians in 1948 and 1967, displaced individuals returning from Kuwait after the Iraqi invasion, and Iraqis fleeing war in 1991 and 2003. Most recently, Jordan has accommodated Syrian refugees escaping humanitarian crises. Throughout these periods, Jordan has demonstrated a strong moral commitment to humanitarian asylum.

Despite its critical role in hosting refugees, Jordan is not a signatory to the 1951 Refugee Convention or its 1967 Protocol. This decision is rooted in Jordan's longstanding belief that Palestinians possess an inherent right to return to their homeland, rather than permanently resettling elsewhere <sup>200</sup>However, Jordan's dedication to international humanitarian cooperation led it to sign a Memorandum of Understanding (MoU) with UNHCR in 1998, allowing the UNHCR to carry out its humanitarian duties within Jordan <sup>201</sup>

The Jordanian Constitution explicitly prohibits refoulement, ensuring protection for political refugees and displaced individuals entering the Kingdom <sup>202</sup>Additionally, Jordan upholds the 1994 Arab Charter on Human Rights, which aligns with the core principles of the 1951 Refugee Convention regarding the prohibition of forced return<sup>203</sup>. While Jordan's legal framework primarily addresses diplomatic asylum, it lacks specific constitutional provisions for humanitarian asylum. Nevertheless, its signing of the 1998 UNHCR MoU implicitly signals Jordan's commitment to humanitarian protection, reinforcing obligations under customary international law <sup>204</sup>

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<sup>200</sup> ([Jordanian Ministry of Interior](#)).

<sup>201</sup> ([UNHCR Memorandum, 1998](#)).

<sup>202</sup> ([Jordan Constitution, 1952](#)).

<sup>203</sup> ([Arab Charter on Human Rights, 1994](#)

<sup>204</sup> ([UNHCR Memorandum, 1998](#)).

Under Jordanian law, ratified international treaties and agreements supersede domestic legislation, rendering these commitments legally binding upon national authorities<sup>205</sup> Despite this recognition, Jordan's constitutional texts remain unamended, failing to explicitly incorporate legal provisions regulating humanitarian asylum procedures. However, given that the legislative authority ratified the 1998 MoU, Jordan is legally obliged to receive and protect refugees, including those fleeing humanitarian crises<sup>206</sup>.

### **Refugee Administration and Policy Implementation**

The Jordanian Ministry of Interior, in coordination with UNHCR, plays a central role in supervising refugee entry, documenting asylum requests, and determining eligibility. In 2014, the Directorate of Syrian Refugees' Affairs was established to oversee refugee assistance programs. Concurrently, Jordan's government authorized the Jordan Hashemite Charity Organization to manage and distribute international aid directed toward Syrian refugees<sup>207</sup>

To systematically address refugee needs, Jordan launched the Jordan Response Plan (JRP) in 2015. The program was extended for the 2016–2018 period, followed by the current 2020–2022 plan. These response strategies outline financial allocations for education, healthcare, food security, infrastructure, shelter, and security-related expenses. While Jordan acknowledges UNHCR and donor states' contributions, the country continues to struggle with severe budgetary constraints, requiring urgent international financial support to sustain refugee integration efforts<sup>208</sup>

### **Financial Challenges and Policy Risks**

Jordan's limited financial resources pose a serious threat to Syrian refugee assistance programs. Without sufficient funding, Jordan may be forced to implement a closed-border policy or resort to refoulement—two undesirable outcomes that could exacerbate humanitarian risks. Economic constraints may drive Jordan toward extreme policy shifts, despite its historical commitment to refugee protection.

King Abdullah II has repeatedly warned the international community that Jordan cannot continue accommodating refugees alone. In 2016, he cautioned that Jordan was at its breaking point, warning that failure to provide adequate aid could lead to instability and radicalization among refugee populations<sup>209</sup> His remarks underscore Jordan's urgency for increased international assistance.

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<sup>205</sup> ([Jordanian Ministry of Interior](#)).

<sup>206</sup> ([Jordanian Ministry of Interior](#)

<sup>207</sup> ([Jordan Hashemite Charity Organization, 2014](#)).

<sup>208</sup> ([Jordanian Ministry of Planning and International Cooperation \(MOPIC\), 2020](#)).

<sup>209</sup> ([BBC News, 2016](#)).

## Recommendations for UNHCR, Donor States, and the International Community

To prevent a humanitarian and security crisis, UNHCR, donor states, and the international community must take immediate action to support Jordan's refugee assistance programs. The following recommendations are essential:

1. Increase Direct Funding: UNHCR and donor nations must commit financial resources to fully implement the 2020–2022 Jordan Response Plan<sup>210</sup>.
2. Ensure Long-Term Sustainable Programs: International actors should develop sustainable refugee programs to reduce financial burdens on Jordan's government<sup>211</sup>.
3. Prevent Radicalization Risks: Investment in education, employment, and social programs is critical to preventing extremism and fostering economic inclusion<sup>212</sup>.
4. Strengthen Burden-Sharing Mechanisms: Global cooperation must ensure shared responsibility among all signatory states to uphold refugee protection under international law<sup>213</sup>.
5. Support Host Nations: Wealthier donor countries should allocate financial and logistical support to Jordan, ensuring continued asylum assistance.

## Conclusion

Jordan has played a pivotal role in regional refugee protection, accepting millions of displaced individuals despite limited financial resources. Its commitment is reflected in its constitutional provisions prohibiting refoulement, its 1998 Memorandum of Understanding with UNHCR, and its participation in international humanitarian frameworks. However, Jordan's capacity to sustain Syrian refugee assistance is severely strained, requiring urgent international financial and logistical support.

Failure to meet funding commitments will negatively impact refugee communities, forcing Jordan to reassess its open-border policy. If international donors and humanitarian organizations fail to act swiftly, Jordan may be compelled to restrict asylum programs, jeopardizing regional stability and refugee safety<sup>214</sup>.

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<sup>210</sup> [\(MOPIC, 2020\)](#)

<sup>211</sup> [\(MOPIC, 2020\)](#).

<sup>212</sup> [\(Safadi, 2019\)](#)

<sup>213</sup> [\(Jordanian Ministry of Interior\)](#).

<sup>214</sup> [\(MOPIC, 2020\)](#).

To ensure the protection and dignity of Syrian refugees, the UNHCR, donor states, and the international community must commit to sustained financial contributions, enabling Jordan to continue upholding humanitarian

### **Chapter 3: Refugees Law and Policies In Lebanon**

### **3.1 Introduction**

Lebanon, a country with a population of approximately 6 million Lebanese citizens, finds itself grappling with a complex humanitarian challenge as it hosts a diverse array of refugees. Among them are roughly 1.5 million Syrian refugees who have sought refuge within its borders. Additionally, Lebanon provides shelter to 180,000 Palestinian refugees, a group that has long faced displacement and hardship. A distinct subset of this population comprises 29,000 Palestinian refugees from Syria, individuals who fled the conflict in Syria only to find themselves in dire circumstances in Lebanon.<sup>215</sup>

Beyond the Syrian and Palestinian refugee communities, Lebanon extends its hospitality to 21,761 refugees and asylum-seekers originating from countries other than Syria and Palestine. This collective situation has bestowed upon Lebanon the unenviable title of hosting the highest refugee population per capita of any nation across the globe.<sup>216</sup>

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<sup>215</sup> For comparative purposes, approximately 720,000 Syrian refugees are living in Germany, Sweden, Austria and the Netherlands by 2018. See “By the Numbers: Syrian Refugees Around the World,” Frontline,

<sup>216</sup> There are 470,000 Palestinian refugees registered with UNRWA in Lebanon. 180,000 of them are estimated to be residing in the country. See figures in UNRWA Lebanon web page, available at: <https://www.unrwa.org/where-we-work/lebanon>.

The challenges facing these refugee populations extend beyond mere numbers, deeply affecting their economic well-being. Recent surveys and reports provide a stark portrayal of the dire economic conditions endured by many refugees in Lebanon. A staggering 69% of Syrian refugees, the largest refugee group in the country, find themselves living below the poverty line. Even more distressing, a substantial 51% of this population resides in conditions of extreme poverty, existing on less than the meager survival minimum expenditure basket of 2.90 USD per day.<sup>217</sup>

The struggles extend to Palestinian refugees as well, with 65% of this community living in poverty. Disturbingly, an overwhelming 95% of Palestinian refugees from Syria face food insecurity, with 63% experiencing severe food insecurity, where access to basic sustenance becomes a daily struggle.

Among the broader refugee population hailing from diverse countries, a distressing 87% of households encounter some degree of food insecurity. Alarming, these vulnerable households do not receive the critical assistance provided by organizations such as the World Food Programme (WFP) or the United Nations High Commissioner for Refugees (UNHCR).<sup>218</sup>

In essence, Lebanon's humanitarian landscape is marked by its remarkable hospitality to refugees, albeit at great economic strain. These populations, largely Syrian and Palestinian, contend with poverty, extreme deprivation, and food insecurity, while also navigating a dearth of formal assistance programs. As the world grapples with the refugee crisis, Lebanon's plight serves as a poignant reminder of the urgent need for international support and solutions to address the multifaceted challenges faced by these vulnerable communities.<sup>219</sup>

The burden of debt among Syrian refugee households in Lebanon has exhibited a concerning trend, with a steady increase observed over the years. In 2017, the average debt per household stood at 900 USD, but by 2018, it had climbed to over 1,000 USD, highlighting the growing financial strain on these vulnerable communities. This financial pressure has forced the vast majority of refugee households, a staggering nine out of 10, to resort to various food coping strategies simply to make ends meet. Alarming, 97% of these households are compelled to adopt livelihood coping strategies in their daily lives.<sup>220</sup>

The food-related coping strategies employed by these households encompass a wide spectrum of sacrifices, ranging from consuming cheaper, less nutritious food items to enduring days without eating at all. On the livelihood front, refugee families are resorting

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<sup>217</sup> Lebanon Crisis Response Plan 2017-2020 (2019 Update), produced by the government of Lebanon and the United Nations, January 2019.

<sup>218</sup> Refugees from other nationalities include people from Iraq, Sudan, Ethiopia, Egypt, Eritrea among others. See: Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON-2017), the United Nations High Commissioner for Refugees (UNHCR), June 2018.

<sup>219</sup> Lebanon Crisis Response Plan 2017-2020.

<sup>220</sup> Survey on the economic status of Palestinian refugees in Lebanon, the United Nations Relief and Works Agency for Palestine refugees (UNRWA) and the American University of Beirut, 2015.

to desperate measures, including accumulating debt and, distressingly, resorting to child labor to secure their basic needs.<sup>221</sup>

Moreover, a distressing reality emerges when considering the impact of these coping strategies on essential aspects of life. Startlingly, 66% of refugee households have been forced to reduce their expenditure on health and education in order to cope with the severe shortage of food or financial resources required to purchase it. This dire situation not only jeopardizes the immediate well-being of refugees but also perpetuates a cycle of deprivation that can have long-lasting consequences, particularly for children whose access to education and healthcare is compromised.<sup>222</sup>

Adding to the complexity of the situation is the issue of statelessness, which further compounds the challenges faced by vulnerable populations in Lebanon. According to the United Nations High Commissioner for Refugees (UNHCR), Lebanon is home to an estimated population of tens of thousands of stateless individuals. However, pinpointing the exact number remains an elusive task due to the absence of an official census in the country since 1932, coupled with the fact that many stateless individuals lack civil registration records.<sup>223</sup>

Statelessness in Lebanon is primarily a consequence of a series of legislative and administrative policy oversights. These include the failure to enact legislation allowing women to transmit their Lebanese citizenship to their children, complex procedures, and stringent document requirements for citizenship and birth registration. Additionally, the influx of Syrian refugees has exacerbated the problem, resulting in thousands of refugee children lacking a birth certificate simply because their parents do not possess "legal status" in Lebanon. This confluence of factors paints a grim picture of the intertwined challenges facing refugees and stateless individuals in Lebanon, underscoring the urgent need for comprehensive reforms and international support to address these pressing humanitarian issues.<sup>224</sup>

The challenges faced by Syrian refugees in Lebanon extend beyond their basic survival needs, encompassing a troubling issue related to the legal status and identity of their children born in the country. A field assessment conducted by the Norwegian Refugee Council in 2015 revealed a deeply concerning reality: a staggering 92% of the interviewed Syrian refugees found themselves unable to meet the stringent legal and administrative criteria required for registering the births of their children in Lebanon. This inability stemmed from their lack of "legal status" in the country, which served as a formidable barrier to completing the necessary steps for obtaining a birth certificate.

The predicament faced by these refugee parents was multifaceted. Many were unable to provide the required documentation, which often proved elusive due to displacement and the chaos of fleeing conflict. Others struggled to adhere to the specific timeframes imposed

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<sup>221</sup> Lebanon Crisis Response Plan 2017-2020.

<sup>222</sup> Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (2018)

<sup>223</sup> Statelessness Update, UNHCR Lebanon, August 2014.

<sup>224</sup> Since March 2011, 34,272 Syrian refugees have been born in Lebanon and, according to a UNHCR survey of 5,779 Syrian newborns, 72% do not possess an official birth certificate

for registration, compounding their difficulties. Additionally, there was a palpable fear among these refugees, both of traveling within Lebanon and approaching official authorities to initiate the registration process. This fear was grounded in concerns about their own safety and the potential repercussions of interacting with the Lebanese bureaucracy.

Even more distressing, in some instances, the Lebanese authorities actively refused to provide the necessary documents, effectively blocking the birth registration process. This obstinacy had severe consequences, as it created a genuine risk that children born to Syrian refugee parents in Lebanon would lack a legal identity recognized by the Lebanese authorities. This, in turn, heightened the likelihood of these refugee children becoming stateless, a deeply precarious status with far-reaching consequences.<sup>225</sup>

The ramifications of statelessness are far-reaching. Stateless children born in Lebanon face significant barriers in accessing basic services such as healthcare and education. Their lack of official identity also hampers their ability to seek international protection, further compounding their vulnerability. In addition, their prospects in the labor market are severely constrained, as refugees lacking "legal residency" papers are unable to move freely and confront a genuine risk of detention and arrest.

By 2015, the situation had reached critical proportions. The onerous administrative and financial requirements for obtaining and renewing residency permits had rendered a vast majority of Syrian refugees, estimated at 70-80%, without valid residency status in Lebanon. This dire predicament was even more acute for Palestinian refugees from Syria, with up to 90% lacking the essential legal residency in Lebanon.<sup>226</sup>

In summary, the plight of Syrian refugees and their children born in Lebanon is characterized by a complex web of legal and administrative barriers, compounded by fear and bureaucratic obstacles. The resulting statelessness not only robs these individuals of their basic rights but also perpetuates a cycle of vulnerability and marginalization, underscoring the pressing need for systemic reforms and international support to address these deeply entrenched challenges.

Lebanon's response to the intricate challenges posed by the presence of migrants, refugees, asylum seekers, and stateless persons within its borders has been marked by a notable deficiency in both an adequate legal framework and effective policies. This deficiency not only undermines the country's obligations under international human rights law but also leaves individuals deserving of protection in an exceedingly precarious state.

One of the most glaring issues is the absence of a comprehensive domestic legal and policy framework designed to address the unique predicaments faced by refugees, migrants, and stateless persons. This legal void exacerbates the vulnerability of those who should be protected under international law. Moreover, this gap in legal and policy measures is

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<sup>225</sup> Birth Registration Update: the Challenges of Birth Registration in Lebanon for Refugees from Syria, Norwegian Refugee Council, January 2015.

<sup>226</sup> Lebanon Immigration Detention Profile, Global Detention Project, updated in February 2018.

compounded by the excessive and often unaccountable exercise of authority by various entities, including the General Security Office (GSO), local municipalities, the Ministry of Labor, and the Lebanese army. This unchecked discretion has contributed to widespread violations of the human rights of refugees, migrants, and stateless individuals in Lebanon.

The challenges faced by Lebanon extend beyond legal gaps and include broader political, social, economic, and infrastructural obstacles. The Lebanese State is confronted with a confluence of difficulties that have influenced its policies toward refugees, viewing them as either an overwhelming burden or a potential security threat. In a country where access to justice and effective remedies for human rights violations is already hindered by structural, legal, institutional, and socio-economic barriers, migrants, refugees, and stateless individuals encounter even more formidable and often insurmountable challenges in the exercise of their rights and access to justice and remedies.

This report delves into an analysis of Lebanon's inadequate legal and policy framework within the context of its obligations under international human rights law and standards. It also examines how this framework has been interpreted and applied in practice through various judicial decisions. The report focuses on several key aspects:

- a) The right to entry and stay on Lebanese territory, which is a fundamental aspect of the protection of migrants, refugees, and stateless individuals, ensuring their safety and well-being.
- b) The right of migrants, refugees, and stateless individuals to liberty and security of person, which includes safeguarding them from arbitrary arrest and detention, a critical aspect of protecting their basic human rights.
- c) The rights against arbitrary removal and expulsion, which are essential to prevent unjust and inhumane treatment of vulnerable populations.
- d) The principle of non-refoulement, a cornerstone of international law that prohibits the forced return of individuals to situations where their lives or freedom would be at risk.

### **3.2 Demographic and Socioeconomic Realities of Refugees and Asylum Seekers in Lebanon**

Lebanon, a country with a national population of approximately six million, currently hosts one of the world's largest per capita refugee populations. As of the latest estimates, Lebanon shelters over 1.5 million Syrian refugees; approximately 180,000 Palestinian refugees registered and residing in the country; around 29,000 Palestinian refugees from

Syria (PRFS); and 21,761 refugees and asylum seekers from countries other than Syria and Palestine, including nationals of Iraq, Sudan, Ethiopia, Egypt, and Eritrea.<sup>227228229230</sup>

This demographic concentration positions Lebanon as the country with the highest number of refugees per capita globally.<sup>231</sup> However, this disproportionate burden exists in the context of significant legislative and institutional limitations. Lebanon has not enacted domestic asylum legislation and remains a non-signatory to the 1951 Refugee Convention and its 1967 Protocol. As a result, the rights of refugees and asylum seekers are not clearly defined under Lebanese law, rendering them vulnerable to structural neglect, poverty, and legal uncertainty.

### **Socioeconomic Conditions and Poverty Indicators**

The living conditions of Lebanon’s refugee communities are marked by widespread poverty, food insecurity, and indebtedness, particularly among Syrians, Palestinians, and non-Syrian refugees.

Among Syrian refugees—the largest refugee population—approximately 69% live below the national poverty line, while 51% live in extreme poverty, below the survival minimum expenditure basket of USD 2.90 per day.<sup>232</sup> Palestinian refugees in Lebanon also face dire socioeconomic conditions; 65% live in poverty, and 95% of Palestinian refugees from Syria are classified as food insecure, with 63% suffering from severe food insecurity.<sup>233234</sup>

These patterns are replicated among non-Syrian refugees: 87% of such households experience some form of food insecurity and are often excluded from direct assistance by international agencies such as the World Food Programme (WFP) or the United Nations High Commissioner for Refugees (UNHCR).<sup>235</sup>

Additionally, economic vulnerability is compounded by rising household debt. Among Syrian refugee households, average debt increased from USD 900 in 2017 to over USD 1,000 in 2018.<sup>236</sup> In response to financial stress, refugee households have resorted to severe coping strategies: 90% engage in food-related measures (e.g., eating less, skipping meals),

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<sup>227</sup> “By the Numbers: Syrian Refugees Around the World,” *Frontline* (2018).

<sup>228</sup> UNRWA, *Lebanon Country Profile*, available at: <https://www.unrwa.org/where-we-work/lebanon>.

<sup>229</sup> *Lebanon Crisis Response Plan 2017–2020 (2019 Update)*, Government of Lebanon and United Nations, January 2019.

<sup>230</sup> UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON)*, June 2018.

<sup>231</sup> European Commission, *Lebanon Factsheet*, European Civil Protection and Humanitarian Aid Operations, 04 February 2020.

<sup>232</sup> *Lebanon Crisis Response Plan 2017–2020 (2019 Update)*

<sup>233</sup> UNRWA and American University of Beirut, *Survey on the Economic Status of Palestinian Refugees in Lebanon* (2015).

<sup>234</sup> *Lebanon Crisis Response Plan 2017–2020 (2019 Update)*

<sup>235</sup> UNHCR, *VARON 2018*.

<sup>236</sup> UNHCR, WFP, and UNICEF, *Vulnerability Assessment of Syrian Refugees in Lebanon* (26 December 2018).

and 97% use livelihood strategies, including borrowing, child labour, or reducing spending on education and healthcare.<sup>237,238</sup>

These statistics reveal not merely a humanitarian crisis, but a profound legal gap. In the absence of enforceable rights to education, health, and food security, these populations remain dependent on discretionary aid and vulnerable to exploitation. The conditions described amount to de facto rights deprivations, contrary to Lebanon’s obligations under the ICESCR and CRC, which affirm the right to an adequate standard of living and protection of the child.

### UNHCR Operational Data and Protection Framework in Lebanon (Q2 2024)<sup>239</sup>

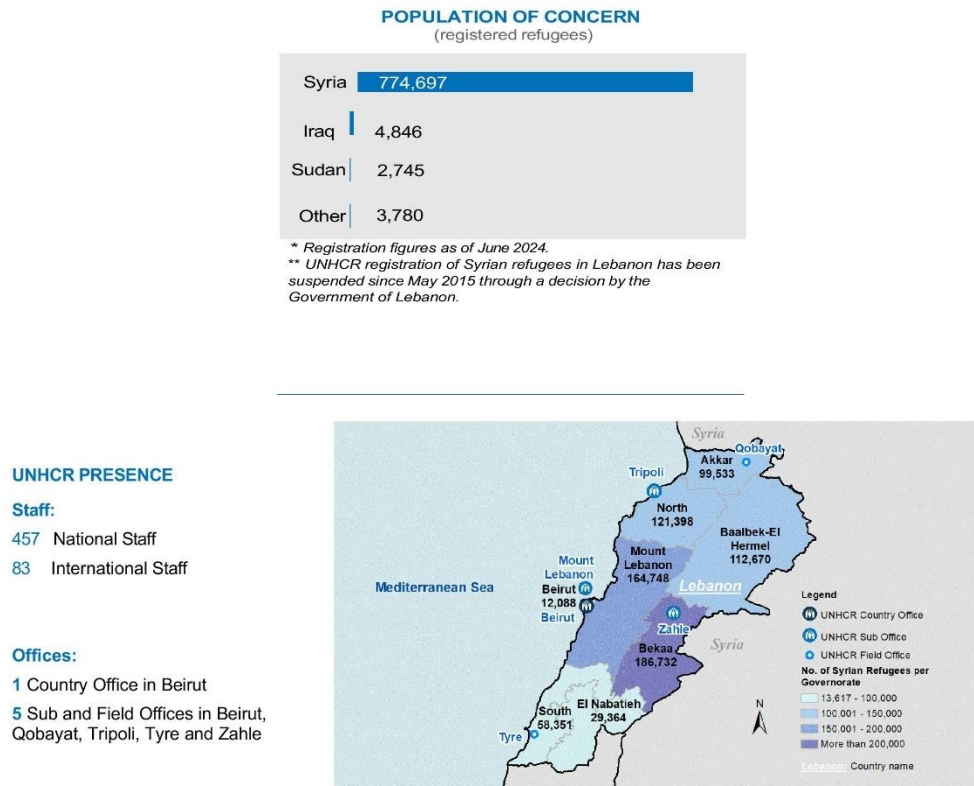


Figure 3 UNHCR Operational Data and Protection Framework in Lebanon (Q2 2024)

As part of this research, it is essential to contextualize refugee protection in Lebanon through updated empirical data and institutional insights. The UNHCR Lebanon Fact Sheet

<sup>237</sup> Ibid

<sup>238</sup> Ibid

<sup>239</sup> United Nations High Commissioner for Refugees (UNHCR), *Lebanon Fact Sheet – Q2 2024* (UNHCR, July 2024) <https://www.unhcr.org/lb> accessed 11 April 2025.

for the second quarter of 2024 offers a detailed overview of the scope of displacement, protection challenges, and operational priorities in the country. This report is particularly valuable given Lebanon’s unique legal and political position: although it hosts one of the largest refugee populations per capita globally, it is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol.

As of June 2024, Lebanon remains host to an estimated 1.5 million Syrian refugees, according to government figures, along with 11,411 refugees of other nationalities, including Iraqis, Sudanese, and stateless persons. Notably, UNHCR registration of Syrian refugees has been suspended since May 2015 following a decision by the Government of Lebanon, which underscores the country’s ad hoc and extra-legal approach to managing refugee presence.

#### A. Protection Challenges and Legal Status

Legal residency remains a significant barrier to protection. A low percentage of refugees—especially Syrians—hold valid legal residency, which critically limits their access to education, healthcare, employment, and civil documentation. This situation raises concerns about the denial of fundamental rights under international human rights law, particularly the right to legal recognition, due process, and protection from arbitrary detention (cf. ICCPR, Articles 9 and 16). The absence of a national asylum framework exacerbates legal uncertainty for both registered and unregistered refugees.

UNHCR, in coordination with Lebanese authorities and humanitarian partners, continues to provide legal aid, birth registration assistance, and protection monitoring. In the first half of 2024, 97% of refugees reported difficulties in feeding their households, while 88% struggled to pay rent, and 45% reported reduced access to healthcare due to lack of funds. These figures illustrate the interplay between socioeconomic vulnerability and legal precarity, particularly in the context of prolonged displacement.

#### B. Humanitarian Programming and Refugee Participation

UNHCR supports a wide network of community centers, with 166,060 recorded participations in protection and education activities as of Q2 2024. These centers serve as inclusive spaces offering psychosocial support, vocational training, literacy programs, and legal referrals. Importantly, 70% of participants were women and girls, and 20% were youth, reflecting efforts to meet the needs of gender- and age-sensitive groups.

Furthermore, 545 outreach volunteers were trained and mobilized to identify protection risks, raise awareness, and support mental health services. This community-based model supports a rights-based approach aligned with the Global Compact on Refugees, emphasizing “whole-of-society” participation in refugee response efforts.

#### C. Education and Documentation Gaps

The Lebanese public education system accommodates refugee children through second-shift schooling, with 165,850 refugee students enrolled in the 2023–2024 academic year. Despite improvements in attendance and stability, significant challenges persist.

Documentation continues to hinder access, especially at the secondary level, thereby affecting the right to education as guaranteed under Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). UNHCR also provides basic literacy and numeracy programs to out-of-school children and youth, alongside vocational training and third-country education scholarships, including through the DAFI programme.

#### D. Healthcare and Shelter

UNHCR's Referral Healthcare Programme subsidizes hospitalization for life-saving and obstetric procedures through a cost-sharing model with 33 contracted hospitals. In Q2 2024, 11,782 hospital admissions were supported, along with 12,628 mental health consultations. These services are vital given the deterioration of Lebanon's public health infrastructure.

In terms of shelter, UNHCR provided assistance to 2,608 refugees in informal settlements through site improvement and shelter reinforcement, and 509 individuals benefited from shelter rehabilitation in urban areas. Additionally, Cash-for-Shelter (CfS) programs reached 2,220 displaced individuals, reflecting a mix of emergency relief and longer-term resilience building.

#### E. Legal and Institutional Engagement

UNHCR plays a key role in institutional support and policy engagement with Lebanese authorities. The agency co-leads the development of the 2024 Lebanon Response Plan (LRP) and is a partner in the Reform, Recovery and Reconstruction Framework (3RF) and the UN Sustainable Development Cooperation Framework (UNSDCF). These frameworks aim to integrate refugee rights, humanitarian stabilization, and long-term development within a legally and politically fragile environment.

From a legal perspective, the report underscores the urgent need for Lebanon to adopt a domestic asylum and refugee protection framework. The reliance on administrative discretion and international actors for core protections creates systemic vulnerabilities and weakens accountability. Given Lebanon's constitutional guarantees and its international obligations under instruments such as the ICCPR, CEDAW, and the Convention on the Rights of the Child (CRC), stronger legal codification is both feasible and necessary.

### **Statelessness and Legal Identity**

An often-overlooked legal challenge affecting refugees and their descendants is statelessness. Lebanon is estimated to host tens of thousands of stateless persons, although the exact figure is unknown due to the absence of an official census since 1932 and a lack of civil registration among affected populations.<sup>240</sup>

Statelessness in Lebanon stems from structural legal exclusions, including:

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<sup>240</sup> UNHCR, *Statelessness Update – Lebanon*, August 2014.

- The inability of Lebanese women to transmit nationality to their children;
- Complex and inaccessible procedures for birth and civil registration;
- Administrative barriers to acquiring nationality or legal residence;
- The influx of Syrian refugees, many of whom give birth in Lebanon without being able to secure legal documentation for their children.<sup>241</sup>

UNHCR reports indicate that, since March 2011, over 34,000 Syrian children have been born in Lebanon, with approximately 72% lacking official birth certificates due to their parents' irregular legal status or absence of required documentation.<sup>14</sup>

From a legal standpoint, the failure to address statelessness represents a breach of the right to recognition as a person before the law under Article 16 ICCPR and the right of every child to a name, nationality, and birth registration under Articles 7 and 8 of the CRC. Lebanon's failure to modernize its nationality laws and simplify civil registration systems continues to produce generational rights denials.

### **The Judicial Application of International Human Rights Law in Lebanon**

Lebanon's ratification of core international human rights treaties has embedded those obligations into the domestic legal order. According to Lebanese jurisprudence and statutory hierarchy, international legal instruments to which Lebanon is a party are considered part of Lebanese positive law, and where national legislation is silent or inconsistent, international obligations may be invoked to fill legal gaps.

In this context, the primacy of ratified international treaties—such as the ICCPR, ICESCR, CRC, CAT, and CEDAW—has significantly influenced litigation strategies, particularly in cases involving fundamental rights not explicitly protected under Lebanese legislation. Article 2 of the Code of Civil Procedure affirms that international treaties prevail over ordinary laws in cases of conflict. As a result, both lawyers and litigants are legally empowered to invoke international human rights norms directly before domestic courts, especially in the absence of equivalent domestic protections.

This has enabled Lebanese courts, at least in theory, to act as guarantors of international rights protections, especially for vulnerable groups such as refugees, asylum seekers, and stateless persons. In strategic litigation, where legal arguments are constructed not only to resolve individual disputes but to effect broader legal or policy change, judicial engagement with international norms becomes a vital tool for promoting accountability and legal reform.

This potential, however, remains only partially realized. Despite Lebanon's formal legal commitments, judicial practice has yet to fully reflect the transformative potential of international human rights law. In refugee-related litigation, the courts' application of

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<sup>241</sup> UNHCR Lebanon, *Civil Registration and Documentation Factsheet*.

international norms has been inconsistent—progressive in some rulings, yet regressive or indifferent in others.

### **Penalization of Refugees and Gaps in Judicial Protection**

Despite the binding nature of the above-mentioned international treaties, many Lebanese judges continue to convict refugees—including Syrians and Iraqis—for “illegal” entry and stay under the 1962 Law on the Entry and Exit of Foreigners, especially under Article 32. These convictions persist even though the principle of non-penalization is a well-established component of international refugee law, particularly in Article 31 of the 1951 Refugee Convention, which protects asylum seekers from punishment due to unauthorized entry.

While Lebanon is not a signatory to the Refugee Convention, this non-penalization principle is recognized in broader human rights law, especially where migrants or asylum seekers are fleeing life-threatening persecution. Yet Lebanese courts have often failed to distinguish between ordinary undocumented migrants and individuals entitled to international protection, thereby undermining the right to liberty and security of person as articulated in Article 9 of the ICCPR, and the prohibition of arbitrary arrest and detention enshrined in Article 9 of the Universal Declaration of Human Rights (UDHR).

### **Emergence of International Law in Judicial Reasoning**

Notwithstanding these challenges, there have been judicial decisions where Lebanese courts have referenced international legal obligations, particularly to prevent the deportation of individuals at risk of torture or other forms of ill-treatment. Courts have specifically cited:

- Article 3 of the Convention Against Torture (CAT), which enshrines the non-refoulement principle in absolute terms, prohibiting the return of individuals to a country where they face a real risk of torture or inhuman treatment;
- Article 9 of the ICCPR, affirming the right to liberty and procedural guarantees against arbitrary detention;
- Article 9 of the UDHR, which prohibits arbitrary exile or removal.

In a few progressive cases, courts have also invoked Article 33(1) of the 1951 Refugee Convention, which declares:

“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion.”

Even though Lebanon is not a party to this Convention, the non-refoulement principle has attained the status of customary international law, binding all states irrespective of treaty

accession. The UNHCR has repeatedly affirmed that reservations to Article 33 are expressly prohibited under both the 1951 Convention and the 1967 Protocol.<sup>242</sup>

The limited but growing judicial references to international norms in Lebanon suggest a latent jurisprudential awareness of global human rights standards. However, they also reflect a fragmented application of international law—dependent more on individual judicial philosophy than on a coherent institutional commitment to human rights. This legal patchwork is particularly problematic for refugees and asylum seekers, whose protection relies heavily on consistent, predictable, and rights-oriented interpretation of legal norms.

The incorporation of international law into the Lebanese legal system presents an opportunity for advancing refugee rights and filling critical legal gaps. Yet this opportunity remains underutilized. While Lebanon’s judges have the authority and legal basis to invoke international human rights law in domestic proceedings, many continue to treat international protection norms as optional rather than obligatory. The conviction of refugees for irregular entry, despite their entitlement to protection, exemplifies the tension between formal legal obligations and practical enforcement.

To bridge this gap, judicial training, legal reform, and constitutional litigation must become focal points for legal advocates, civil society, and academic institutions alike. The judiciary must not only interpret law—it must do so in accordance with Lebanon’s binding international commitments, particularly when fundamental rights are at stake.

### **3.3 Statelessness and the Right to Nationality under International and Lebanese Law**

#### **1. International Legal Framework: Equality, Non-Discrimination, and the Right to Nationality**

Statelessness represents a profound and multifaceted human rights issue, directly implicating principles of non-discrimination, equality before the law, and the universality of rights. Under international human rights law, the obligation to respect and protect human rights applies to all persons within a state’s territory or jurisdiction, regardless of their citizenship, migration status, or nationality. These obligations derive from customary international law and treaties to which Lebanon is bound—including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child

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<sup>242</sup> UNHCR, *Submission in the case of S.A. v. Section for Asylum, Ministry of Interior of The Former Yugoslav Republic of Macedonia*, available at: <https://www.legislationline.org/documents/id/16827>.

(CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>243</sup>

The right to a nationality is well-established in international law. Article 15 of the Universal Declaration of Human Rights (UDHR) states that:

“Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”<sup>244</sup>

This right is reinforced by provisions within Article 7 and Article 8 of the CRC, which emphasize every child’s right to a name and nationality from birth, and the obligation of states to prevent statelessness.<sup>245</sup> These provisions are further underlined by Article 3(1) of the CRC, which requires that the best interests of the child be a primary consideration in all legal and administrative decisions affecting children.<sup>246</sup>

The collective reading of these provisions affirms that nationality is not merely a legal formality—it is a gateway right. Without legal identity and citizenship, individuals are denied access to education, healthcare, employment, and justice. The inability to access nationality thus gives rise to a cascade of other human rights violations.

Although states retain discretion in determining nationality acquisition under *jus soli* (birthplace) or *jus sanguinis* (descent), such discretion must not result in arbitrary deprivation of nationality or render individuals stateless, in accordance with Articles 15 and 7 UDHR and the general principles of international law.<sup>247</sup>

Lebanon, however, is not a party to the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, which set minimum standards for the treatment and protection of stateless persons and outline procedural safeguards against the creation of statelessness.<sup>248</sup>

## 2. Structural Causes of Statelessness in Lebanon

Statelessness in Lebanon is both a historical legacy and a contemporary legal and administrative failure. UNHCR estimates that tens of thousands of stateless persons reside

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<sup>243</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3; Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

<sup>244</sup> Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III), art

<sup>245</sup> CRC, arts 7–8

<sup>246</sup> CRC, art 3(1); see also CRC Committee, General Comment No. 14 (2013) UN Doc CRC/C/GC/14

<sup>247</sup> UNHCR, *Handbook on Protection of Stateless Persons* (2014).

<sup>248</sup> 1954 Convention Relating to the Status of Stateless Persons; 1961 Convention on the Reduction of Statelessness

in Lebanon, although the true number is unknown due to the lack of comprehensive data collection.<sup>249</sup>

## 2.1 Gender Discrimination in Nationality Transmission

Lebanon's 1925 Nationality Law permits the transmission of nationality exclusively through the male line. Lebanese women cannot confer their nationality to their children or spouses, a policy that contravenes both Article 9 of CEDAW and general principles of equality and non-discrimination.<sup>250</sup> By contrast, foreign women married to Lebanese men may acquire Lebanese nationality through marriage. This gender-based asymmetry has rendered many children of Lebanese mothers and stateless or foreign fathers effectively stateless.<sup>251</sup>

## 2.2 Inadequate Birth Registration and Documentation

Children born outside wedlock or to unregistered marriages face significant barriers in accessing legal documentation and nationality. Although Article 1 of the 1925 Nationality Law grants nationality to children born to unknown parents or to stateless parents on Lebanese soil, in practice, this *jus soli* exception is rarely implemented.<sup>252</sup> Many children remain unregistered, either because of legal and procedural hurdles or the parents' fear of approaching state authorities—particularly prevalent among refugee and undocumented populations.<sup>253</sup>

## 2.3 Historical Administrative Gaps

The roots of statelessness in Lebanon can also be traced to the post-Ottoman nationality registration process under the Treaty of Lausanne (1924). Following the French Mandate, Decision No. 2825 by French High Commissioner Maxime Weygand required residents to apply for Lebanese nationality by a specific deadline. Many failed to meet this deadline or provide the necessary documentation, resulting in generations of unregistered and stateless families.<sup>254</sup>

Although multiple attempts were made over the decades to allow affected individuals to apply for Lebanese nationality—including naturalization decrees and “under study” statuses—these procedures have often been opaque, bureaucratically inaccessible, or politically motivated. The 1994 Naturalization Decree, for instance, benefited only a small portion of those affected and failed to resolve the underlying structural causes of statelessness.<sup>255</sup>

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<sup>249</sup> UNHCR, *Statelessness Update – Lebanon* (2014).

<sup>250</sup> Lebanese Nationality Law 1925, art 1; CEDAW, art 9

<sup>251</sup> Frontiers Ruwad, *Between Shame and Shadows: A Legal Study on the Phenomenon of Statelessness in Lebanon* (2011) <https://frontiersruwad.files.wordpress.com/2012/01/rsstateless-arabic-2011-final.pdf>

<sup>252</sup> Lebanese Nationality Law 1925, art 1.

<sup>253</sup> UNHCR, *Birth Registration Update – Lebanon* (2015).

<sup>254</sup> Treaty of Lausanne (1924); Decision No. 2825 by Maxime Weygand.

<sup>255</sup> Frontiers Ruwad (n 9).

## 2.4 Refugee Populations and Statelessness

The issue of statelessness is particularly acute among refugee communities. Due to Lebanon's *jus sanguinis* policy, children born on Lebanese soil to Syrian or Palestinian refugees do not acquire Lebanese nationality. Moreover, because Syrian law also operates on the basis of paternal descent, many Syrian refugee children are at risk of statelessness if their fathers are missing, undocumented, or unable to prove Syrian nationality.<sup>256</sup>

The risk is exacerbated by legal and administrative barriers to birth registration, combined with the precarious legal status of refugees in Lebanon. Fear of arrest or deportation discourages many refugee parents from approaching Lebanese authorities to register their children, perpetuating the cycle of undocumented births and statelessness.<sup>257</sup>

Statelessness in Lebanon is a product of gender-discriminatory laws, historical oversights, weak civil registration systems, and refugee exclusion. Despite Lebanon's ratification of international human rights treaties that guarantee the right to nationality and non-discrimination, implementation remains severely deficient. Stateless persons are denied access to identity, rights, and participation in public life, perpetuating intergenerational cycles of marginalization.

In the context of modern Lebanon, statelessness cannot be treated as a historical anomaly or administrative accident. It is a legal and policy failure that contravenes Lebanon's binding international obligations under the CRC, ICCPR, and CEDAW, and a matter of constitutional equality and human dignity. The state must adopt comprehensive reforms to recognize and reduce statelessness, ensure universal birth registration, and amend nationality laws to remove gender discrimination.

## 3.4 Domestic Legal and Policy Framework Affecting Migrant Domestic Workers in Lebanon

### 1. Introduction

Migrant domestic workers in Lebanon face systemic and institutionalized human rights violations, largely due to legal exclusion and the absence of comprehensive protections under Lebanese labor law. With an estimated 250,000 migrant domestic workers—primarily women from African and Asian countries—currently residing in Lebanon, the country has become a prominent host of foreign labor under conditions that routinely fall short of international human rights and labor standards.<sup>258</sup>

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<sup>256</sup> UNHCR, *Birth Registration Update – Lebanon* (2015).

<sup>257</sup> *Ibid.*

<sup>258</sup> Amnesty International, *Their House Is My Prison: Exploitation of Migrant Domestic Workers in Lebanon* (24 April 2019) 10

The legal and regulatory vacuum in which these workers operate has entrenched a system of dependency and exploitation, exacerbated by the unregulated “Kafala” (sponsorship) system, which governs their legal residency and employment.

## **2. Exclusion from the Lebanese Labour Code and Legal Protections**

The Lebanese Labour Code of 1964, which regulates employment in the private sector, explicitly excludes domestic workers—both Lebanese and migrant—from its scope under Article 7.<sup>259</sup> Consequently, migrant domestic workers are denied access to essential labor protections, including:

- Minimum wage guarantees;
- Limits on working hours;
- Weekly rest days and paid annual leave;
- Access to arbitration councils or labor dispute resolution mechanisms.

The absence of any substitute legal regime or special labor law applicable to domestic workers has left them vulnerable to wage theft, verbal and physical abuse, sexual harassment, passport confiscation, and denial of basic rights to mobility, privacy, and legal redress.<sup>260</sup>

Lebanon’s dual system of legal recognition—wherein domestic workers are excluded from labor rights frameworks while remaining subject to strict immigration controls—represents a legal anomaly and a violation of the principle of equality before the law as enshrined in Article 7 of the Universal Declaration of Human Rights (UDHR) and Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

## **3. The Kafala (Sponsorship) System: Structure and Consequences**

The only legal framework regulating the status of migrant domestic workers is the Kafala system, a non-codified sponsorship regime that ties the worker’s legal residency to the employer (or “kafeel”). Under this system:

- Work and residency permits are issued for a one-year period and must be renewed annually.<sup>261</sup>

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<sup>259</sup> Lebanese Labour Code, 1964, art 7

<sup>260</sup> Amnesty International, *ibid*; ALEF, *Towards Increased Protection for Migrant Domestic Workers in Lebanon* (March 2019).

<sup>261</sup> International Labour Organization (ILO), *Information Guide for Migrant Domestic Workers in Lebanon* (2012).

- The worker cannot change employers or exit the country without the written consent of the sponsor.<sup>262</sup>
- Legal residency is contingent on uninterrupted employment with the same sponsor, placing workers at risk of detention or deportation for any breach of contract.

The Kafala system has no basis in statutory Lebanese law, and yet it functions as the de facto legal framework governing the recruitment, stay, and dismissal of migrant domestic workers. It creates a structural imbalance of power, enabling exploitation, abuse, and near-total employer control over the worker’s legal status and personal freedom.<sup>263</sup>

#### **4. The Unified Employment Contract and Recruitment Agencies**

In 2009, the Lebanese Ministry of Labour introduced a standardized employment contract, known as the “Unified Contract”, for all migrant domestic workers.<sup>264</sup> However, this document:

- Is mandatory and non-negotiable;
- Must be signed in Arabic, a language not spoken by most workers;
- Does not guarantee the right of workers to retain possession of their passports;
- Is frequently presented to the worker only upon arrival in Lebanon, reducing the possibility of informed consent.

Recruitment agencies, serving as intermediaries between foreign workers and local employers, often engage in deceptive practices, including:

- Misleading contract terms;
- Charging exorbitant placement and recruitment fees;
- Failing to report abuse;
- Assigning workers to known abusive employers;
- Facilitating exploitative labor conditions, including forced labor and human trafficking.<sup>265</sup>

These practices are facilitated by the lack of a national legal framework to regulate recruitment agencies, monitor employment conditions, or provide accessible grievance mechanisms for migrant workers.

The Unified Contract, despite appearing to formalize employment, does little to equalize the deeply asymmetrical power relationship. In its current form, it entrenches inequality

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<sup>262</sup> ILO, *Reform of the Kafala (Sponsorship) System*, Policy Brief No. 2 (2012).

<sup>263</sup> ILO, *ibid*; ALEF (n 3).

<sup>264</sup> Ministry of Labour, *Unified Employment Contract*, Decree No. 19/1 (2009).

<sup>265</sup> ALEF (n 3).

rather than remedying it. The absence of meaningful regulatory oversight creates an enabling environment for exploitative labor practices.

## 5. Detention, Deportation, and Family Life

Recent internal directives obtained by legal advocates have revealed that General Security authorities have detained and deported domestic workers—including those with valid residence—on the grounds that they had given birth in Lebanon or were not residing with their legal sponsor.<sup>266</sup> These deportations are often carried out with extremely short notice, sometimes within 24 hours, denying the individuals involved the right to due process and to family life as protected under Article 17 of the ICCPR.

This policy not only violates fundamental rights but constitutes gender-based discrimination, as it disproportionately targets women for their reproductive status, further compounding the vulnerabilities faced by migrant domestic workers.

## 6. Statistical Overview of Migrant Domestic Workers

As of November 2018, official figures from the Ministry of Labour (MoL) recorded 186,429 valid work permits for migrant domestic workers in Lebanon. These were distributed across nationalities as follows:<sup>267</sup>

Nationality	Number of Workers
Ethiopia	144,986
Philippines	17,882
Bangladesh	10,734
Sri Lanka	4,982
Ghana	1,384

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<sup>266</sup> Kham Rehabilitation Center, *Joint Report to the UN Committee Against Torture*, 20 March 2017.

<sup>267</sup> Amnesty International (n 1) 10.

Other	6,461
Total	186,429

*Table 2 official figures from the Ministry of Labour (MoL)*

It should be noted that these figures do not account for undocumented or informally employed workers, many of whom operate outside the legal system and are thus at greater risk of exploitation.

## **7. International Condemnation and Bilateral Measures**

The human rights situation of migrant domestic workers in Lebanon has attracted widespread international criticism. In response to systemic abuses and the absence of legal protections, several countries—including Ethiopia, the Philippines, and Nepal—have banned or restricted the deployment of their nationals to Lebanon pending bilateral agreements to ensure worker protection.<sup>268</sup>

Despite repeated calls from organizations such as the International Labour Organization (ILO), Amnesty International, and local civil society groups, Lebanon has yet to enact a dedicated law protecting migrant domestic workers or reform the kafala system.

The legal and policy regime governing migrant domestic workers in Lebanon fails to meet minimum international human rights standards. Exclusion from the labor code, dependence on an unregulated kafala system, lack of legal recourse, and frequent abuse by recruitment agencies and employers reveal a system that structurally enables exploitation. Lebanon’s obligations under CEDAW, ICCPR, and the International Labour Standards of the ILO demand urgent reform, including:

- Inclusion of domestic workers in the Labour Code;
- Abolition of the kafala system;
- Regulation of recruitment agencies;
- Enforcement of legal protections, particularly for undocumented and pregnant workers.

The persistent failure to protect migrant domestic workers not only violates international law but also corrodes the foundational principles of human dignity and equality before the law. As such, Lebanon must move beyond rhetorical commitment and adopt concrete legal reforms to dismantle the structures of exploitation embedded in current policy and practice.

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<sup>268</sup> Ibid.

### **3.4.1 Domestic Legal, Policy, and Institutional Framework for Refugees in Lebanon**

#### **1. Introduction: Legal Vacuum and Criminalization of Protection Seekers**

Lebanon's treatment of refugees and asylum seekers is characterized by a lack of comprehensive domestic asylum legislation, reliance on ad hoc policies, and the criminalization of irregular entry under a general immigration law framework. In the absence of a national refugee law, the principal legal instrument governing the status of all non-citizens, including refugees and stateless persons, remains the 1962 Law Regulating the Entry, Stay, and Exit from Lebanon.<sup>269</sup> This law categorizes all foreigners identically and provides no special provisions for individuals in need of international protection.

Articles 32–36 of the 1962 Law criminalize unauthorized entry, overstay, and failure to renew residence permits. These provisions are applied indiscriminately to refugees, subjecting them to imprisonment, fines, and deportation without due consideration of their protection claims.<sup>270</sup>

This legal architecture effectively nullifies Lebanon's obligations under international human rights law—including non-refoulement, due process, and the right to seek asylum—rendering the refugee protection regime almost entirely discretionary and administratively managed.

#### **2. Political Asylum: Article 26 of the 1962 Law**

While Article 26 of the 1962 Law does acknowledge a right to “political asylum,” it is limited in scope. The provision states that any foreign national “subject to prosecution or conviction by a non-Lebanese authority for a political crime, or whose life or freedom is threatened for political reasons” may apply for asylum in Lebanon.<sup>271</sup> This definition is significantly narrower than the one provided in Article 1(A)(2) of the 1951 Refugee Convention, which includes persecution based on race, religion, nationality, membership of a particular social group, or political opinion.

Furthermore, Article 27 vests decision-making power in a non-reviewable administrative committee, which operates without judicial oversight, in contravention of Article 14(1) of the Universal Declaration of Human Rights (UDHR) and UNHCR procedural standards, which require access to appeal and procedural safeguards in refugee status determination.<sup>272</sup>

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<sup>269</sup> Law Regulating the Entry, Stay and Exit of Foreigners from Lebanon, Decree No. 15 (1962).

<sup>270</sup> Ibid, arts 32–36

<sup>271</sup> Ibid, art 26.

<sup>272</sup> Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III), art 14; UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (1992).

In practice, Article 26 has been largely disregarded, and Lebanon has deferred refugee protection almost entirely to the UNHCR through informal cooperation mechanisms.<sup>273</sup>

### **3. The 2003 Memorandum of Understanding with UNHCR**

In 2003, the General Directorate of General Security (GSO) and UNHCR signed a Memorandum of Understanding (MoU) to formalize the agency's operational mandate in Lebanon. The MoU aimed to address the status of Iraqi refugees, but its provisions have since shaped Lebanon's broader refugee response.<sup>274</sup>

The MoU does not recognize Lebanon as a country of asylum. Instead, it adopts a framework where asylum seekers are "tolerated" temporarily until resettlement in a third country or voluntary repatriation. Importantly, the MoU:

- Limits legal stay for recognized refugees to 6–9 months following UNHCR status determination;
- Requires asylum seekers to register with UNHCR within two months of irregular entry;
- Permits the GSO to take "appropriate legal measures" if resettlement is not secured within the designated timeframe;
- Obliges UNHCR to share personal data of applicants with the GSO, raising serious confidentiality and protection concerns.<sup>275</sup>

Notably, the MoU excludes Syrian nationals and is not legally binding, nor does it provide procedural guarantees consistent with international law.<sup>276</sup>

### **4. Syrian Refugees: Policy Shifts and Legal Precarity**

Lebanon initially maintained an open-border policy for Syrians following the onset of the conflict in 2011. However, by 2014, the Council of Ministers adopted a "Policy Paper on Syrian Displacement", signaling a shift from tolerance to restriction. The policy aimed to reduce the number of Syrians through voluntary return, resettlement, or deterrent regulation.<sup>277</sup>

As a result:

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<sup>273</sup> UNHCR, *Global Appeal 2014–2015* <https://www.unhcr.org/528a0a2da.pdf>.

<sup>274</sup> Memorandum of Understanding between the General Security and UNHCR (2003), available at: <http://www.legallaw.ul.edu.lb/ViewAgreementPage.aspx?ID=3748>.

<sup>275</sup> Frontiers Ruwad, *Statement on the Lebanon–UNHCR Memorandum of Understanding* (Nov 2003).

<sup>276</sup> ALEF, *Two Years On: Syrian Refugees in Lebanon* (2014).

<sup>277</sup> Government of Lebanon, *Policy Paper on Syrian Displacement* (2014) <http://www.pcm.gov.lb>.

- Syrian refugees were required to renew residency through restrictive procedures, including onerous fees and documentation requirements;
- UNHCR was barred from registering new arrivals after May 2015;
- The majority of Syrian refugees—over 73%—currently lack valid legal residency, exposing them to arrest, exploitation, and deportation risks.<sup>278</sup>

These restrictive measures, while not enshrined in legislation, are implemented through administrative practices and directives issued by the GSO and enforced without legislative oversight.

### **5. Right to Entry and Stay: International Legal Constraints**

While States retain sovereign discretion over entry and residence of non-citizens, this discretion is not absolute. Under international human rights law, including the ICCPR, States must ensure that immigration control measures:

- Are non-discriminatory (Articles 2.1 and 26 ICCPR);
- Respect the principle of non-refoulement, even for irregular entrants;
- Do not subject individuals to arbitrary arrest, detention, or deportation (Article 9 ICCPR).

Additionally, Article 14 of the UDHR affirms the right to seek and enjoy asylum, while UNHCR standards require States to provide access to fair asylum procedures and protection from forcible return.<sup>279</sup>

Lebanon’s practices—including criminal prosecution of asylum seekers, refusal to grant legal residency, and barriers to documentation—violate the spirit and letter of international human rights norms. These violations are aggravated by the absence of legal remedies and the concentration of power in the hands of security agencies.

Lebanon’s refugee protection framework is characterized by legal exclusion, administrative discretion, and non-binding cooperation with UNHCR. Refugees and asylum seekers are subject to criminalization under the 1962 Law, with no access to a national asylum procedure or appeal mechanisms. The limited right to political asylum in Article 26 is procedurally inaccessible and substantively deficient.

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<sup>278</sup> Government of Lebanon and United Nations, *Lebanon Crisis Response Plan 2017–2020* (2019 Update).

<sup>279</sup> Human Rights Committee, *General Comment No. 15* (1986); *Aumeeruddy-Cziffra v. Mauritius* (1981) CCPR/C/12/D/35/1978.

Furthermore, Syrian refugees, despite their numbers and vulnerability, remain outside the scope of the 2003 MoU and are governed by shifting policies lacking transparency or legal accountability.

To align with international human rights obligations, Lebanon must:

- Adopt a comprehensive national asylum law;
- Incorporate the non-refoulement principle into domestic law;
- Ensure due process, access to legal remedies, and judicial oversight in all decisions affecting the rights of refugees.

### **3.5 Legal Status, Policy, and Practice Concerning Syrian Refugees in Lebanon**

#### **1. Legal Status and Protection Gaps**

As of 2020, approximately 73% of Syrian refugees over the age of 15 in Lebanon lacked valid legal residency status.<sup>280</sup> This figure mirrors the status of refugees of other nationalities—in 2017, 80% of non-Syrian refugee households had no member with valid legal residence, a significant increase from 30% in 2016.<sup>281</sup> The absence of legal status impacts refugees’ access to housing, civil documentation, employment, education, health care, humanitarian aid, and justice.

In the face of arrest and detention risks, many refugees are compelled into informal labor markets, where exploitation and abuse by employers go unremedied due to the lack of legal channels for recourse. Additionally, the presence of numerous security checkpoints across Lebanon significantly restricts refugees’ freedom of movement.

#### **2. Historical Context and Legal Foundations**

Before the Syrian conflict, the 1993 Agreement on Economic and Social Cooperation and Coordination between Lebanon and Syria facilitated freedom of movement, work, and residence for nationals of both states.<sup>282</sup> However, implementation mechanisms, including the labor office at the border, were never established.

Following the outbreak of the Syrian conflict in 2011, Lebanon initially lacked a centralized refugee policy. Between 2011 and 2014, entry was largely permitted, albeit inconsistently enforced by local authorities. In October 2014, the Lebanese government issued its first formal policy paper on Syrian displacement, with three objectives:

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<sup>280</sup> Government of Lebanon and United Nations, *Lebanon Crisis Response Plan 2017–2020* (2019 Update).

<sup>281</sup> UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon* (2018).

<sup>282</sup> Agreement on Economic and Social Cooperation between Lebanon and Syria (1993), available at: <http://www.legallaw.ul.edu.lb/ViewAgreementPage.aspx?ID=2935>.

1. Restricting new entries (except for humanitarian cases);
2. Enhancing security via municipal and internal forces;
3. Alleviating socio-economic burdens through law enforcement and employment protection.<sup>283</sup>

This policy halted UNHCR's registration of new refugees without prior approval from the Ministry of Social Affairs (MoSA) and initiated a securitized and restrictive regime for Syrian nationals.

### **3. 2015 General Security Directive and Legal Categories**

In January 2015, the General Directorate of General Security (GSO) issued a directive categorizing Syrian entries into ten limited reasons, including tourism, property ownership, study, medical treatment, and embassy appointments.<sup>284</sup> Registration with UNHCR was not sufficient unless the individual had entered Lebanon before 2015.

The directive introduced the “pledge of responsibility” mechanism (a form of sponsorship or *kafala*) for Syrians unable to fulfill the listed categories. Entry was conditioned upon proof of sufficient financial means, pre-booked accommodation, and exit plans. These stringent criteria effectively barred most Syrians from entering Lebanon legally.<sup>285</sup>

### **4. Residency Renewal Challenges**

Post-2015, two primary avenues remained for residency renewal:

1. UNHCR-registered refugees were required to pay a \$200 renewal fee, which was financially prohibitive, given that 69% of Syrian refugees live below the poverty line.<sup>286</sup> In a UNHCR survey, only 2 out of 40 refugees could afford to renew their status.
2. Unregistered refugees required a Lebanese sponsor willing to submit a formal pledge assuming responsibility for the refugee's conduct, residence, health care, and security.<sup>287</sup> Reports indicate that some sponsors demanded fees of up to \$1,000, reinforcing an exploitative system.

These restrictive policies fail to account for the humanitarian and legal imperative to protect individuals fleeing conflict and persecution. Legal stay in Lebanon for Syrians is

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<sup>283</sup> Nayla Geagea, *Asylum Crisis or Migrant Workers Crisis*, LCPS (May 2015).

<sup>284</sup> GSO, *Regulating the Entry and Residence of Syrians in Lebanon*, available in Arabic at: <http://general-security.gov.lb/ar/posts/33>

<sup>285</sup> Ghida Frangieh, Legal Agenda, *Presentation on Legal Challenges for Syrian Refugees* (23 Nov 2016).

<sup>286</sup> UNHCR, *Q&A on Residency Renewal for Syrian Refugees in Lebanon* (March 2017).

<sup>287</sup> Human Rights Watch, *Lebanon: Residency Rules Put Syrians at Risk* (12 Jan 2016).

conditioned not on international obligations, but on financial capacity and access to exploitative sponsorship.

## **5. Judicial Intervention and Administrative Resistance**

In February 2018, the Lebanese Council of State (State Shura Council) delivered Decision No. 421, which ruled that:

- The GSO lacked legal competence to unilaterally regulate refugee entry and stay;
- Such powers lie with the Council of Ministers;
- GSO’s 2015 directive was illegal and ultra vires;
- Lebanon must respect existing bilateral agreements with Syria, including guarantees of movement, work, and residence.<sup>288</sup>

Despite this binding decision (delivered to the Ministry of Interior on 4 June 2018), the GSO and government have failed to comply, continuing to enforce the 2015 policies.<sup>289</sup>

## **6. Deportation and Mass Evictions**

In April 2019, the Lebanese authorities adopted a policy mandating the deportation of any Syrian who entered or re-entered Lebanon “illegally” after 24 April 2019, including individuals previously granted protection or residency.<sup>290</sup> This measure disregards the principle of non-refoulement and threatens individuals unable to prove the date of their entry.

Additionally, mass evictions targeting Syrians have escalated. Between 2016 and 2018, at least 3,664 refugees were forcibly evicted from 13 municipalities under discriminatory local policies.<sup>291</sup> These actions breach Article 11 of the ICESCR and the prohibition on arbitrary interference with one’s home under Article 17 of the ICCPR.

## **7. Policy Amendments and Temporary Relief**

There have been two significant amendments to GSO policy:

1. In February–March 2017, the GSO allowed UNHCR-registered Syrians (before 1 Jan 2015) to obtain six-month renewable residencies free of charge, exempt from late fees.<sup>292</sup>

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<sup>288</sup> Council of State, Lebanon, *Decision No. 421/2018*.

<sup>289</sup> Legal Agenda, *Position Paper on the Deportation of Syrian Refugees* (2019).

<sup>290</sup> UNHCR, *Q&A on Irregular (Re-)Entry and Deportation Risks in Lebanon* (July 2019).

<sup>291</sup> Human Rights Watch, *Our Homes Are Not for Strangers* (April 2018).

<sup>292</sup> UNHCR (n 7).

2. From September 2017 to March 2018, refugees were permitted to change their sponsor without leaving Lebanon, addressing a longstanding administrative barrier.<sup>293</sup>

Despite these changes, systemic restrictions on entry and legal status persist, undermining protection for a majority of the refugee population.

Lebanon's refugee policy toward Syrians remains fragmented, legally inconsistent, and politically driven. The absence of a national refugee law, reliance on security bodies over civil governance, and failure to comply with judicial rulings reflect a governance model that prioritizes deterrence over protection. Refugees face legal invisibility, social exclusion, and criminal liability, in clear breach of international legal obligations under the ICCPR, ICESCR, Convention against Torture, and customary international refugee law.

Lebanon must urgently harmonize its national policies with its constitutional and treaty-based human rights obligations. Protection frameworks for Syrian refugees must move beyond arbitrary classification systems and punitive immigration control toward rights-based regulation that acknowledges Lebanon's humanitarian and legal responsibilities.

### **3.5.1 Discriminatory Practices and Legal Vulnerabilities Affecting Refugees in Lebanon**

#### **1. Evictions, Local Discretion, and Arbitrary Restrictions**

The legal and social landscape in Lebanon has witnessed a rising trend of mass evictions and restrictive practices imposed against Syrian refugees, largely orchestrated by municipal authorities and local actors, often without a clear legal foundation or oversight.

In 2017, the Lebanese Army forcibly evicted 7,524 Syrian refugees residing near the Rayak Air Base in the Bekaa Valley. An additional 15,126 refugees were reportedly threatened with eviction in the same area.<sup>294</sup> These acts were not based on a formal national policy but stemmed from ad hoc decisions taken by municipalities.<sup>295</sup>

Similarly, on 22 May 2019, 200–400 refugees and migrants were evicted from a residential building in Beirut following an order by the city's governor, Ziad Chbeib. The justification offered was to combat "human trafficking," though no judicial findings supported the allegation.<sup>296</sup>

Local municipalities have also implemented extralegal measures requiring Syrian refugees to purchase municipal ID cards. In Bikfaya (Matn District), refugees were charged 10,000 LBP (approx. USD 7) every three months for ID renewals—a fee that rose to 50,000 LBP

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<sup>293</sup> Legal Agenda, *Regulating Entry and Residence Conditions for Syrians: A Legal Victory* (26 Mar 2018).

<sup>294</sup> Legal Agenda, 'Collective Punishment under the Pretext of Human Trafficking' (25 May 2019).

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

(USD 33) in January 2018. In Ashqout (Keserwen District), refugees were compelled to obtain municipal cards costing USD 200, with renewals at USD 100 every six months.<sup>297</sup>

These actions directly contravene Ministerial Memorandum No. 278/2017, issued in July 2017 by the Minister of Interior, which instructed municipalities to halt such illegal practices. No reports indicate enforcement of sanctions against municipalities that continued to demand these payments.<sup>298</sup>

These measures amount to a form of administrative discrimination and economic coercion, infringing on the basic rights of refugees, and violating Lebanon's obligations under international human rights law, particularly the ICCPR (Articles 2 and 26) and ICESCR (Article 11).

## **2. Withholding of Identification Documents and Restricted Mobility**

The lack of legal residency among many refugees is compounded by systemic withholding of identification documents by employers and public institutions. Under Article 770 of the Lebanese Penal Code, individuals may be arrested for failing to present identification. However, many refugees and migrant workers are unable to do so because their residence and work documents are often confiscated by sponsors or hospitals, a practice that is illegal.<sup>299</sup>

Although not authorized under Law No. 288/1994, Law No. 9825/1926, or Law No. 574/2004, hospitals frequently retain refugee identification documents as collateral when patients are unable to pay bills not fully covered by UNHCR. This practice violates Articles 410 and 441 of the Lebanese Civil Code, which govern debtor-creditor relations but do not permit the seizure of official identification to enforce debt repayment.<sup>300</sup>

## **3. Discrimination in Education and Public Life**

Since 2017, there have been increasing reports of Syrian children being denied access to public schools, including schools they had previously attended.<sup>301</sup> This constitutes a violation of Article 26 of the UDHR, and Article 13 of the ICESCR, both of which guarantee the right to education without discrimination.

Moreover, Syrian refugees have reported rising incidents of verbal and physical violence by members of the host community, often triggered by anti-refugee rhetoric from political

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<sup>297</sup> Human Rights Watch, *Our Homes Are Not for Strangers: Mass Evictions of Syrian Refugees in Lebanon* (April 2018).

<sup>298</sup> Ministry of Interior, Memorandum No. 278/2017 (July 2017).

<sup>299</sup> Penal Code of Lebanon, art 770.

<sup>300</sup> Lebanese Civil Code, arts 410 and 441.

<sup>301</sup> HRW (n 4)

leaders and local officials. Due to fear of arrest stemming from their undocumented status, many refugees refrain from reporting these assaults to police.<sup>302</sup>

These practices foster a climate of institutionalized xenophobia and legal invisibility, undermining not only refugee protection but also the rule of law in Lebanon. Legal inaction in response to abuses further erodes trust between refugee communities and the state.

#### **4. Discriminatory Covid-19 Restrictions**

During the Covid-19 pandemic, evidence emerged that disproportionate restrictions were imposed on Syrian refugees compared to the general Lebanese population. Refugees were subjected to stricter curfews and limitations on mobility and access to services, which contravened the principle of equality before the law, as enshrined in Article 2 of the ICCPR and Article 1 of the UDHR.<sup>303</sup>

### **3.5.2 The Legal Status of Palestinian Refugees in Lebanon**

#### **1. Historical Background and Statelessness**

Palestinian refugees have resided in Lebanon since the 1948 Nakba, when they were forcibly displaced due to the Arab-Israeli conflict.<sup>304</sup> According to UNRWA, these are individuals who lived in Palestine between 1 June 1946 and 15 May 1948 and lost both home and livelihood due to the war.<sup>305</sup>

Despite many being born in Lebanon, Palestinian refugees have not been granted Lebanese nationality, leaving the majority stateless. As of 2023, 180,000 Palestinian refugees reside in Lebanon, across 12 official refugee camps and 156 informal gatherings—urban settlements often lacking adequate services and infrastructure.<sup>306</sup>

#### **2. Legal and Administrative Governance**

The Lebanese approach to managing Palestinian refugees has historically relied on presidential decrees and ministerial decisions, rather than formal legislative instruments. Institutions such as the Central Committee for Refugee Affairs (1948), the Department of

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<sup>302</sup> Ibid.

<sup>303</sup> Human Rights Watch, *Lebanon: Refugees at Risk in COVID-19 Response* (2 April 2020).

<sup>304</sup> UNRWA, ‘Who Are Palestine Refugees?’ <https://www.unrwa.org/palestine-refugees>.

<sup>305</sup> Ibid.

<sup>306</sup> LPDC and UNDP, *Population and Housing Census in Palestinian Camps and Gatherings in Lebanon* (July 2017).

Affairs of Palestinian Refugees (1959), and the Higher Authority of Palestinian Affairs (1960) were established to coordinate with UNRWA and monitor refugee activities.<sup>307</sup>

Although these entities facilitated civil registration, their mandates were frequently influenced by security and political concerns, reflecting Lebanon's ambivalent stance toward Palestinian presence.

### **3. Right to Work and Legal Restrictions**

Under Decree No. 17561 (1964) issued by the Ministry of Labour, Palestinians were classified as foreigners, subjecting them to work permit requirements. Palestinians were also prohibited from entering regulated professions, including law, medicine, and engineering.<sup>308</sup> These restrictions were tightened further in 1982, when Palestinians were formally barred from practicing most professions except for construction and agriculture.

Article 9 of the 1982 decree authorizes the Minister of Labour to publish an annual list of professions restricted to Lebanese nationals, effectively enabling systemic economic exclusion.<sup>309</sup>

These limitations violate the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which Lebanon is a party, and are inconsistent with Articles 6 and 7 of the ICESCR, which protect the right to work and fair employment conditions.

The legal framework and administrative practices governing Syrian and Palestinian refugees in Lebanon reveal a pattern of discrimination, exclusion, and legal marginalization. Whether through arbitrary evictions, denial of identification, or restricted access to education and employment, Lebanon has failed to uphold the human rights of displaced populations under its jurisdiction.

For Lebanon to fulfill its international legal obligations, a comprehensive and rights-based national refugee policy must be adopted. This policy must be aligned with constitutional protections, ratified human rights treaties, and customary international law, and must involve mechanisms for judicial accountability, municipal compliance, and refugee participation.

### **3.6 Refugee Rights and Legal Restrictions in Lebanon**

#### **Section 1: Sociolegal Exclusion of Palestinian Refugees**

##### **1.1 Access to Employment and the Social Security System**

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<sup>307</sup> Jaber Suleiman, *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, Development Research Centre on Migration, University of Sussex (2006).

<sup>308</sup> UNRWA, *Employment of Palestine Refugees in Lebanon – An Overview* (23 May 2016).

<sup>309</sup> *Ibid.*

Palestinian refugees in Lebanon continue to face entrenched structural exclusion in the labour market. Although the scope of permissible employment has fluctuated over the years, Palestinians remain prohibited from working in 39 professions, including those in law, medicine, public transportation, and engineering.<sup>310</sup>

Despite being required to pay contributions to the National Social Security Fund (NSSF) upon obtaining a work permit, Palestinians are effectively barred from receiving most of its benefits. This exclusion is codified in Article 9(3) of the Lebanese Social Security Law, which states that foreign workers are entitled to social security only if their home country provides reciprocal treatment to Lebanese citizens.<sup>311</sup> As Palestinians are stateless, they fall outside this reciprocal framework.

In 2010, a partial reform of the Labour Law waived work permit fees and granted Palestinians access to end-of-service indemnity and coverage for work-related injuries, but denied them sickness, maternity, and family benefits, despite their mandatory NSSF contributions.<sup>312</sup>

This discriminatory approach violates Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which Lebanon is a party.

## **1.2 Right to Property and Adequate Housing**

Real estate rights for Palestinians in Lebanon are significantly curtailed by Law No. 296/2001, which prohibits property ownership by anyone not holding the nationality of a recognized state.<sup>313</sup> As a result, Palestinians—being stateless—are categorically excluded, with only inheritance as a narrow exception.<sup>314</sup> Public notaries and land registrars routinely deny property transactions involving Palestinians.

This restriction leaves many Palestinians confined to overcrowded refugee camps, in violation of their right to adequate housing under Article 11 of the ICESCR. Governmental prohibitions on reconstructing war-damaged camps or building outside camp boundaries further exacerbate housing precarity.<sup>315</sup>

## **Section 2: Palestinian Refugees from Syria (PRS)**

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<sup>310</sup> ILO and Committee for the Employment of Palestinian Refugees in Lebanon, *Palestinian Employment in Lebanon* (2012), 22

<sup>311</sup> Lebanese Social Security Law, art 9(3).

<sup>312</sup> Ibid; ILO (n 1).

<sup>313</sup> Property Ownership Law No. 296/2001, art 1 (as amended).

<sup>314</sup> Lebanese Palestinian Dialogue Committee, *The Palestinian Refugee and the Property Ownership* <http://www.lpdc.gov.lb/property-ownership>.

<sup>315</sup> Suleiman J, *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, DRC Migration, University of Sussex (2006).

Following the Syrian conflict in 2011, approximately 60,000 Palestinian refugees from Syria (PRS) fled to Lebanon. By 2018, only 29,145 were verified by UNRWA as remaining.<sup>316</sup> This displacement constituted a secondary forced migration, as many of these individuals or their families had originally fled Palestine in 1948.

Lebanon's policy toward PRS has been markedly restrictive. Although most initially entered legally, they often overstayed short-term visas. To maintain residency, PRS must pay USD 200 per person annually, an expense many cannot afford.<sup>317</sup> Those lacking legal status face restricted movement, barriers to public services, and exclusion from humanitarian aid.<sup>318</sup>

In May 2014, the Ministry of Interior formally ceased issuing visas to PRS at border crossings, following an unofficial ban initiated in August 2013 by the General Security Office (GSO). Amnesty International reported a leaked directive prohibiting airlines from transporting PRS to Lebanon, regardless of valid documentation.<sup>319</sup>

Although the GSO issued temporary memos allowing residency renewal without charge, these measures were:

- Unavailable to those who entered after September 2016;
- Denied to individuals who entered “illegally”;
- Implemented inconsistently across regions; and
- Not published publicly, undermining transparency and legal clarity.<sup>320</sup>

Lebanon's policy framework toward PRS is characterized by legal ambiguity, restrictive entry, and opaque administrative discretion, violating international standards under the 1951 Refugee Convention, the UDHR (Article 14), and the Convention against Torture (Article 3).

### **Section 3: Discrimination against Other Refugee Groups**

As of January 2017, UNHCR registered 21,761 refugees and asylum seekers in Lebanon from countries other than Syria and Palestine. These included 14,322 Iraqis, 1,902 Sudanese, and 1,976 individuals from countries such as Ethiopia and Egypt.<sup>321</sup> Only 13% of persons over age 15 held valid legal residency.<sup>322</sup>

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<sup>316</sup> UNRWA, *Palestine Refugees from Syria in Lebanon*, 2018 <https://www.unrwa.org/palestine-refugees-syria-lebanon>.

<sup>317</sup> Ibid.

<sup>318</sup> UNRWA, *Profiling the Vulnerability of Palestine Refugees from Syria Living in Lebanon* (2015).

<sup>319</sup> Amnesty International, *Denied Refuge: Palestinians From Syria Seeking Safety in Lebanon* (July 2014).

<sup>320</sup> UNRWA, *Protection Brief: Palestine Refugees Living in Lebanon* (October 2017).

<sup>321</sup> UNHCR, *Fact Sheet Lebanon*, January 2019.

<sup>322</sup> UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon* (2018).

These refugees are governed by the 1962 Law Regulating the Entry, Stay and Exit of Foreigners, which criminalizes unauthorized presence. While a 2003 Memorandum of Understanding (MoU) between Lebanon and UNHCR theoretically provided for temporary protection pending resettlement, it was largely directed at Iraqis and emphasized Lebanon's non-recognition of asylum status.<sup>323</sup>

#### **Section 4: Criminalization of Asylum Seeking**

Under Articles 32 and 36 of the 1962 Law, refugees entering Lebanon without authorization or overstaying a visa face imprisonment, fines, and deportation.<sup>324</sup> Lebanese jurisprudence has traditionally failed to distinguish between irregular migrants and asylum seekers, offering no exemption from criminal liability.

The ICJ reviewed judicial decisions showing inconsistency. Some judges invoked Article 179 of the Code of Criminal Procedure, exercising broad discretion to impose punitive sentences regardless of refugee status. Others acknowledged that international treaties—by virtue of Article 2 of the Code of Civil Procedure—override national legislation, and thus granted protection against deportation.<sup>325</sup>

The absence of uniform judicial interpretation creates legal uncertainty for refugees, and the lack of procedural safeguards undermines Lebanon's obligations under the ICCPR (Articles 7 and 9) and customary non-refoulement norms.

Palestinian refugees and other displaced groups in Lebanon are subjected to entrenched legal and institutional discrimination. From employment exclusion and property denial to visa restrictions and criminalization of presence, Lebanon's current framework fails to align with its international legal obligations.

For Lebanon to meet its duties under international human rights and refugee law, it must:

- Adopt a national refugee law consistent with the 1951 Convention;
- End discriminatory policies toward Palestinians and PRS;
- Publicize administrative regulations and allow judicial oversight; and
- Incorporate international law into consistent domestic practice.

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<sup>323</sup> UNHCR and Government of Lebanon, *2003 Memorandum of Understanding*.

<sup>324</sup> Law Regulating the Entry, Stay, and Exit of Foreigners, Decree No. 15 (1962), arts 32, 36.

<sup>325</sup> Frontiers Ruwad, *Double Jeopardy: Illegal Entry and Detention of Iraqi Refugees*, (2008); ICJ, *Legal Review on Refugee Jurisprudence in Lebanon*, (2020).

### 3.7 Judicial Application of the 1962 Law of Entry and Exit in Lebanon to Refugees and Asylum Seekers

Despite the supremacy of international treaties over domestic legislation as recognized under the Lebanese Constitution, Lebanese courts have routinely upheld the domestic criminal provisions that penalize irregular entry and stay by refugees and asylum seekers. This judicial practice persists in spite of Lebanon's binding obligations under international human rights and refugee law, including the 1951 Refugee Convention, the Convention Against Torture (CAT), and the Universal Declaration of Human Rights (UDHR).

In practice, judicial proceedings under the 1962 Law of Entry and Exit are initiated using a standardized form containing minimal procedural details, such as the individual's identity, arresting authority, cited offence (e.g., location of arrest), the legal provision invoked, and the prescribed sanction. For irregular entry, the sanction typically includes one month of imprisonment, a fine of LBP 100,000 (approximately USD 66), and an order of deportation.<sup>326</sup>

Lebanese courts have generally rejected arguments based on international legal protections, such as Article 14 of the UDHR and Article 3 of the CAT, when assessing the application of Article 32 of the 1962 Law. Courts have asserted that they are not empowered to review the constitutionality of laws, a competency reserved for the Constitutional Council.<sup>327</sup>

Nonetheless, prior to 2011, some courts demonstrated a degree of judicial discretion by suspending deportation orders in light of Lebanon's international obligations, even while affirming convictions. For instance, in a decision issued on 15 April 2008 by Judge Ziad Mkanna, involving an Iraqi national recognized as a refugee by UNHCR, the court convicted the individual under Article 32 of the 1962 Law but suspended the deportation order. The court reasoned that while international treaties take precedence over national legislation pursuant to Article 2 of the Code of Civil Procedure, such precedence applied solely to deportation measures and not to the criminalization of entry itself.<sup>328</sup>

These rulings, however, have not fully safeguarded refugees' rights. In many cases, individuals remain in detention long after completing their sentence, in some instances indefinitely, due to the pending execution of deportation orders.<sup>329</sup> Reports by legal organizations such as Frontiers Ruwad have documented how prolonged detention is used as a coercive tactic to pressure individuals to accept "voluntary" repatriation, regardless of the risk of persecution upon return.<sup>330</sup>

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<sup>326</sup> Frontiers Ruwad Association, *Double Jeopardy: Illegal Entry and the Legal Limbo of Iraqi Refugees*, 2008, p. 23. <https://www.frontiersruwad.org/publications>

<sup>327</sup> ICJ Report, *Unrecognized and Unprotected: The Treatment of Refugees and Migrants in Lebanon*, 2020, p. 40. <https://www.icj.org/wp-content/uploads/2020/11/Lebanon-Migration-and-Asylum-report-2020-ENG.pdf>

<sup>328</sup> Frontiers Ruwad Association, 2008, pp. 24–26.

<sup>329</sup> International Commission of Jurists, *Unrecognized and Unprotected*, 2020, pp. 63–66.

<sup>330</sup> International Commission of Jurists, *Unrecognized and Unprotected*, 2020, pp. 63–66.

Following the influx of Syrian refugees after 2011, there was a noticeable shift in judicial attitudes. Courts increasingly refrained from ordering deportations post-conviction under Article 32 or Article 36, although the act of irregular entry or overstay continued to be penalized. This shift appears to reflect a greater awareness of Lebanon's non-refoulement obligations but stops short of disapplying the criminal provisions themselves.

For example:

- In Decision No. 552/2012 (14 March 2013), the 10th Appeal Chamber in Beirut reclassified the offence as an overstay under Article 36 rather than illegal entry under Article 32, reducing the sentence to one month due to time already served in pre-trial detention.
- In Case No. 475/2014 (24 February 2015), a Syrian refugee was convicted under Article 32, but the court substituted the prison sentence with a monetary fine, citing Lebanon's policy not to forcibly return Syrians.
- Similarly, in Case No. 465/2015 (26 January 2016), the deportation of a Syrian national was annulled, although the conviction and fine remained intact.

Despite such humanitarian considerations, the core framework of the 1962 Law remains in force. In Case No. 96/2019, for instance, a 15-year-old Syrian girl was convicted under Article 36 for failing to renew her residency, despite her minor status and legal inability to navigate the system without a guardian. In Decision No. 323/2019 (26 November 2020), another Syrian refugee was sentenced to 15 days in prison for overstaying, although the sentence was reduced to time served.

In situations involving compounded criminal charges, such as document forgery, courts have continued to order deportation. In Decision No. 229/2018 (31 January 2019), the 12th Criminal Appeal Chamber in Mount Lebanon sentenced a Syrian refugee to three months in prison and deportation for entering the country irregularly and forging official documents, pursuant to Article 88 of the Penal Code.

### 5.3.3 Legal Assessment in Light of International Standards

The International Commission of Jurists (ICJ) has found that Lebanon's 1962 Law of Entry and Exit does not adequately take into account the special circumstances of asylum seekers, refugees, and stateless persons. The law treats these populations identically to other foreigners, thereby failing to provide appropriate protections or procedures for the evaluation of international protection claims.<sup>331</sup>

The blanket penalization of refugees for irregular entry or overstay, alongside systemic obstacles to legalize their status—including financial barriers and risks associated with renewal—has contributed to widespread insecurity, arbitrary detention, and constraints on

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<sup>331</sup> ICJ (International Commission of Jurists). *Unrecognized and Unprotected: The Treatment of Refugees and Migrants in Lebanon*. May 2017

mobility. Many refugees lose legal residency when unable to renew documents or risk returning to their home country to secure required paperwork.<sup>332</sup>

Further compounding these challenges is the role of the General Directorate of General Security, which exercises wide discretionary powers with minimal judicial or executive oversight. This has enabled practices that, in many cases, contravene Lebanon's obligations under the 1951 Refugee Convention, the CAT, and other human rights treaties to which it is a party.

### **3.7.1 Right to Liberty and Security of Person and the Prohibition Against Arbitrary Arrest and Detention**

#### **5.4.1 International Legal Standards**

International human rights law affirms that human rights protections extend to all persons, regardless of legal status. This includes refugees, asylum seekers, stateless persons, and migrants (ICJ, 2017, p. 33; HRC, General Comment No. 35).<sup>333</sup>

- Article 9 of the International Covenant on Civil and Political Rights (ICCPR) declares:  
“No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” (ICCPR, Art. 9; General Comment No. 35, para. 10).
- This implies that detention must be:
  - Lawful;
  - Not arbitrary;
  - Reasonable, necessary, and proportionate to the individual case (*A v. Australia*, CCPR/C/56/D/560/1993).

#### **5.4.2 Presumption Against Detention**

The UNHCR Guidelines on Detention reaffirm that:<sup>334</sup>

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<sup>332</sup> ICJ (International Commission of Jurists). *Unrecognized and Unprotected: The Treatment of Refugees and Migrants in Lebanon*. May 2017

<sup>333</sup> ICJ. (2017). *Unrecognized and Unprotected: The Treatment of Refugees and Migrants in Lebanon*. International Commission of Jurists. PDF link

<sup>334</sup> UNHCR. (2012). *Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*. UNHCR Guidelines  
**UN Human Rights Committee**. *General Comment No. 35 on Article 9 of the ICCPR*, CCPR/C/GC/35.  
OHCHR Source

“Seeking asylum is not an unlawful act.” Therefore, detention for irregular entry is not permitted unless justified by necessity and proportionality in each individual case (UNHCR Detention Guidelines, Guidelines 1 and 2).

- Article 31 of the 1951 Refugee Convention protects asylum seekers from penalties due to irregular entry.
- Detention cannot be used as a punitive or deterrent measure and must not amount to collective punishment<sup>335</sup>.

#### 5.4.3 Legal Requirements for Detention:

Detention must:

1. Be based on clear legal authority (UN Working Group on Arbitrary Detention, 1998–2008 reports).
2. Avoid arbitrariness by meeting conditions such as:
  - Good faith conduct by authorities;
  - Appropriate detention conditions;
  - Shortest possible duration;
  - Alternatives to detention must be considered first (HRC in *C v. Australia*, CCPR/C/76/D/900/1999).
3. Respect human dignity and avoid ill-treatment under:
  - ICCPR Article 10(1);
  - Convention Against Torture, Articles 2, 4, 16.

International Standards on Conditions of Detention and Safeguards for Refugees and Asylum Seekers

Detailed international standards on conditions of detention are articulated in several core instruments. These include the revised *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*, adopted by the UN General Assembly in resolution 70/175 (2015); the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, adopted by UNGA res 43/173 (1988); the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, adopted by UNGA res 45/113 (1990); and the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)*, adopted by UNGA res 65/229 (2010). For asylum seekers and refugees, the *UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* (2012) are particularly relevant.

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<sup>335</sup> (UNHCR, 2012, Guideline 4.1

These instruments emphasize that conditions of detention must comply with fundamental principles of dignity and humanity. The UNHCR Guidelines (2012), Guidelines 8 and 9, stress that authorities must ensure access to adequate medical services, legal assistance, interpreters, regular contact with family, and meaningful review of detention.

#### Procedural Safeguards in Detention

Access to Legal Representation International law affirms the right of all detained persons to prompt and confidential access to legal representation. Principle 18 of the *Body of Principles* requires immediate communication of this right. Where necessary, states must ensure the availability of free legal aid and interpretation services<sup>336</sup>

Medical Attention According to Principle 24 of the *Body of Principles*, every detainee has the right to prompt medical examination upon entry and continuing health care throughout detention.

Notification of Detention Article 10(2) of the *Declaration on the Protection of All Persons from Enforced Disappearance* and Principle 16 of the *Body of Principles* provide that detainees must be allowed to inform a family member or third party of their detention immediately upon arrest or placement in custody.

Right to Communicate with UNHCR Under UNHCR Detention Guidelines (2012), Guideline 7(vii), detained asylum seekers must be informed of and granted access to UNHCR and other relevant international bodies, especially when consular support is unavailable or inappropriate.

Judicial Review of Detention Article 9(4) of the *International Covenant on Civil and Political Rights* (ICCPR, 1966) ensures that anyone deprived of liberty has the right to challenge the legality of detention before a court. The Human Rights Committee (General Comment No. 35, 2014) clarified that such review must be prompt, effective, and by an independent and impartial authority. The UNHCR Guidelines further call for automatic and periodic reviews (Guideline 7(iii)–(v)).

Judicial Oversight and Procedural Fairness The *International Commission of Jurists (ICJ), Principles on the Role of Judges and Lawyers in Relation to Refugees and Migrants* (2021), Principle 12, emphasizes the obligation of judges to review the lawfulness, necessity, and proportionality of detention, and to consider individual vulnerabilities, such as age, gender, and health conditions.

Right to Reparation Where detention is found to be unlawful, Article 9(5) ICCPR provides a right to compensation. This right must be enforceable through domestic legal systems, as also interpreted by the Human Rights Committee in its General Comment No. 35.

From a personal legal standpoint, these international safeguards embody the principle that detention must always be exceptional, necessary, and proportionate, especially for individuals in vulnerable situations. However, practice often diverges from principle. In Lebanon, the enforcement of the 1962 Law of Entry and Exit has resulted in prolonged and

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<sup>336</sup> (UNHCR Detention Guidelines 2012, Guideline 7(ii)).

arbitrary detention of refugees and asylum seekers, frequently without individualized assessment or timely judicial review. Legal assistance is inconsistently provided, and detention conditions frequently fall short of international standards.

I argue that these failures constitute a breach of Lebanon's international obligations under the ICCPR, the Convention against Torture, and customary norms. Lebanon must urgently reform its legal framework to prohibit immigration detention of children, ensure prompt and automatic judicial review, and guarantee access to legal aid, UNHCR, and healthcare. Without such reform, detention practices will continue to undermine the fundamental rights of those seeking protection.

### **3.7.2 Detention of Refugees, Asylum Seekers and Migrants in Lebanon: Legal and Institutional Concerns**

In Lebanon, women are detained in several facilities including the Prison for Women, Babbda Prison for Women, and Barbar Khazen Prison for Women. It is estimated that nearly half of the total prison population in Lebanon, comprising both Lebanese and non-Lebanese individuals, consists of pretrial detainees. Notably, Syrian nationals constitute approximately 30 percent of the overall prison population.<sup>337</sup> In some instances, foreign nationals are held in police stations while awaiting transfer to more permanent detention facilities, a process that can extend from several days to over a month.<sup>338</sup>

Foreigners, including refugees, asylum seekers, and migrant workers, are routinely detained at the General Security's "Adlieh" Retention Center. This facility is not recognized as an official place of detention under Lebanese law and is thus not subject to the same administrative and judicial oversight that applies to regular prisons and detention centers.<sup>339</sup> By 2017, it was reported that over 3,500 individuals—including migrant domestic workers, refugees, and asylum seekers—had been detained at the Adlieh Retention Center.<sup>340</sup>

Persons held in this facility are either serving criminal sentences for violations such as "illegal" entry or stay or are awaiting trial or deportation following completion of their prison terms. Lebanese law mandates that any foreigner detained in prison must be transferred to the custody of the General Security upon completion of their sentence, regardless of their legal status. Prison authorities are required to notify the General Security of any impending release and transfer the detainee accordingly. However, overcrowding at Adlieh prevents the accommodation of all individuals due for release, resulting in

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<sup>337</sup> Border Criminologies Blog, *Speaking Out for Foreigners in Lebanese Prisons*, University of Oxford, 23 March 2016.

<sup>338</sup> Frontiers Ruwad, *Torture, Detention and Unfair Trials: Joint Submission to the Human Rights Council*, 2015

<sup>339</sup> Decree No. 14310 of 11 February 1949 on the Organization of Prisons

<sup>340</sup> Caritas Lebanon Migrant Centre, *Submission to the Committee against Torture*, 2017.

prolonged detention of many foreigners in regular prisons, despite the expiration of their sentences.<sup>341</sup>

This practice is in clear violation of Article 58 of the Prisons Administration Law, which obliges prison authorities to release detainees on the day their sentence expires. Moreover, Article 37 of the same law stipulates that prison officers may be subject to prosecution for unlawfully detaining an individual beyond the completion of their sentence.<sup>342</sup>

Although the official function of the Adlieh Retention Center is limited to holding “criminal aliens” pending deportation, in practice, a broader range of individuals are detained for reasons including lack of valid legal status and inability to afford repatriation costs. Domestic workers who have absconded from their employers without retrieving their passports, refugees unable to secure resettlement within one year of entry, and asylum seekers who filed for protection more than two months after arrival are among those detained at Adlieh.<sup>343</sup>

Prolonged and indefinite detention, particularly of Iraqi and Sudanese refugees, has been systematically documented since at least 2007. While in some cases, the General Security may have refrained from deporting individuals in accordance with the principle of non-refoulement under international law, those same individuals were often subjected to prolonged administrative detention for alleged violations such as “illegal” entry and stay. For example, a 2008 report by Frontiers Ruwad emphasized that arrest and prolonged detention were the most severe threats faced by Iraqi refugees in Lebanon. The report expressed concern that such practices were being used as coercive tools to pressure individuals into withdrawing asylum claims or agreeing to “voluntary” repatriation, despite the risk of persecution in their countries of origin.<sup>344</sup>

This concern was echoed in a 2009 opinion issued by the UN Working Group on Arbitrary Detention, which held that the Lebanese government had effectively acknowledged the systematic arrest and prolonged detention of Iraqi refugees without valid visas, aiming to compel their return. The Working Group warned that, absent voluntary repatriation, such individuals risked indefinite incarceration.<sup>345</sup>

### **Torture and Ill-Treatment in Detention**

Reports of torture and ill-treatment of detainees—including refugees, asylum seekers, and migrants—by Lebanese security forces persist. A 2017 investigation by Human Rights Watch detailed the deaths of five Syrian nationals who died while in military custody following a raid. Medical analysis of photographic evidence by an expert in forensic documentation of torture concluded that the injuries sustained were consistent with

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<sup>341</sup> Ibid.

<sup>342</sup> Global Detention Project, *Lebanon Immigration Detention Profile*, 2018

<sup>343</sup> Ibid

<sup>344</sup> Frontiers Ruwad, *Double Jeopardy: Illegal Entry and Prolonged Detention of Iraqi Refugees in Lebanon*, 2008

<sup>345</sup> UN Working Group on Arbitrary Detention, Opinion No. 5/2009 (Lebanon), Communication dated 13 November 2008.

inflicted trauma. The findings contradicted official claims attributing the deaths to natural causes.<sup>346</sup>

### **Violation of Procedural Safeguards**

Lebanon's detention practices have also been criticized for violating basic procedural safeguards. Despite a 2006 Memorandum of Understanding (MoU) between the General Security Office (GSO) and the Beirut Bar Association aimed at guaranteeing access to free legal assistance, foreign detainees prosecuted for immigration-related offences often lack legal representation. The MoU requires lawyers to obtain prior authorization from the General Security to visit detainees, and such access is restricted to limited areas within the detention facility. In 2012, a GSO directive further curtailed access by imposing additional restrictions on lawyers' visits.<sup>347</sup>

Field research conducted by the Lebanese Center for Human Rights indicated that denial of access to legal counsel at the General Security detention center has become a de facto norm.<sup>348</sup> This is compounded by frequent violations of Article 47 of the Lebanese Code of Criminal Procedure (CCP), which limits police custody prior to judicial review to 48 hours, extendable once with prosecutorial approval. In practice, detainees—particularly foreigners—are frequently held beyond these legal limits without judicial oversight.<sup>349</sup>

Additionally, Article 47 CCP is regularly violated when foreign detainees are interrogated without the assistance of interpreters, despite their limited proficiency in Arabic or English.<sup>350</sup>

### **Judicial Practice and the 1962 Law**

Judicial authorities frequently rely on Articles 32 and 36 of the 1962 Law Regulating the Entry and Stay of Foreigners to convict refugees and migrants for "illegal" entry and failure to renew residency. Sentences commonly include imprisonment ranging from one to three months, monetary fines of 100,000 LBP, and deportation orders.

Nonetheless, some Lebanese judges have issued progressive decisions under Article 579 of the Code of Civil Procedure, which empowers summary judges (*juge des référés*) to halt unlawful administrative infringements on individual rights. These decisions have, in some instances, resulted in orders for the immediate release of detainees held without legal basis, and even mandated compensation or imposed daily fines on authorities for non-compliance.<sup>351</sup> However, the General Security has often disregarded such rulings and continued to detain affected individuals beyond the legal limits.

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<sup>346</sup> Human Rights Watch, *Lebanon: Deaths, Alleged Torture of Syrians in Army Custody*, 2017.

<sup>347</sup> General Security Directive, Letter No. 27/ع/ص/م/ذ dated 5 April 2012; cited in: Global Detention Project, *Lebanon Immigration Detention Profile*, 2018.

<sup>348</sup> Lebanese Center for Human Rights, *Prisons in Lebanon: Humanitarian and Legal Concerns*, 2010.

<sup>349</sup> Global Detention Project, *Lebanon Immigration Detention Profile*, 2018.

<sup>350</sup> *Ibid.*

<sup>351</sup> International Commission of Jurists, *Unrecognized and Unprotected: The Treatment of Refugees and Migrants in Lebanon*, 2021

The International Commission of Jurists (ICJ) has documented several of these cases, which primarily concern Iraqi refugees detained after completing prison sentences for immigration-related offences. Credible reports suggest that the General Security has employed a tacit policy of detaining Iraqi refugees beyond the expiry of their criminal sentences to compel their return to Iraq.

### **3.7.3 Judicial Precedents on Refugee Detention in Lebanon: A Legal Analysis**

#### **Case 1: Judge of Urgent Matters in Zahlah – 11 December 2009**

##### **Facts:**

The plaintiff, an Iraqi woman, was convicted of illegal entry under Article 32 of the 1962 Lebanese Law and sentenced to one month of imprisonment. However, despite completing her sentence, she remained in detention for approximately six months due to the General Security Office's (GSO) refusal to release her. As a UNHCR-recognized refugee, she contended that deportation to Iraq would place her life at risk, thereby rendering continued detention unlawful.

##### **Legal**

##### **Arguments:**

The plaintiff and the presiding judge invoked the following international legal provisions in support of her release:

- Universal Declaration of Human Rights (UDHR), Article 14: *"Everyone has the right to seek and to enjoy in other countries asylum from persecution."*
- 1951 Refugee Convention & 1967 Protocol, Article 33(1) (Non-Refoulement Principle): *"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion."*
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Article 3: Lebanon, as a state party (Decree Law No. 185 of 4 May 2000), is prohibited from deporting or extraditing any individual to a state where there are substantial grounds to believe they would face torture.

##### **Ruling:**

The urgent matters judge ruled that the General Security must immediately cease its violation of the plaintiff's personal freedom and release her without delay. The judge justified his authority under urgent matters jurisdiction by asserting that administrative actions, such as the detention imposed by the GSO, constituted an infringement upon the plaintiff's liberty, warranting judicial intervention.

#### **Case 2: Judge of Urgent Matters in Mten – 28 January 2010**

Facts:

The plaintiff, an Iraqi refugee identified as XX, was arrested on 25 November 2008 for unlawful entry into Lebanon and sentenced on 12 December 2008 under Article 32 of the 1962 Lebanese Law. His sentence included imprisonment—accounting for his pre-trial detention—and a fine of 300,000 LBP (approximately \$200). Despite completing his sentence and paying the fine, XX remained incarcerated in Romieh Prison for over a year due to the General Security Office’s refusal to release him.

XX alleged that his continued detention was part of a broader policy implemented by the General Security to coerce refugees into returning to Iraq. The General Security denied responsibility for his ongoing incarceration.

Legal

Arguments:

XX petitioned the court, arguing that his detention lacked legal basis. Specifically:

- The duration of his imprisonment exceeded the sentencing order issued by the criminal judge on 12 December 2008.
- No administrative decision had been issued by the General Security pursuant to Article 18 of the 1962 Law, which authorizes detention pending deportation only if the individual poses a threat to public safety and security.

Ruling:

The urgent matters judge ordered the Ministry of the Interior and the General Security to immediately release the plaintiff unless he was being lawfully detained under a separate legal basis.

**Case 3: Judicial Review of Repeated Unlawful Detention – The Case of AA (2007-2013)**

Facts:

The refugee, AA, was first arrested in November 2007 and sentenced for illegal entry. Following completion of his sentence, he remained in detention for an additional two years due to his refusal to return to Iraq voluntarily.

On 27 March 2010, he was charged with violating an administrative deportation order. However, on 20 April 2010, a criminal judge dismissed the case and ordered AA’s immediate release. Despite this ruling, AA remained incarcerated. Subsequently, he filed a complaint before the urgent matters judge, demanding release and compensation for unlawful detention.

On 8 June 2010, the urgent matters judge ruled in AA’s favor, ordering his immediate release and awarding compensation. However, his incarceration continued until 4 October 2011, when he was forcibly deported to Iraq. The UN Working Group on Arbitrary Detention issued a legal opinion in 2011 recognizing AA’s prolonged detention as unlawful and contrary to international human rights norms.

Legal Implications and Precedents

The aforementioned cases highlight systemic violations of international refugee protection principles, particularly the non-refoulement doctrine enshrined in the 1951 Refugee Convention (Article 33) and CAT (Article 3). Lebanese courts have consistently ruled against indefinite administrative detention, recognizing it as an infringement upon personal liberty and due process rights. Additionally, the rulings affirm that urgent matters judges hold jurisdiction in cases where administrative actions unlawfully restrict fundamental freedoms.

#### **Case 4: Judge of Urgent Matters in Mten – 8 June 2010**

##### **Facts:**

The plaintiff, AA, an Iraqi refugee registered with the United Nations High Commissioner for Refugees (UNHCR), was arrested on 5 November 2007 for unlawfully entering Lebanon. On 15 November 2007, a criminal court of first instance sentenced him to three months in prison (inclusive of pre-trial detention), a fine of 300,000 LBP (\$200), and deportation upon completion of his sentence.

Despite completing his sentence in early 2008, AA remained in detention under the authority of the General Security Office (GSO) until 8 June 2010, the date of the present judgment. AA petitioned for immediate release, the imposition of a fine of 200,000 LBP (\$132) per day of unlawful detention, and compensation of 30 million LBP (\$19,900) for damages suffered. The General Security contested these requests.

##### **Ruling:**

The judge ruled that:

- The General Security must immediately release the plaintiff without delay.
- The General Security is fined 250,000 LBP per day for failure to comply.
- AA is entitled to compensation of 10 million LBP (\$6,633) for prolonged unlawful detention.

##### **Legal Reasoning:**

- AA was officially recognized as a refugee by UNHCR on 9 December 2009, after the initial judgment.
- The first instance criminal court ruling (sentencing him to imprisonment, fine, and deportation) preceded his formal recognition as a refugee.
- Lebanon is a State Party to several international human rights treaties, which prohibit deportation to a country where an individual faces the risk of torture or persecution. These conventions hold supremacy over domestic laws.
- The failure of the General Security to establish a procedure for refugee cases does not justify prolonged detention.

- The continued detention of the plaintiff after completing his sentence violated the initial judicial order, rendering it unlawful.
- The absence of a legal basis for AA’s prolonged detention constituted a blatant violation of his rights, warranting judicial intervention.
- Compensation was granted in recognition of the harm suffered due to unlawful detention.

### **Case 5: Judicial Oversight on Refugee Detention – 2013-2014 Ruling**

#### Facts:

AA was arrested again on 10 December 2013 for illegal entry into Lebanon. Despite completing his sentence, he remained in detention for over three months. On 20 June 2014, a criminal judge ruled on his detention, ordering his immediate release and imposing financial penalties on authorities for any delay in execution.

#### Legal

#### Reasoning:

The judge found that:

- Refugees detained under Article 32 of the 1962 Law are not criminals and should not be treated as such.
- Lebanese law fails to distinguish between administrative detention (pending deportation) and criminal detention. Refugees are often detained indefinitely, despite the absence of procedural safeguards regarding the duration, location, and conditions of detention.
- Administrative detention under General Security must be subject to judicial review and remain exceptional, rather than routine practice.

In addition, the judge cited international legal principles:

- Detention should be limited to deportation purposes and must not be punitive.
- Detention pending deportation must be time-bound and, in accordance with international standards, should occur in specialized centers rather than prisons—a gap in Lebanese legislation.
- Foreigners in Lebanon enjoy fundamental rights under the Constitution and international conventions, equal to Lebanese nationals (International Covenant on Civil and Political Rights, Article 26).
- Given that administrative detention is not a criminal sanction, it must be balanced with the necessity of detention and the permissible maximum duration under Lebanese law.
- No judicial or administrative order provided a legal basis for AA’s continued detention.

- Since Lebanon is party to multiple treaties safeguarding refugees—including the ICCPR and the Convention Against Torture (CAT)—it must not expel individuals at risk of torture or persecution.

This case solidified judicial recognition of the legal inadequacy of Lebanon's refugee detention practices. The ruling reinforced that administrative detention should always be subject to judicial oversight, must be exceptional, and cannot be indefinite. The court further held that Lebanon's human rights treaty obligations override domestic law gaps, protecting refugees even without formal accession to the 1951 Refugee Convention.

### Implications and Legal Precedents

These rulings affirm:

1. Detention beyond a criminal sentence is unlawful in the absence of a valid administrative order.
2. General Security lacks discretionary authority to detain refugees indefinitely.
3. Refugees are entitled to compensation for unlawful prolonged detention.
4. Lebanon's adherence to international conventions (e.g., ICCPR, CAT) imposes binding non-refoulement obligations, despite the absence of domestic refugee legislation.
5. Judicial oversight is essential to limit administrative detention and prevent arbitrary incarceration.

### Legal Analysis of Decision Rendered on 20 June 2014 by the Urgent Matters Court (Judge Jad Maloouf)

Facts:

The plaintiff, AA, an Iraqi refugee registered with the UNHCR since 2007, had been detained for three months at the General Security Detention Centre at the time of his complaint. Seeking judicial relief, AA filed a complaint before the Urgent Matters Court requesting his release.

The General Security failed to submit a response within the legal time limit.

Pursuant to Article 32 of Law 1962, AA was arrested on 10 December 2013, convicted on 4 January 2014, and sentenced to one month in prison, a fine, and deportation for irregular entry into Lebanon. Despite completing his sentence on 4 February 2014, he was transferred to the General Security detention facility rather than being released.

On 27 February 2014, the Appeal Court overturned part of the initial ruling, specifically prohibiting his deportation and ordering his release. However, AA remained in custody

until the date of the present decision, amounting to an unjustified detention of more than three months.

Ruling:

The court ordered:

1. Immediate release of the plaintiff, AA.
2. Authorities to be fined 200,000 LBP (\$132) per day of delay in execution of the order.

Legal Reasoning:

- Detention Facilities & Legislative Gaps: The judge emphasized that other countries operate specialized centers where individuals awaiting deportation are held under appropriate conditions. Such detainees are not criminals and should not be treated as such. Lebanese legislation does not adequately regulate this issue, offering only Articles 17 and 18 of Law 1962 as legal grounds for detention pending deportation.
- Absence of Clear Deportation Procedures: The provisions of Law 1962 fail to specify deportation procedures, including duration, location, and conditions of detention. The law does not distinguish between detention for criminal sentencing and detention for administrative deportation, leading to legal ambiguity in refugee cases.
- Violation of Constitutional Protections:
  - Article 8 of the Lebanese Constitution explicitly states: *"Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established or penalty imposed except by law."* The indefinite detention of AA was not based on a valid legal provision, thereby violating his constitutional right to liberty.
- Contravention of International Human Rights Standards:
  - Universal Declaration of Human Rights (UDHR), Article 9: *"No one shall be subjected to arbitrary arrest, detention or exile."*<sup>352</sup>
  - International Covenant on Civil and Political Rights (ICCPR)<sup>353</sup>, Article 9: Lebanon acceded to the ICCPR by Decree Law No. 3855 on 1 September 1972, establishing: *"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his*

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<sup>352</sup> **Universal Declaration of Human Rights (UDHR)**, adopted 10 December 1948, UNGA Res 217 A(III).

<sup>353</sup> **International Covenant on Civil and Political Rights (ICCPR)**, adopted 16 December 1966, entered into force 23 March 1976, UN Treaty Collection.

*liberty except on such grounds and in accordance with such procedure as are established by law...Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."* AA's prolonged detention violated both UDHR and ICCPR protections, as no legal basis existed to justify his continued imprisonment beyond his court-ordered sentence.

- Judicial Oversight & Limitations on Administrative Detention:
  - Administrative detention must remain exceptional and subject to judicial review.
  - Fair trial guarantees must be upheld, and judicial intervention is necessary if detention lacks legal foundation.
  - Restrictive measures may be imposed through administrative decisions (e.g., under Article 18 of Law 1962), but administrative detention carries fewer guarantees and must be closely monitored by the judiciary.
  - Judicial authority over detention must adhere to strict procedural safeguards, preventing indefinite, unjustified incarceration.
- Judicial Competence to Intervene:
  - The absence of any judicial decision ordering continued detention renders the administrative act unlawful.
  - The judiciary possesses the power to restrict individual liberty under strictly defined circumstances, ensuring due process and reasonable time limits.
  - A judge is not permitted to order indefinite detention without a conviction, except in very limited circumstances.
  - Administrative authorities must be held to equally stringent standards, ensuring detention is justified, time-bound, and compliant with legal principles.

This ruling solidifies key judicial precedents regarding refugee detention in Lebanon:

1. Indefinite detention beyond a criminal sentence is unlawful unless justified by a valid judicial or administrative order.
2. General Security lacks discretionary authority to detain refugees indefinitely—its administrative acts remain subject to judicial oversight and constitutional limitations.
3. Refugees unlawfully detained are entitled to compensation for violations of their rights.

4. Lebanon's obligations under international human rights treaties override domestic legislative gaps, ensuring that non-refoulement principles and procedural safeguards are upheld.
5. Judicial oversight is essential to limit arbitrary administrative detention and prevent systematic violations of due process.

Legal Analysis of Lebanon's 1962 Law<sup>354</sup> in Light of International Human Rights Standards:

#### I. Criminalization of Irregular Entry and Stay: Conflict with International Obligations

Articles 32 and 36 of Lebanon's 1962 Law criminalize "illegal" entry and stay, without providing exceptions for refugees and persons at risk of persecution. This contradicts Lebanon's international human rights obligations, particularly:

- 1951 Refugee Convention, Article 31(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."*

Lebanon has not acceded to the 1951 Refugee Convention, but the principle of non-penalization for irregular entry is widely recognized under customary international law and international human rights treaties to which Lebanon is a party.

#### II. Arbitrary & Prolonged Detention of Refugees: Violation of International Standards

Lebanese authorities detain refugees under Article 32 and Article 36 of the 1962 Law, as well as through administrative detention by the General Security Office (GSO), which aims to facilitate deportation but lacks legal clarity regarding duration, location, and procedures.

The UN Working Group on Arbitrary Detention (WGAD) has repeatedly affirmed:  
*"The detention of asylum seekers, refugees and immigrants in an irregular situation must be the last resort and permissible only for the shortest period of time, and that alternatives to detention should be sought whenever possible. The more detention is prolonged, the more it is likely to become arbitrary."*<sup>355</sup>

Lebanon's detention practices violate international norms that prohibit indefinite administrative detention and require judicial review and time limitations.

#### III. Absence of Legal Safeguards in Article 18 of 1962 Law

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<sup>354</sup> **Law of 10 July 1962 on the Entry and Exit of Foreigners (Law No. 1962)**, Articles 6, 17, 18, 32–36.

<sup>355</sup> WGAD, Annual Report 1998, para. 69, Guarantee 10]; [WGAD, Annual Report 1999, Principle 7]; [WGAD, Annual Report 2008, paras 67 and 82]).

Article 18 of the 1962 Law is the only provision addressing detention for deportation purposes, yet:

- It does not specify procedures for deportation, creating legal uncertainty.
- It does not outline the location or conditions of detention for deportees.
- No maximum detention period is set, creating risks of prolonged arbitrary detention, which violates international human rights standards.

The UN Working Group on Arbitrary Detention (WGAD) states: *"Administrative custody of immigrants and asylum seekers may in no case be unlimited or of excessive length because a maximum period should be set by law. The detention of foreign citizens in an irregular situation, immigrants and asylum seekers for an indefinite period is at variance with international law."*<sup>356</sup>

#### IV. Lack of Judicial Oversight & Disregard of Court Orders

Under international human rights law, all deprivations of liberty must be subject to prompt and automatic judicial review, ensuring due process guarantees in every individual case.

The International Covenant on Civil and Political Rights (ICCPR), Article 9, to which Lebanon acceded via Decree Law No. 3855 (1 September 1972), mandates: *"No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law... Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."*

The General Security Office (GSO) has repeatedly ignored judicial orders for refugee releases, undermining judicial authority and violating the right to access justice and effective remedies.

#### 3.7.4 Violations of the Non-Refoulement Principle & Risk of Torture

Despite Lebanon's non-accession to the 1951 Refugee Convention, it remains bound by non-refoulement obligations under other treaties, including:

- Convention Against Torture (CAT), Article 3 (Lebanon ratified on 5 May 2000): *"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."*

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<sup>356</sup> Communication to the Government of Lebanon, 2008.

Refugees detained under Lebanon’s inadequate legal framework face deportation without proper risk assessments, violating Lebanon’s commitments under CAT and other human rights instruments.

The 1962 Law fails to align with Lebanon’s international legal obligations, particularly:

1. Refugees must not be penalized for irregular entry under international refugee law.
2. Administrative detention must be time-limited and subject to judicial review.
3. Lebanon must establish legal safeguards for deportation proceedings.
4. Judicial decisions must be enforced, ensuring access to justice for detainees.
5. Lebanon must uphold its non-refoulement obligations under CAT and ICCPR.

## Legal Analysis of Judicial Oversight, Non-Refoulement, and Arbitrary Expulsion

### I. Role of Judges and Lawyers in Monitoring Detention Standards

Judges and lawyers play a critical role in assessing the legality of detention, ensuring due process, and protecting individuals from arbitrary incarceration. The International Commission of Jurists (ICJ) outlines several principles that govern this duty:

1. **Judicial Consideration of Alternatives to Detention:** Judges must evaluate whether deprivation of liberty is lawful and necessary, ensuring alternative measures are considered before ordering detention<sup>357</sup>).
2. **Prompt Judicial Review:** Legal procedures must prevent undue delays at all stages of detention. Judicial review must occur within 24 to 48 hours of a detention order to ensure lawfulness and compliance with procedural safeguards<sup>358</sup>
3. **Monitoring Detention Conditions:** Judges and lawyers should actively monitor detention facilities and ensure that refugees and migrants are treated in accordance with international human rights standards. Legislators should provide mechanisms for judicial oversight to guarantee effective remedies when detention conditions fall below acceptable standards<sup>359</sup>

### II. The Right Against Arbitrary Removal & Non-Refoulement

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<sup>357</sup> [\(ICJ, Principles on the Role of Judges and Lawyers in Relation to Refugees and Migrants, 2017](#)

<sup>358</sup> [\(ICJ, 2017\)](#).

<sup>359</sup> [\(ICJ, 2017\)](#).

## 1. Legal Foundations of Non-Refoulement

The principle of non-refoulement prohibits the transfer of any individual to a country where they face a real risk of persecution or serious harm. This principle restricts state sovereignty in migration control and is firmly established in international law:

- Geneva Convention Relating to the Status of Refugees, Article 33(1): *"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion."* <sup>360</sup>
- Convention Against Torture (CAT), Article 3: *"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."* <sup>361</sup>
- Customary International Law: The principle of non-refoulement is widely recognized as customary international law, binding all states regardless of treaty accession <sup>362</sup>

## 2. Judicial Enforcement of Non-Refoulement

States cannot derogate from their non-refoulement obligations <sup>363</sup>  
This principle applies both within a state's territory and at its borders <sup>364</sup>

Additionally, non-refoulement protections apply in extradition procedures <sup>365</sup>

## III. Arbitrary Detention & Lebanon's Legal Framework

### 1. Absence of Procedural Safeguards in Lebanon's Domestic Law

Lebanon's 1962 Law does not comply with international standards regarding detention and deportation, particularly:

- Article 32 criminalizes illegal entry, punishing individuals with imprisonment, fines, and deportation <sup>366</sup>

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<sup>360</sup> [\(1951 Refugee Convention\)](#)

<sup>361</sup> [\(CAT, UN Treaty Series, 1984\)](#)

<sup>362</sup> [\(UNHCR, The Principle of Non-Refoulement as a Norm of Customary International Law, 2007, para. 15\).](#)

<sup>363</sup><sup>363</sup> [\(UNHCR Advisory Opinion, 2007\).](#)

<sup>364</sup> [\(UNHCR Conclusion No. 6 \(XXVIII\), ExCom, 1977\).](#)

<sup>365</sup> [\(UNHCR Conclusion No. 17 \(XXXI\), Problems of Extradition Affecting Refugees, 1980\).](#)

<sup>366</sup> [\(1962 Law, Lebanon\).](#)

- Article 17 allows deportation when an individual is deemed a threat to public safety<sup>367</sup>
- Article 18 authorizes the Director of General Security to detain foreign nationals for deportation but fails to set procedural safeguards, detention limits, or conditions<sup>368</sup>

## 2. Violation of International Detention Standards

Lebanon's unregulated administrative detention practices conflict with internationally recognized best practices, including:

- UN Working Group on Arbitrary Detention (WGAD) Standards:
  - *"Administrative custody of immigrants and asylum seekers may in no case be unlimited or of excessive length. The detention of foreign citizens in an irregular situation for an indefinite period is at variance with international law."*<sup>369</sup>
  - *"The detention of asylum seekers, refugees, and immigrants must be the last resort and permissible only for the shortest period of time, with alternatives sought wherever possible."*<sup>370</sup>
- ICCPR, Article 9: *"No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of liberty except on grounds established by law... A person deprived of liberty must have access to a court for review without delay."*<sup>371</sup>.

## 3. Systemic Non-Compliance & Arbitrary Expulsion

Lebanese enforcement of Articles 32 and 36 leads to arbitrary deportation of individuals without assessing their protection claims, violating non-refoulement obligations<sup>372</sup>. The General Security Office (GSO) exercises unchecked discretionary powers, leading to prolonged detention without judicial oversight, further violating ICCPR provisions<sup>373</sup>.

Lebanon's legal framework fails to align with international human rights protections due to:

1. Criminalization of irregular entry for refugees, contrary to Article 31 of the Refugee Convention.
2. Indefinite administrative detention, lacking time limits or procedural safeguards.

<sup>367</sup> ([1962 Law, Lebanon](#)).

<sup>368</sup> ([1962 Law, Lebanon](#)).

<sup>369</sup> ([WGAD, Communication to the Government of Lebanon, 2008](#)).

<sup>370</sup> ([WGAD, Annual Reports 1998, 1999, 2008](#)).

<sup>371</sup> ([ICCPR, Lebanon Accession, 1972](#)).

<sup>372</sup> ([UNHCR Conclusion No. 79](#)).

<sup>373</sup> ([ICCPR, UN Treaty Database](#)).

3. Failure to ensure judicial oversight, despite obligations under ICCPR and WGAD guidelines.
4. Systematic violations of non-refoulement, disregarding Lebanon's commitments under CAT and customary international law.
5. General Security's continued disregard for judicial rulings, obstructing access to justice.

### 3.8 Legal Assessment of Refugee Returns from Lebanon: Policy and Practice

#### I. Restrictive Entry Policies Toward Palestinian Refugees from Syria

Since August 2013, Palestinian refugees fleeing Syria have faced entry bans without official justification. In May 2014, the Lebanese Ministry of Interior announced that Palestinian refugees from Syria would no longer be issued visas at the border, except in limited circumstances. Those seeking to enter Lebanon were required to apply for a visa in advance, while renewals of existing visas were prohibited<sup>374</sup>

#### II. Increased Hostility and Forced Returns of Syrian Refugees

Beginning in 2017, Lebanese politicians publicly advocated the return of Syrian refugees, with reports of growing hostility, including raids on refugee camps, forced evictions, and military operations targeting refugee communities<sup>375</sup>. In June 2018, then Minister of Foreign Affairs Jebran Bassil pressured the United Nations High Commissioner for Refugees (UNHCR) to facilitate refugee returns within two weeks, later freezing residency permits for UNHCR staff<sup>376</sup>

#### III. "Facilitated Voluntary Returns" and Absence of UNHCR Oversight

The General Security Office (GSO) has announced monthly figures of "facilitated voluntary returns" since November 201<sup>377</sup>). Lebanese authorities reported that between July and November 2018, between 55,000 and 90,000 Syrian refugees returned to Syria, with no oversight by UNHCR<sup>378</sup>

By December 2019, the GSO reported that 341,873 Syrian refugees had returned to Syria<sup>379</sup> UNHCR documented self-organized returns, estimating 230,418 refugees returned between 2016 and 2019, though acknowledging the actual number may be higher<sup>380</sup>

<sup>374</sup> [\(Section 5.3.2\)](#).

<sup>375</sup> [\(Lebanon: Deaths, Alleged Torture of Syrians in Army Custody, 2017\)](#).

<sup>376</sup> [\(Lebanon presses UNHCR on refugee return strategy, The Daily Star, 6 June 2018; Bassil freezes UNHCR staff residency permits, The Daily Star, 8 June 2018\)](#).

<sup>377</sup> [\(GSO Activities, 2017\)](#)

<sup>378</sup> [\(Merehbi, The Daily Star, 3 November 2018\)](#).

<sup>379</sup> [\(General Security Magazine, Issue No. 76, 9 January 2020\)](#).

<sup>380</sup> [\(UNHCR Durable Solutions, 31 December 2019\)](#).

#### IV. Allegations of Forced Returns and Coercion

Human Rights Watch reports that many refugees return due to deteriorating conditions in Lebanon, not because Syria is safe<sup>381</sup>. Additionally, in the absence of international NGO monitoring, reports indicate that Hezbollah orchestrated forced returns of Syrian refugees through negotiations with rebel factions<sup>382</sup>.

#### V. Supreme Defense Council Decision & Mass Deportations

On April 15, 2019, Lebanon's Supreme Defense Council issued a confidential directive mandating immediate action to prevent irregular Syrian refugee entry. Between 7 and 24 May 2019, 301 Syrian refugees were deported under this policy:

- 197 deported by the Lebanese Armed Forces
- 100 deported by the Internal Security Forces
- 4 deported by the General Security Office<sup>383</sup>

Following this, the General Security announced on 15 April 2019 that Syrians who entered Lebanon illegally after 24 April 2019 would be deported<sup>384</sup>. Between May and August 2019, 2,731 Syrians were handed over to Syrian authorities<sup>385</sup>.

#### VI. UNHCR Position on Returns & Allegations of Coercion

While the General Security claims coordination with UNHCR, the agency does not currently facilitate large-scale repatriations<sup>386</sup>. UNHCR emphasizes that while it respects individual decisions to return, its role in General Security-led returns has been limited to document preparation and assessing voluntariness<sup>387</sup>.

NGOs have raised concerns about whether ongoing returns are truly voluntary, citing:

1. Restrictions on residency permits and subsequent limits on mobility and employment.
2. Raids on refugee camps and mass arrests.

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<sup>381</sup> ([HRW Lebanon Events of 2018](#)).

<sup>382</sup> ([ALEF Annual Report, 2017](#)).

**June 2017:** Approximately **50 refugee families** were forced to return to **Aasal al-Ward, Syria** ([ALEF Annual Report, 2017](#)).

**August 2017:** A deal brokered by Hezbollah led to the **return of 7,000 refugees**, many of whom were classified as **rebel fighters and their families**, sent to **Idlib province, Syria** ([The Guardian, 14 August 2017](#)).

<sup>383</sup> ([Position Paper on Deportations, 2019](#))

<sup>384</sup> ([GSO Statement, 2019](#)).

<sup>385</sup> ([GSO Deportation Report, 28 August 2019](#))

<sup>386</sup> ([UNHCR Durable Solutions, 2019](#)).

<sup>387</sup> ([UNHCR Regional Refugee Response, 2019](#)).

3. Political and communal hostility toward Syrians.
4. Worsening economic and humanitarian conditions for Syrians in Lebanon.

Reports indicate General Security has previously coerced refugees into signing “voluntary return” declarations <sup>388</sup>

### Legal Implications and Concerns

The deportation of refugees without proper risk assessments violates international legal protections, particularly:

- 1951 Refugee Convention, Article 33(1) (Non-Refoulement Principle): *"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group, or political opinion."* <sup>389</sup>
- Convention Against Torture (CAT), Article 3: *"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."*<sup>390</sup>).
- Customary International Law: Non-refoulement is a binding customary norm, prohibiting the expulsion of refugees at borders or within a state's territory<sup>391</sup>.
- International Covenant on Civil and Political Rights (ICCPR), Article 9: Refugees subjected to detention must have access to judicial review, ensuring procedural fairness <sup>392</sup>

### VII. Conclusion & Recommendations

Lebanon's forced return practices and restrictive entry policies contradict international refugee protections. The government must:

1. Ensure returns are genuinely voluntary and free from coercion or undue pressure.
2. Guarantee refugee status determination processes align with non-refoulement principles.
3. Allow UNHCR full oversight over repatriation procedures.

<sup>388</sup> ([HRW Lebanon Events of 2018](#)).

<sup>389</sup> ([UNHCR Conclusion No. 6](#)).

<sup>390</sup> ([CAT, UN Treaty Series, 1984](#)

<sup>391</sup> ([UNHCR Advisory Opinion, 2007](#)

<sup>392</sup> ([ICCPR, Lebanon Accession, 1972](#)).

4. Respect constitutional due process guarantees and judicial decisions regarding refugee protection.
5. End blanket bans on Palestinian refugees and ensure their access to asylum procedures.

### **3.8.1 Legal Assessment of Syrian Refugee Returns from Lebanon in Light of International Standards**

#### **I. Security Risks Faced by Returning Refugees**

As of April 2020, there were 5,559,224 registered Syrian refugees worldwide, according to UNHCR<sup>393</sup>). Despite claims of “safe zones” within Syria, refugees returning to regime-held areas continue to face enforced disappearance, arbitrary detention, and torture, while socio-economic conditions remain dire.

Reports indicate that thousands of returning refugees were arrested, with many subjected to torture and ill-treatment, leading to deaths in some cases<sup>394</sup>. Among those detained were:

- Former activists and local council members.
- Doctors who had worked in opposition-held hospitals.
- Rebel commanders, many of whom had attempted reconciliation.

Research suggests that *"at least a thousand people who thought they had reconciled with the regime have disappeared."*<sup>395</sup>

On 3 November 2018, 20 returning refugees, including children, were reportedly killed by Syrian security forces<sup>396</sup>. Additionally, forced conscription into the Syrian Army for indefinite periods remains a significant fear among returnees<sup>397</sup>.

#### **II. Destruction of Property & Barriers to Reintegration**

A survey of Syrian refugees in Egypt, Iraq, Lebanon, and Jordan found that 56% of those who owned property in Syria had seen their homes fully or partially destroyed, rendering them uninhabitable<sup>398</sup>.

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<sup>393</sup> ([Syria Regional Refugee Response, 2019](#))

<sup>394</sup> ([Washington Post, 2 June 2019](#)).

<sup>395</sup> ([NPR, 24 June 2019](#)).

<sup>396</sup> ([Lebanon Events of 2018](#)).

<sup>397</sup> ([Tahrir Institute for Middle East Policy, 2019](#)).

<sup>398</sup> ([UNHCR, 101 Facts and Figures on the Syrian Refugee Crisis, 2019](#)).

### III. Lebanon’s Deportation Practices: Violations of the Non-Refoulement Principle

Lebanon has deported both newly arriving refugees and those already residing within its borders under Articles 32 and 36 of the 1962 Law. Such actions violate the non-refoulement principle, which prohibits sending individuals to territories where they face persecution, torture, or serious harm.

Under customary international law, Lebanon is bound by non-refoulement obligations, reinforced by its status as a State Party to:

1. International Covenant on Civil and Political Rights (ICCPR), Article 7 – Prohibits expulsion to countries where individuals face a real risk of harm <sup>399</sup>
2. Convention Against Torture (CAT), Article 3 – Bars transfer of individuals to states where torture is likely <sup>400</sup>
3. CEDAW & CRC – Lebanon must ensure protection for women and children refugees, preventing deportation where their rights and safety are at risk <sup>401</sup>

### IV. Constructive Refoulement & Forced Returns

While Lebanese authorities claim refugee returns are “voluntary,” evidence suggests many are forced due to harsh living conditions, severe restrictions, and targeted hostility.

Lebanese policies have effectively pressured refugees into leaving, including:

1. Restrictions on residency permits, limiting mobility and employment <sup>402</sup>
2. Mass arrests and raids on refugee camps, leading to arbitrary detentions <sup>403</sup>
3. Discriminatory policies from municipalities, creating a climate of hostility.

Human rights groups warn that Lebanon’s treatment of refugees has led to forced returns—effectively violating the non-refoulement principle <sup>404</sup>

### V. Conclusion & Legal Recommendations

Lebanese authorities have failed to uphold international protections by facilitating the deportation of Syrian refugees despite ongoing security risks in Syria. This constitutes both direct violations of non-refoulement and constructive refoulement by pushing refugees into forced returns.

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<sup>399</sup> ([ICCPR Accession, 1972](#)).

<sup>400</sup> ([CAT Accession, 2000](#)).

<sup>401</sup> ([UNHCR Q&A on Returns, 2018](#)).

<sup>402</sup> ([Amnesty International, 12 June 2019](#)).

<sup>403</sup> ([Lebanese Center for Human Rights, Shadow Report, March 2016](#)).

<sup>404</sup> ([HRW, Syrians Deported by Lebanon Arrested at Home, 2019](#)).

To comply with international obligations, Lebanon must:

1. Immediately halt deportations of Syrian refugees in violation of ICCPR and CAT obligations.
2. Ensure voluntary return decisions are truly free from coercion and not influenced by hostile policies or deteriorating conditions.
3. Grant refugees full legal protection, including access to judicial review.
4. Adopt legal frameworks aligning with non-refoulement standards, ensuring fair asylum processes and protection from arbitrary detention.

### **3.8.2 Legal Assessment of Refugees' Right to Access Justice and Effective Remedy in Lebanon**

#### I. International Law and Standards on Access to Justice

Refugees and migrants—like all individuals—have an unrestricted right to access justice and effective remedies for violations of their human rights. This includes access to courts, legal counsel, and fair representation<sup>405</sup>

Key legal principles affirming this right include:

- International Covenant on Civil and Political Rights (ICCPR), Article 2(3): *States must provide effective remedies for human rights violations, ensuring equal access to justice without discrimination*<sup>406</sup>
- UN Basic Principles on the Right to a Remedy and Reparation: *"States must guarantee adequate, effective, prompt, and appropriate remedies to victims of violations of international human rights law."*<sup>407</sup>

Furthermore, refugees and migrants who have been victims of crimes, regardless of the perpetrator, have the right to equal access to justice, including criminal investigations, prosecutions, and compensation mechanisms.

#### II. Domestic Legal Framework: Access to Legal Aid in Lebanon

In Lebanon, legal aid is regulated by domestic law, but lacks state funding, creating significant access barriers for refugees.

##### 1. Civil Cases: Code of Civil Procedure (Articles 425-442)

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<sup>405</sup> ([UN Basic Principles and Guidelines on the Right to a Remedy and Reparation](#)).

<sup>406</sup> ([ICCPR Accession, 1972](#))

<sup>407</sup> ([UN Guidelines on Justice, 2005](#))

- If an individual cannot afford legal fees, they may apply for legal aid to file a lawsuit or defend themselves before the Court of First Instance or Court of Appeal.
- Courts review and approve legal aid requests before forwarding them to the Bar Association <sup>408</sup>

## 2. Criminal Cases: Code of Criminal Procedure (Article 78)

- If a defendant is unable to appoint legal counsel, the investigating judge must assign one or request the President of the Bar Association to do so.
- Legal aid requests must be examined and approved by the court <sup>409</sup>

## 3. Limited Resources & Absence of State-Funded Legal Aid

- Lebanon does not have a state-funded legal aid system. Instead, Beirut and Tripoli Bar Associations provide free legal aid on a pro bono basis, with insufficient resources to meet demand <sup>410</sup>
- Many cases are handled by trainee lawyers, rather than experienced practitioners, limiting the quality of representation <sup>411</sup>

## III. Barriers to Legal Representation for Refugees

Despite the 2006 Memorandum of Understanding (MoU) between the General Security Office (GSO) and the Beirut Bar Association, which guarantees free legal aid for detainees, foreigners prosecuted for “illegal” entry and stay struggle to access this service.

### 1. Legal Access Restrictions in Detention Facilities

In 2012, the General Security issued a directive further restricting lawyers' access to its main detention facility, preventing adequate legal representation for detained refugees <sup>412</sup>

### 2. NGO Legal Aid Limitations

- Refugees can receive civil and criminal legal aid from humanitarian agencies (e.g., UNHCR, Norwegian Refugee Council, Caritas).
- However, NGO legal initiatives are inconsistent and donor-driven, raising concerns about sustainability, adequacy, and access <sup>413</sup>
- NGOs can provide legal awareness and counseling, but only members of Bar Associations can represent clients in court.

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<sup>408</sup> ([Lebanese Code of Civil Procedures](#)).

<sup>409</sup> ([Lebanese Code of Criminal Procedure](#)).

<sup>410</sup> ([Institute of Law and Justice, May 2018](#)).

<sup>411</sup> ([Institute of Law and Justice, May 2018](#)).

<sup>412</sup> ([Lebanon Immigration Detention Profile, 2018](#)).

<sup>413</sup> ([UNDP Lebanon, Security and Justice Sector Wide Assessment, March 2016](#)).

#### IV. Systemic Obstacles Preventing Refugees from Seeking Justice

Refugees struggle to access justice due to fear of arrest, financial barriers, and political influence on Lebanese courts.

##### 1. Fear of Legal Retaliation

Migrants, refugees, and asylum seekers with “illegal” immigration status risk arrest, detention, and deportation, discouraging them from reporting human rights violations <sup>414</sup>

- Many avoid seeking justice entirely, fearing disclosure of their immigration status.

##### 2. Corruption & Political Influence

Lebanese institutions—including the judiciary—are influenced by sectarianism, clientelism, and corruption, undermining confidence in legal protections <sup>415</sup>

##### 3. Informal Contractual Arrangements & Legal Insecurity

- Many refugees work under informal employment contracts, making them vulnerable to wage theft, exploitation, and rights abuses.
- Due to legal status uncertainty, refugees rarely seek formal legal remedies for employment disputes.

##### 4. Reliance on Informal Justice Channels

- Due to financial constraints, legal complexity, and distrust in institutions, refugees often rely on community-based dispute resolution mechanisms rather than courts.
- A study found that out of 807 lawsuits involving Syrian nationals (2012-2015), none were filed by Syrian plaintiffs against Lebanese defendants <sup>416</sup>

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<sup>414</sup> ([Lebanon Immigration Detention Profile, 2018](#)).

<sup>415</sup> ([Legal Aid & Access to Justice in Lebanon, Institute of Law and Justice, 2018](#)).

<sup>416</sup> ([UNDP Lebanon Study, 2016](#)).

- UN Basic Principles on the Right to a Remedy and Reparation, Articles 2-3 (*States must provide adequate and effective remedies for human rights violations.*)
- Lebanese Code of Civil Procedures, Articles 425-442 (*Legal aid eligibility for civil lawsuits.*)
- Lebanese Code of Criminal Procedure, Article 78 (*State obligation to appoint defense lawyers for indigent defendants.*)
- Lebanon Immigration Detention Profile, 2018 (*Restrictions on legal access for detained refugees.*)
- Legal Aid & Access to Justice in Lebanon, Institute of Law and Justice, 2018 (*Limitations of Lebanon’s legal aid system.*)
- UNDP Lebanon, Security and Justice Sector Wide Assessment, March 2016 (*NGO-based legal assistance.*)
- Study on Syrian Refugee Lawsuits, UNDP Lebanon, 2016 (*Legal barriers preventing refugee lawsuits.*)
- ICCPR, Article 2(3) (*Right to access justice and effective remedies.*)

- Only 4% of surveyed Syrian refugees reported filing lawsuits while in Lebanon, and only half of them were satisfied with the outcome.

Lebanon's legal system does not ensure equal access to justice for refugees due to financial, political, and institutional barriers. Despite existing legal aid mechanisms, their accessibility remains severely restricted, particularly for detained refugees.

To comply with international human rights obligations, Lebanon must:

1. Ensure refugees can access legal representation through state-funded legal aid programs.
2. Guarantee unrestricted access for lawyers to detention centers under the General Security Office (GSO).
3. Prevent legal discrimination against refugees, ensuring equal procedural protections in civil and criminal cases.
4. Strengthen oversight of Lebanese judicial practices, eliminating sectarian and political influence over legal proceedings.
5. Ensure international legal obligations are respected, particularly under ICCPR, CAT, and the UN Basic Principles on Access to Justice.

### **3.9 The implications of the refugees' arrival on the political and social balances in Lebanon**

As previously highlighted, the influx of Syrian refugees in Lebanon has witnessed a substantial increase in recent years. However, assessing the precise numbers presents a challenge due to the dynamic nature of the situation. Furthermore, the relative ease with which Syrians can cross the border between Lebanon and Syria without requiring a visa complicates the tracking of refugee statistics.

The choice of Lebanon as a destination for Syrian refugees is influenced by various factors, including its geographic proximity to Syria and the longstanding political, economic, and social ties between the two nations. Historically, Lebanon has been a host to hundreds of thousands of Syrian laborers who, often along with their families, have contributed significantly to various sectors of the Lebanese economy. Consequently, the distinction between a Syrian in Lebanon and a traditional refugee becomes blurred since many Syrian individuals in Lebanon are in a position to seek employment and support themselves.<sup>417</sup>

Nonetheless, it's important to acknowledge that the category of Syrian refugees in Lebanon primarily consists of families, predominantly comprising women and children. This

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<sup>417</sup> Interview with Riad Tabbara, former Ambassador of Lebanon in the US, Director of the Centre for Development Studies and Projects (MADMA), Beirut, 18 May 2022

demographic calls for specific forms of assistance, as these individuals may not have the same access to employment opportunities as the working-age population. Therefore, while they may not fit the conventional refugee model, Syrian refugees in Lebanon often require humanitarian support to meet their distinct needs.<sup>418</sup>

Distinguishing between post-March 2011 Syrian refugees and Syrians who were already present in Lebanon prior to this period presents a complex challenge. To effectively differentiate between these two groups, specific criteria must be established. These criteria could encompass a range of factors, including:<sup>419</sup>

**1. Place of Origin:** One method of differentiation could involve considering the towns or regions in Syria from which individuals and families have departed. Those who left specific regions or towns after March 2011 may be categorized as post-March 2011 Syrian refugees, while those from different regions may fall into another category.

**2. Circumstances of Departure:** The circumstances surrounding an individual or family's departure from Syria can also be a critical factor. Factors such as the timing, reasons, and conditions of their departure could help distinguish between refugees and other Syrians.

**3. Head of the Family's Activity:** The type of activity or employment of the head of the family can also play a role in differentiation. Syrian refugees often flee due to conflict, persecution, or violence, and their departure may be related to these factors. Those engaged in certain professions or activities may provide additional clues.

**4. Political and Community Affiliations:** Considering the political and community affiliations of displaced individuals can be another crucial aspect. Refugees often have specific affiliations or reasons that led to their displacement, and this can be a useful factor in determining their status.

By employing these criteria and perhaps others, it becomes possible to more accurately categorize individuals as post-March 2011 Syrian refugees or as Syrians who were already in Lebanon. This kind of differentiation can be essential for designing targeted and appropriate assistance programs based on the specific needs of these distinct groups.

The presence of Syrian refugees in Lebanon has become entangled with the complex political divisions within the country, and these refugees bear the consequences of these divisions. Among the Lebanese population, there is a range of opinions and attitudes towards the Syrian refugee crisis. Some locals are driven by a desire to assist and support the refugees, recognizing the humanitarian nature of the situation. However, there are others who hold the view that Lebanon should remain uninvolved in Syrian matters, reflecting a more isolationist stance.<sup>420</sup>

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<sup>418</sup> Interview with Abdallah Bou Habib, former Ambassador of Lebanon in the US, Director-General of Isaam Fares Center for Lebanon, Sin el Fil, 18 May 2022

<sup>419</sup> Bashir Osmat, op.cit.

<sup>420</sup> Interview with Talal Atrissi, Researcher and Professor of Sociology at the Lebanese University, Beirut , 17 May 2022

One of the significant challenges in addressing the Syrian refugee crisis in Lebanon is the need to differentiate between civilian refugees and those with potential militant affiliations. The exact proportion of civilian refugees to those with militant associations is not well-defined. There have been interviews and reports in the foreign press that have shed light on the presence of the latter group. This situation creates a significant complication on various fronts, including the provision of services, humanitarian aid, and security measures.<sup>421</sup>

As a result, the primary source of assistance for Syrian refugees in Lebanon often comes from local communities. The involvement of the Lebanese government in providing support has been influenced by internal political divisions within the country. There is also a reluctance to extend aid to groups of armed refugees, given security concerns.<sup>422</sup>

Within this complex context, humanitarian goals sometimes serve as a cover for underlying political motivations. As a result, Lebanon's "Free Patriotic Movement" has adopted a somewhat isolationist position, focusing on facilitating dialogue between various Syrian parties. This approach reflects the delicate balance between humanitarian assistance and the broader political dynamics that shape the response to the Syrian refugee crisis in Lebanon.<sup>423</sup>

The office manager of the Syrian National Socialist Party in Tripoli has expressed concerns regarding the distribution and activities of Syrian refugees in northern Lebanon. According to his perspective, approximately 30,000 Syrian refugees are concentrated in specific areas of northern Lebanon, with a notable presence in Akkar, a region characterized by its hostility toward the Syrian regime. Additionally, refugees are found in Dinnieh, particularly in areas where Salafist and Islamist groups are known to be concentrated, such as Aasoun and Sir.<sup>424</sup>

In the city of Tripoli, the manager indicates that there are around 10,000 refugees, of which a significant subset, numbering between 3,000 and 4,000, is allegedly being influenced or manipulated by Islamist organizations. Their actions are said to create instability in the region, with some arriving from previously calm regions like Tall Kalakh and Hama. It is implied that these refugees may have affiliations with armed groups and possibly even connections to secret services. They are accused of various crimes and, when facing legal consequences, they choose to flee justice, taking advantage of the opportunity to seek refuge in Lebanon under the guise of impoverished individuals.

In contrast, there are refugees who originate from more severely affected areas, such as Baba Amr and Homs, where their homes have been destroyed. These individuals, often driven by desperation, are not believed to be assisted by organizations but instead rely on the goodwill of the local population. These are typically respectable families who, having

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<sup>421</sup> Interview with Bassam Al Hashem, Member of the Founding Committee and Spokesman for the Free Patriotic Movement, Beirut, 6 June 2022

<sup>422</sup> Talal Atrissi, op.cit.

<sup>423</sup> Basam Al Hasam, op.cit.

<sup>424</sup> He requested to remain anonymous (interview 26 May 2022)

exhausted their resources, seek employment and turn to charitable associations for support.<sup>425</sup>

However, the manager highlights that the Lebanese state does not consistently extend rights and support to its own citizens, let alone to refugees. Consequently, even these less politically active and impoverished refugees in Tripoli face marginalization.

It's noted that those refugees believed to have connections to secret services or political affiliations may receive assistance from political parties and Islamist groups that hold a presence in the area. This complex situation reflects the diversity of experiences and backgrounds among Syrian refugees in northern Lebanon and the various factors that influence their treatment and reception within the host community.

Government assistance to refugees in Lebanon remains a contentious issue and is, therefore, limited in scope. As a result, the primary sources of aid come from civil society, with individuals who have opened their homes to refugees and local municipalities in villages and towns playing a significant role. These municipalities have allowed refugees to access public institutions and services, albeit with resource constraints.

However, even with these efforts, the provision of assistance falls short of fully meeting the physical needs of the refugee population, and the specific needs of children, such as access to education and books, are only partially addressed. Unfortunately, psychological needs, an essential component of well-being for refugees, are often overlooked.<sup>426</sup>

Lebanon lacks a comprehensive structure to receive and support refugees, particularly over the long term. The continuous influx of refugees places a considerable strain on host communities, many of which are already facing economic challenges and lack the necessary resources and infrastructure, including educational and healthcare facilities.

The economic situation in these host communities is particularly challenging, characterized by low income levels, high unemployment rates, and a heavy reliance on seasonal work. Inadequate physical, health, and education infrastructure further exacerbates the difficulties faced by these areas. This situation is particularly acute in regions such as Akkar, Hermel, and the majority of northern and western Bekaa, which host a significant portion of the refugee population.<sup>427</sup>

These challenges underscore the need for comprehensive and sustained international support to address the multifaceted needs of both the refugee and host communities in Lebanon, considering the economic, educational, and healthcare infrastructure shortcomings and the strains placed on resources.

The substantial increase in the number of refugees, a situation that appears increasingly likely, has the potential to overwhelm the capacity of local communities in Lebanon. As the number of refugees continues to rise, it becomes imperative for the Lebanese State to

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<sup>425</sup> Implied by the secret agents of the political parties and forces hostile to the Syrian regime

<sup>426</sup> Riad Tabbara, *op.cit.*

<sup>427</sup> Interviews with Bashir Osmat, *op.cit.* and Antoine Haddad, Secretary General of the "' Democratic Renewal Movement' founded by Nasib Lahoud, Beirut, 14 May 2022.

take action and establish a comprehensive legal framework to address the Syrian refugee situation.

This legal framework should serve as a means to regulate and manage the presence of Syrian refugees within the country. It can provide guidelines for the protection of refugees' rights, access to essential services, and define the responsibilities of various stakeholders, including the government, international organizations, and civil society. By creating such a framework, the Lebanese State can better cope with the challenges posed by the refugee crisis and ensure a more organized and equitable response.<sup>428</sup>

Establishing a legal framework is crucial for managing the situation effectively, promoting the well-being of both refugees and host communities, and facilitating cooperation with international organizations and donors to provide necessary support. It can help mitigate the strain on local resources and infrastructure and address the complex and evolving needs of the refugee population.<sup>429</sup>

The assistance provided to Syrian refugees in Lebanon has not been perceived favorably by the Syrian authorities. As a result, there have been repercussions on the security situation in the Lebanese border region. To address these challenges and ensure the well-being of both the refugee and host communities, it is imperative to shift the burden of responsibility from the local host communities to national and international authorities.

National and international authorities must play a central role in managing the situation and providing protection, particularly along the Lebanese side of the border with Syria. This is essential to maintain stability in the region, ensure the security of local populations, and effectively manage the refugee crisis. By taking on a more significant responsibility, these authorities can coordinate resources, assistance, and security measures more efficiently, thus relieving the pressure on local communities and helping to create a more sustainable and secure environment.<sup>430</sup>

The situation in Syria remains highly unpredictable, given the ongoing tensions and conflicts within the country. Consequently, it is likely that the number of Syrian refugees in neighboring countries, including Lebanon, will continue to increase. The uncertainty in Syria and the persistent conflict contribute to the displacement of individuals and families seeking safety and stability.

As a testament to the complexity of the situation, there have been incidents that underscore the potential for the refugee crisis to influence regional dynamics. For instance, in mid-April 2012, there were military confrontations in Lebanon involving the Lebanese army and various Islamist groups. While the exact reasons behind these confrontations may have been ambiguous, it is clear that the presence of Syrian refugees and their position regarding the Syrian crisis played a role in the unfolding events in places like Tripoli.<sup>431</sup>

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<sup>428</sup> Idem

<sup>429</sup> Antoine Haddad, *op.cit.*

<sup>430</sup> Riad Tabbara, *op.cit.*

<sup>431</sup> Talal Atrissi, *op.cit.*

This situation highlights the interplay between the Syrian crisis, the refugee population, and the potential impact on regional security and stability. As long as the situation in Syria remains uncertain and volatile, it is likely that the refugee crisis and its implications will continue to be a significant factor in the dynamics of neighboring regions.

The situation in Syria has evolved into an increasingly complex and multi-faceted confrontation. Initially, it began with a divide between the official authorities and pacifist protestors. However, over time, it has transformed into a multifaceted and decentralized conflict.

This complexity is reflected in several key dynamics:<sup>432</sup>

1. **Armed Opposition:** An armed opposition has emerged, representing various factions and groups with differing goals and ideologies. The presence of extremist elements, as evidenced by suicide attacks and booby-trapped cars, adds to the intricate nature of the conflict.

2. **Lack of Central Control:** None of these groups are centrally controlled, which means they often operate independently, further complicating the situation. The decentralized nature of the conflict makes it challenging to reach any form of coordinated agreement.

3. **Division Within Opposition:** The opposition itself is divided, with some members in exile and others on the ground, creating additional layers of complexity. These divisions can hinder efforts to establish a unified approach or negotiation.

4. **Weak Central Coordination:** Even within individual opposition groups, military actions are often ad hoc and locally organized, with limited central coordination. This decentralized approach can make it challenging to pursue a cohesive strategy.

5. **Extremist Groups:** The presence of extremist factions within the conflict landscape adds a dimension of unpredictability and radicalism. The lack of coordination among these groups can contribute to further instability.

In this chaotic and fragmented context, reaching a consensus or agreement between the opposing groups becomes exceptionally difficult. This complexity makes it hard to be optimistic about finding a swift and peaceful solution to the Syrian crisis. The ongoing conflict and its multifaceted nature continue to present substantial challenges to both internal and international efforts aimed at resolving the situation.

### **3.10 Invisible Lives: Human Stories Behind Lebanon's Refugee Crisis**

#### **1. Syrian Refugees: Coping with Poverty and Statelessness**

**Personal Story:** Mariam, a Syrian mother of three, fled to Lebanon after her home was destroyed in Aleppo. Living in an informal settlement in the Bekaa Valley, she struggles

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<sup>432</sup> Riad Tabbara, op.cit. Opinion shared with Abdallah Bou Habib, op.cit.

to feed her children on less than \$2.90 per day. Her eldest son, Ahmad, had to drop out of school at age 10 to work in a factory, earning a meager \$20 weekly to support the family. Mariam's lack of legal residency prevents her from accessing formal work, leaving the family in a cycle of poverty.

**Broader Context:** The report highlights that 69% of Syrian refugees live below the poverty line, a reality mirrored by families like Mariam's who are forced to make heartbreaking sacrifices daily.

## 2. Palestinian Refugees: A Legacy of Statelessness

**Case Study:** Yousef, a third-generation Palestinian refugee born in Lebanon, has spent his life in a crowded camp outside Beirut. Though skilled in carpentry, he cannot legally work in his trade due to restrictions barring Palestinians from 39 professions. Without job security, Yousef depends on intermittent aid, and his family faces ongoing challenges in securing healthcare and education for their children.

**Human Impact:** Palestinian refugees like Yousef face systemic exclusion, with 95% living in food insecurity. The lack of a path to citizenship further entrenches their statelessness and marginalization.

## 3. Stateless Children: Invisible Lives

**Personal Narrative:** Aya, a 5-year-old born to Syrian refugee parents in Lebanon, lacks a birth certificate because her parents cannot meet the legal requirements for registration. This absence of documentation bars her from enrolling in school or accessing basic healthcare. Aya's parents live in constant fear of deportation, which would render their daughter stateless in every sense.

**Systemic Impact:** The document notes that 92% of Syrian refugee parents cannot register their children's births, leaving a generation vulnerable to statelessness and its cascading disadvantages.

## 4. Forced Evictions: The Fragility of Shelter

**Case Study:** Hassan, a Syrian refugee, recounts how his family was evicted from their home in Mount Lebanon after the local municipality enforced a policy targeting refugees. With no legal recourse or alternative housing, the family of six ended up living in a tent provided by an NGO, where they struggled to stay warm through the harsh winter.

**Human Cost:** Mass evictions affect thousands of refugees, disrupting their stability and exposing them to further economic and physical vulnerability.

## 5. Exploitation through Sponsorship Systems

Personal Account: Fatima, a Syrian refugee without UNHCR registration, relied on a Lebanese sponsor to renew her residency. Her sponsor demanded \$1,000 for his services, forcing her to borrow money. When she couldn't repay the debt, the sponsor threatened to report her to authorities. With no legal protection, Fatima feels trapped and exploited.

Key Statistic: The reliance on sponsorship systems has opened avenues for exploitation, as highlighted in the document. This disproportionately affects women and vulnerable refugees, perpetuating cycles of abuse.

## 6. Food Insecurity: The Struggle to Survive

Narrative: Omar, a Syrian farmer, now works as a day laborer earning less than \$5 a day. With soaring food prices and little aid, his family survives on bread and lentils, often skipping meals. Omar's children are visibly malnourished, but they cannot access consistent healthcare due to a lack of funds and legal status.

Impact: The document's statistics on food insecurity (87% of refugee households experiencing some form of food insecurity) translate into daily hunger and poor health outcomes for families like Omar's.

## 7. Health and Dignity: Retained Identification Documents

Case Study: Leila, a refugee, was admitted to a hospital in Beirut after a complicated pregnancy. Unable to pay her medical bills, the hospital retained her ID documents, leaving her unable to renew her residency or travel to seek aid. Her husband's efforts to negotiate with the hospital have failed, plunging the family into a bureaucratic nightmare.

Legal Implications: The report highlights the illegal yet common practice of hospitals retaining refugee documents, compounding their vulnerability.

## 8. Discrimination and Hostility

Personal Account: Samir, a young Syrian refugee, recalls being harassed and beaten by local youths in Tripoli after a public speech by a political leader accusing Syrians of "stealing jobs." Fearful of arrest due to his expired residency, Samir chose not to report the assault, a decision echoed by many refugees in similar situations.

Societal Reflection: Rising xenophobia and political rhetoric have fueled hostility towards refugees, exacerbating their precarious existence in host communities.

### **3.11 Analysis and Assessment in Light of International Standards**

The absence of a state-funded legal aid system in Lebanon significantly undermines access to justice and effective remedies for many individuals, particularly migrants, refugees, and asylum seekers. This structural gap disproportionately affects these vulnerable groups,

whose rights may have been violated, leaving numerous legitimate claims unaddressed. By relying solely on the Beirut and Tripoli Bar Associations to provide free legal aid without sufficient resources or institutional support, Lebanon fails to meet the legal needs of migrants, refugees, and asylum seekers, especially those detained by the General Security Office (GSO). These detainees are often deprived of legal representation to challenge their detention and assert their right to a fair trial.

Furthermore, the criminalization of "illegal" entry and stay, compounded by substantial barriers to obtaining and renewing legal residency, fundamentally restricts refugees and asylum seekers from accessing justice through formal institutions. Fear of arrest, detention, and deportation inhibits their willingness to approach judicial channels, pushing many toward informal justice mechanisms. However, these informal mechanisms inherently lack the capacity to deliver meaningful justice or effective remedies, leaving serious violations of rights inadequately addressed.

### **3.12 Conclusion**

Across the last decade, upward of 1.5 million Syrian refugees have fled to Lebanon in seek of refuge and protection from Syria's ongoing conflict. With a total population of close to six million people (including the refugee community), Lebanon presently hosts the highest number of refugees per capita in the world. Lebanon's population has grown substantially since this mass influx (by more than 40%), a drastic increase that has placed significant pressure on the country's institutions and health facilities.<sup>433</sup>

Many refugees find themselves residing in extremely fragile and uncertain circumstances, often characterized by a severe shortage of financial resources to address their fundamental needs. These dire circumstances give rise to a host of pressing challenges that reverberate throughout their daily lives.

At the very core of these difficulties lies the issue of access to basic necessities. This includes not only the provision of accommodation, but also the availability of sufficient and nutritious food, clean water sources, adequate sanitation facilities, essential healthcare services, and a fundamental sense of security.

Yet, these challenges do not exist in isolation; they intersect with a web of complex issues faced by the aid networks striving to support these vulnerable populations. One of the foremost concerns is the exponential growth in the number of refugees, stretching the already limited resources and capacities of aid organizations.

Furthermore, the absence of proper registration offices compounds the problem, making it difficult to effectively document and address the needs of these displaced individuals. It's also essential to consider the hardships faced by the local communities who host refugees, given their own precarious socio-economic conditions.

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<sup>433</sup> Talal Atrissi, op.cit.

In the realm of education, differences between Syrian and Lebanese school programs add yet another layer of complexity. Although the Lebanese government has graciously allowed refugee children access to official Lebanese schools, the differing curricula can create educational disparities and challenges for both students and educators.

The broader economic situation in Lebanon contributes to the quandary as well, with limited employment opportunities for both refugees and the local population. This scarcity of work opportunities exacerbates the financial instability faced by those seeking refuge.<sup>434</sup>

The issue of safety looms as a constant concern. In an environment where vulnerabilities are pervasive, ensuring the security of these displaced individuals remains a top priority, as instability and insecurity only compound the challenges faced by both refugees and aid organizations.

### **3.12.1 Recommendations**

In light of these challenges, the Lebanese authorities are urged to address the barriers to justice and implement reforms to ensure compliance with international standards. The following steps are recommended:

1. **Universal Access to Justice and Remedies:** Lebanese authorities must guarantee that all migrants, refugees, and asylum seekers have equal access to justice and effective remedies for human rights violations, regardless of their immigration status or background.
2. **Non-Discriminatory Access to Courts:** Authorities should ensure that migrants, refugees, and asylum seekers can access judicial institutions to claim and receive reparations for violations of their civil, political, economic, social, and cultural rights as recognized under international law. This access must remain unconditional and independent of their residency status.
3. **Quality and Free Legal Representation:** A state-funded legal aid system should be established to provide high-quality legal advice and representation to migrants, refugees, and asylum seekers, ensuring their ability to claim their rights or defend against charges in civil and criminal cases.
4. **Protection Against Retaliation for Seeking Justice:** Measures must be taken to protect refugees, asylum seekers, and migrants from removal or deportation for asserting their rights to justice and effective remedies.

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<sup>434</sup> Interview with Batoul Ahmad, Coordinator of Information and Public Relations at UNHCR, Tripoli, 20 September 2022.

This analysis highlights the urgent need for Lebanon to align its practices with international human rights obligations, ensuring justice is accessible to all, regardless of legal or immigration status. Only through such reforms can Lebanon address the systemic inequities faced by its refugee and migrant populations and fulfill its obligations under international law.

## **Chapter 4: Assessing Legal Frameworks for Refugee Issues: A Comparative Study of Jordan and Lebanon**

### **4.1 Introduction**

In this context, this chapter aims to assess the scope and effectiveness of legal structures governing asylum-related issues in the two Arab countries. This assessment takes into account the international agreements ratified by these countries, the constitutional and legislative provisions they have adopted, and the institutions established to implement these requirements. The research, conducted in a comparative manner, focuses on the asylum domain in two Arab nations, specifically Jordan and Lebanon. The primary objective is to gauge the development of the legal framework in each country concerning asylum issues, pinpoint any deficiencies, and propose potential avenues for reform and improvement.

When examining the historical aspect of asylum within these nations, two key observations emerge. Firstly, asylum is not a recent phenomenon; it has deep historical roots. Secondly, there has been a notable evolution in the concept of asylum, especially in the aftermath of

the wave of unrest that swept the world, with particular emphasis on the Arab region, starting in 2011.

In their contemporary history, these nations have experienced three distinct waves of asylum. The initial wave took place in the aftermath of the 1948 Palestinian refugee crisis, compelling the countries in the region to host significant numbers of Palestinian refugees. The exact numbers varied from one country to another, depending on various factors such as social, political, and geographic considerations. The second wave emerged during the 1990s and the early 2000s, primarily driven by conflicts and internal turmoil within several Arab and African nations during that period.<sup>435</sup>

The third wave corresponds to the influx of Syrian refugees following the onset of the Syrian conflict in 2011. In the wake of this protracted war and the unprecedented humanitarian crisis faced by the Syrian people, a substantial number of Syrians sought refuge in various Arab nations. Jordan, in particular, emerged as a crucial host country for Syrian refugees since 2011. Lebanon, too, has witnessed a significant inflow, with over one and a half million Syrian refugees, including one million registered refugees, in addition to Palestinian refugees from Syria (30,675 refugees), existing Palestinian refugees (174,000 refugees), and Iraqi refugees (6,000). This cumulative figure constitutes approximately 30 percent of Lebanon's total population, representing one of the highest concentrations of refugees per capita globally.<sup>436</sup>

Despite the significant statistical data underscoring the significance of the asylum phenomenon in the countries under study, what primarily characterizes the present state of Arab legal systems when confronted with the issue of asylum is a notable lack of coherence within these legal frameworks. This inconsistency is evident in the evident discrepancy between the constitutional recognition of the right to asylum and the inadequate ratification of diverse international mechanisms governing this right, alongside substantial legislative gaps (First aspect). This legal scenario substantially impacts the pragmatic approach to immigration waves, rendering it subject to various policies and heavily reliant on the involvement of the UN Refugee Agency, which assumes a central role in this domain (Second aspect).

## 4.2 The Evident Legal Discrepancy

In examining the legal landscape, a comparative analysis of the studied countries reveals a marked divergence between them. Moreover, this divergence is underscored by internal paradoxes, as evidenced by conspicuous contradictions among the constitutional obligations (1), the international commitments of the state (2), and the substantial legislative deficiencies in fulfilling these obligations (3).

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<sup>435</sup> Dossiê: Migrants, Refugees, and Displaced Persons in the Middle East and North Africa • REMHU, Rev. Interdiscip. Mobil. Hum. 29 (63) • Sep-Dec 2021

<sup>436</sup> Kathleen Newland and Hiroyuki Hiroyuki, *Mobilizing Diaspora Entrepreneurship for Development*, Migration Policy Institute, 2010, migrationpolicy.org

## *1 - Divergent Constitutional Recognition*

The level of constitutional recognition of the right to asylum significantly varies among the Arab countries under examination in this study. Notably, the Jordanian constitution expressly incorporates provisions pertaining to the right to asylum. In Article 21 (i), it states that: "Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty." However, it's imperative to acknowledge that the Jordanian Constitution confines the enjoyment of constitutional rights to its citizens. This delineation is clearly emphasized by the title of the constitutional chapter, which reads, "Rights and Duties of Jordanians."<sup>437</sup>

In stark contrast, the Lebanese constitution lacks any provisions concerning the right to asylum or the rights of foreign nationals. Furthermore, the Lebanese constitution restricts its stipulations to Lebanese nationals under the section titled, "The Lebanese: Their Rights and Duties."<sup>438</sup>

## *2 - The international ratification*

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<sup>437</sup> Constitution of the Hashemite Kingdom of Jordan, *as amended*, <http://www.parliament.jo/node/137> (in Arabic), *archived* at <https://perma.cc/4D2K-CYDL>. ( in Arabic Last visited Mar.01/2021)

<sup>438</sup> Lebanon: Constitution [Lebanon], 21 September 1990, available at: <https://www.refworld.org/docid/44a24a674.html> [accessed 31 October 2023]

The status of ratifications	The 1951 Convention <sup>439</sup>	The 1976 Protocol <sup>440</sup>	The 1969 OAU Convention <sup>441</sup>	Convention against Torture <sup>442</sup>
Jordan	No	No	Non-concerned	Yes
Lebanon	No	No	Non-concerned	yes

*Table 3 The international ratification*

### *Entry, Residency, and Refugee Status Determination*

Lebanon applies its immigration laws to refugees as well, largely due to the absence of a legal distinction between irregular immigrants and asylum seekers within Lebanese legislation. Consequently, authorities have the legal recourse to detain refugees based on the provisions of the Geneva Convention if they are found in an irregular status.

This situation closely parallels the scenario in Jordan, where both refugees and asylum seekers fall under the purview of Law No. 24 of 1973 on Residence and Foreigners' Affairs. Importantly, this law does not make a clear distinction between refugees and other categories of immigrants. While it does make mention of refugees in various instances, it does not establish a distinct legal category for them. Notably, only Palestinians generally hold a recognized Refugee Status, with certain exceptional cases. For example, Syrian refugees are referred to by Jordanian authorities as "visitors," "irregular guests," "Arab brothers," or other such designations that do not correspond to any established legal category.<sup>443</sup>

In 1998, the Jordanian government entered into a Memorandum of Understanding (MoU) with the United Nations High Commissioner for Refugees (UNHCR), which was subsequently amended in 2014. This MoU forms the overarching framework that regulates the treatment of refugees in Jordan. It specifies that Jordan accepts the definition of a refugee as outlined in the Geneva Convention, including the principle of non-refoulement

<sup>439</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html> [accessed 31 October 2023]

<sup>440</sup> UN General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <https://www.refworld.org/docid/3ae6b3ae4.html> [accessed 31 October 2023]

<sup>441</sup> Organization of African Unity (OAU), Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, available at: <https://www.refworld.org/docid/3ae6b36018.html> [accessed 31 October 2023]

<sup>442</sup> UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <https://www.refworld.org/docid/3ae6b3a94.html> [accessed 31 October 2023]

<sup>443</sup> Esteh, Fawzia Muhammad Saeed. (2014): Asylum in Jordanian and International Law - Legal Study, Unpublished Master Thesis, Amman Arab University.

and the application of international standards to refugee treatment. The MoU also outlines precise procedures and timelines for the UNHCR's work with refugees in Jordan.<sup>444</sup>

### *Rights and Liberties Enjoyment*

In Lebanon, although the constitution does not explicitly mention the rights of foreigners, regulations govern the acquisition of real estate properties by foreigners through Decree No. 11614, which came into effect on January 4, 1969, and was subsequently amended by Law No. 296 on April 3, 2001. This Decree eases the conditions for property acquisition and permits both natural persons and legal entities, who are foreigners, to own real estate properties without prior authorization, provided that the property does not exceed 3,000 square meters in size.<sup>445</sup>

Moreover, the right to work in Lebanon is not constitutionally guaranteed and is not a recognized right for citizens either. Consequently, refugees in Lebanon are considered as foreign job seekers. They are, therefore, required to obtain a work permit as stipulated in Article 59 of the Labor Code, which places the condition of reciprocity of treatment in this context. This means that foreigners, who are citizens of a particular country, have the same rights as Lebanese citizens in Lebanon if Lebanese citizens enjoy similar rights in the foreigner's country of origin. This principle of reciprocity of treatment is also outlined in the Social Security Code. This can potentially lead to a situation where foreigners may be obligated to pay social security fees without enjoying the full spectrum of their rights if their home country does not reciprocate similar treatment. The case of Palestinians in Lebanon exemplifies this situation.

In Jordan, employment regulations dictate that foreigners must possess a legal residency permit to work, with some exceptions for humanitarian needs or political refugees. Generally, Jordan restricts refugees and irregular guests from engaging in 16 specific professions, including fields like medicine, engineering, teaching, various industrial occupations (mechanics, electricity, etc.), services (sales, beauty salons, etc.), among others. Syrian refugees are subject to a distinct bilateral agreement on their employment, which was signed by both Jordan and Syria in 2001.<sup>446</sup>

A significant development occurred in February 2016 when Jordan entered into an agreement with the World Bank, the International Monetary Fund, and the European Union. This agreement provided Jordan with 747 million Euros to be disbursed over the years 2016 and 2017. Within this funding, 108 million Euros were allocated for humanitarian assistance, and 200 million Euros for support through microcredit programs.

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<sup>444</sup> Memorandum of Understanding Between the Government of Jordan and UNHCR (Apr. 5, 1998), *available at* <http://mawgeng.a.m.f.unblog.fr/files/2009/02/moujordan.doc>.

<sup>445</sup> Tabsh, Rola. "Real Estate – Law on Foreign Acquisition – Lebanon". Alem and associate

<sup>446</sup> International Labor Organization: The Syrian Refugee Crisis in Jordan Highlights the Importance of Accelerating the Address of Major Issues in the Labor Market, Regional Office - Beirut.

Notably, this agreement contained provisions specifically related to employment, training, and education, with the aim of enhancing employment opportunities for Syrian refugees.<sup>447</sup>

### **4.3 The Evident Lack of Realistic Approach**

The approach to asylum-related issues in the countries under study is primarily characterized by a set of disjointed policies, resulting in the worsening conditions for refugees (1). The policies in place in these countries have often been ineffective, exacerbating the situation for asylum seekers and refugees, rather than improving it. However, there have been some limited accomplishments, especially in collaboration with the UNHCR, which remains a beacon of hope for the overall policy landscape in these countries. It's worth noting that this cooperation, although promising, also places a significant burden on the UN Refugee Agency (2).

#### *1- The Complexity of Policies and Varied Conditions*

The countries under study demonstrate a complex policy landscape marked by a lack of well-defined and comprehensive national policies concerning asylum. Jordan, in particular, notably lacks any clear policy documents outlining the state's approach in this field. Meanwhile, in countries that do have policies, these policies often apply differently to various nationalities, creating disparities in how different groups of refugees are treated. For example, in Egypt, the Sudanese population benefits from the Four Freedoms Agreement of 2004, granting them the rights of freedom of movement, residence, work, and property ownership. This agreement also ensures their access to education and public healthcare services on par with Egyptian citizens. In stark contrast, Lebanon's attempts to formulate policies regarding Palestinian refugees can be characterized as largely ineffective and unproductive. The variations in approaches to different nationalities within the region contribute to the complexity of the asylum landscape in the Arab world.

Moreover, several attempts were made to address the unique circumstances of Palestinian refugees. One such effort was the Casablanca Protocol, initiated by the League of Arab States on September 10, 1965<sup>448</sup>, and accepted by Egypt, Iraq, Jordan, and Syria. Kuwait and Lebanon, however, expressed reservations about certain articles within the Protocol. Despite these negotiations, the Casablanca Protocol was never effectively implemented. Consequently, in 1991, the League of Arab States issued Resolution 5093, which effectively subjected Palestinians to the prevailing rules and regulations in each individual state. This implicitly annulled the Casablanca Protocol, signifying the failure of the latter to bring about substantial changes in the treatment of Palestinian refugees.

Furthermore, in an attempt to address the unique situation of Palestinian refugees, the Lebanese Government signed the Cairo Agreement in 1969. This Agreement aimed to grant Palestinian refugees the right to work, reside, and move freely within Lebanon. It

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<sup>447</sup> Lipton, David (2016) "IMF Executive Board Approves US\$723 million Extended Arrangement Under the Extended Fund Facility for Jordan", PRESS RELEASE NO. 16/381

<sup>448</sup> League of Arab States, Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"), 11 September 1965, available at: <https://www.refworld.org/docid/460a2b252.html> [accessed 31 October 2023]

also introduced a form of administrative autonomy by establishing local committees within each refugee camp to oversee camp management and act as intermediaries between refugees and Lebanese authorities. However, the Lebanese Parliament rejected the Agreement in May 1987, thus rendering these provisions largely ineffectual. These historical agreements and their subsequent outcomes illustrate the complexities and challenges faced when attempting to establish coherent asylum policies in the Arab world, particularly in relation to Palestinian refugees.<sup>449</sup>

In contrast to Lebanon, Jordan has implemented specific policies to manage the influx of Syrian refugees that began in 2011. These policies involve the establishment of camps in the northern region of the country, designed to accommodate and categorize Syrian refugees based on their situation:

A. Transit Camps: These camps are designed to host refugees temporarily while they await deportation. An example is the King Abdullah Park.

B. Permanent Refugee Camps: These camps provide long-term shelter for refugees. Notable examples include the Za'atari refugee camp, which has been under the management of the UNHCR since its establishment in July 2012 and currently houses approximately 79,000 refugees. Another example is the Azraq camp, also managed by the UNHCR, established in 2014, and hosting around 53,500 refugees. Additionally, there is another camp funded by the United Arab Emirates, accommodating 7,000 refugees, primarily composed of families.

C. Retention Camps: These camps were created in 2014, including Hadalat and Rokban camps, specifically for refugees who enter Jordan illegally. In May 2015, refugees from the Rokban camp were relocated to the Azraq camp.

Refugees residing in these camps receive essential services such as education, healthcare, and food, as well as access to employment rehabilitation programs provided by both UN agencies and various national and international organizations. If refugees wish to live outside the camps, they are required to obtain sponsorship from a Jordanian citizen to secure a residence card. However, a significant portion of Syrian refugees, more than 80 percent, live in Jordanian cities.

To access services, including healthcare, Syrian refugees must present an asylum-seeker certificate issued by the UNHCR, along with a service card provided by the Jordanian Ministry of the Interior. Failure to adhere to official procedures when leaving the camps or returning to Jordan after returning to Syria can lead to the loss of these documents and, consequently, the right to receive public services. These policies and practices highlight Jordan's unique approach to managing the Syrian refugee crisis within its borders.<sup>450</sup>

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<sup>449</sup> International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84, available at: <https://www.refworld.org/docid/499d34a92.html> [accessed 31 October 2023]

<sup>450</sup> Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), *Youth Assessment, Zaatari and Azraq Camps, Jordan*, November 2016, available at: <https://www.refworld.org/docid/59bfda804.html> [accessed 31 October 2023]

In February 2015, the Jordanian government initiated an inspection process in urban areas to register Syrian refugees residing within the cities. To regain their service cards, these refugees had to visit police stations to retrieve identity documents confiscated at the border. They also needed to provide proof of a legal lease contract or a residence certificate issued by the UNHCR, along with a copy of the property owner's identity card if they were leasing a residence. Additionally, children under the age of 12 were required to present a medical certificate from the Ministry of Health confirming their lack of contagious diseases. These procedures proved to be slow, intricate, and financially burdensome for many refugees who were already facing economic hardship.<sup>451</sup>

By late February 2016, nearly 300,000 Syrian refugees registered with the UNHCR and living in urban areas received new service cards from the Ministry of the Interior. However, those who were unable to secure these cards faced significant challenges in accessing public services, and their efforts were frequently met with denials. Adding to the complexity, these service cards had to be renewed annually, providing only temporary access to public services.

Initially, the government had allowed refugees to access services at a rate equivalent to that for insured Jordanian citizens through these cards. Nevertheless, the government's policy shifted in November 2014, requiring refugees to pay the full cost of services at the same rate as uninsured Jordanians. For those without a service card, they were charged what was referred to as the "irregular guests' tariff," which was 35 to 60 percent higher than what uninsured Jordanians paid for the same services. This situation exacerbated the financial strain on refugees, making it even more challenging for them to meet their basic needs.<sup>452</sup>

It's crucial to underscore that the financial burden on the Jordanian government due to migrants and refugees was substantial, amounting to a staggering USD 1.7 billion in 2016. This expenditure accounted for approximately 4 percent of the nation's Gross Domestic Product (GDP). Notably, the influx of refugees into Jordan persisted, particularly from Syria, despite the increased border control measures implemented since 2012 and the official closure of Jordan's borders to Syrians in most cases beginning in 2014.<sup>453</sup>

As of 2016, Jordan had officially declared its borders closed to Syrian refugees, leading to dire humanitarian consequences. According to Amnesty International, tens of thousands of refugees were left stranded at the border, enduring extremely harsh humanitarian conditions. The situation highlighted the challenges that both refugees and the Jordanian government faced in managing this crisis effectively.

*In Lebanon*, the government's stance towards refugees, particularly those from Syria, appears to be stricter. Rather than allowing the construction of refugee camps, the government has placed restrictions on this, resulting in Syrian refugees using uninhabited structures such as tents, abandoned buildings, and even stables as makeshift shelters.

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<sup>451</sup> IRIN, Jordan's refugees - a human timeline of regional crisis, 9 December 2014, available at: <https://www.refworld.org/docid/548ffb8d4.html> [accessed 31 October 2023]

<sup>452</sup> Al-Fakhoury, Imad (2018): Details of foreign aid to Jordan. Al-Ghad newspaper.

<sup>453</sup> Taylor Luck,( 2016). “**Jordan’s Syrian Refugee Economic Gamble**”, middle east institute <https://www.mei.edu/publications/jordans-syrian-refugee-economic-gamble>

Consequently, many refugees lack official documents, which hinders their ability to move freely and access fundamental services, leaving them vulnerable to various risks, including harassment, exploitation, and human trafficking.<sup>454</sup>

Access to healthcare services is a major challenge for refugees in Lebanon. They often have to pay for medical services and, at times, even for basic needs like food and shelter. Additionally, child labor is a pressing issue among Syrian refugee families in Lebanon. Statistics from 2017 indicate that approximately 4.8 percent of Syrian refugee children between the ages of 5 and 17 are engaged in labor activities. This situation further compounds the difficulties faced by refugee families, impacting the well-being and education of these children.<sup>455</sup>

The government enforces a residence tax of 300 Lebanese pounds (approximately USD 200) on foreign residents. However, there are exemptions for certain groups, including Syrian refugees registered with the UNHCR. Notably, this exemption does not apply to those who entered Lebanon after January 2015, those who renewed their residency based on employment, individuals with a guarantee from a Lebanese citizen, or Palestinian refugees coming from Syria.

UN statistics reveal alarming conditions for Syrian refugee families in Lebanon. A staggering 76 percent of these families live below the poverty line, and over half of them endure increasingly challenging living conditions, particularly concerning housing. Their right to movement is often subject to arbitrary restrictions, with several governorates issuing orders to prevent refugee entry and expulsion. These decisions not only curtail their freedom of movement but also limit their opportunities for housing and employment, adding to the challenges faced by Syrian refugees in Lebanon.<sup>456</sup>

The situation for Palestinian refugees in Lebanon has been marred by discriminatory laws that deny them property ownership and hinder their access to public education and healthcare. Disturbingly, over 3,000 Palestinian refugees, as per Amnesty International's statistics, are denied the right to register their births, marriages, and deaths. Lebanon's restrictive policies have given rise to an increasing number of refugees living in illegal status, leading to mobility restrictions and the looming threat of imprisonment due to illegal residence, as well as the risk of deportation to countries mired in severe humanitarian crises.<sup>457</sup>

## *2-The significant role of the UN Refugee Agency*

The UN Refugee Agency (UNHCR) has played a vital role in facilitating the progress made by the Arab countries studied in addressing the asylum issue. As of the figures released by

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<sup>454</sup> Rainey Venetia,(2015). “ **Lebanon: No formal refugee camps for Syrians**” AL JAZEERA

<sup>455</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *Report of the IBC on the Bioethical Response to the Situation of Refugees*, 15 September 2017, SHS/YES/IBC-24/17/2 REV.2, available at: <https://www.refworld.org/docid/5a5f43502.html> [accessed 31 October 2023]

<sup>456</sup> UN High Commissioner for Refugees (UNHCR), *Vulnerability Assessment of Syrian Refugees in Lebanon 2016*, 16 December 2016, available at: <https://www.refworld.org/docid/586f59c94.html> [accessed 31 October 2023]

<sup>457</sup> UN High Commissioner for Refugees (UNHCR), *The Situation of Palestinian Refugees in Lebanon*, February 2016, available at: <https://www.refworld.org/docid/56cc95484.html> [accessed 31 October 2023]

the UNHCR in 2015, notable advancements have been achieved, both in terms of administrative procedures and the assurance of fundamental rights.

In terms of resettlement, there were 7,000 applicants in Egypt, 24,500 in Lebanon, and 32,000 in Jordan, underscoring the importance of this pathway for refugees seeking protection.

Furthermore, with regard to safeguarding rights, the UNHCR's efforts led to the registration of births among Syrian refugees, significantly increasing the birth registration rate in Jordan. In Lebanon, the number of registered individuals reached 19,000, emphasizing the importance of recognizing refugees' legal status and identity.

Regarding housing, the UNHCR supervised the maintenance of 10,000 homes in Jordan, significantly improving living conditions for many refugees. In Lebanon, the agency provided assistance to 182,500 Syrian refugees to enhance their often-substandard housing conditions, promoting better standards of living for vulnerable populations.

The UNHCR also played a crucial role in the provision of healthcare services. In Jordan, it facilitated health consultations for 250,000 refugees, ensuring their access to essential medical care. In Lebanon, the agency delivered life-saving hospitalization services to 73,800 individuals, highlighting its contribution to maintaining and improving the health of refugee populations. These achievements underscore the positive impact of collaboration with the UNHCR in enhancing the lives of asylum seekers and refugees in these countries.<sup>458</sup>

In Lebanon, the UN Refugee Agency (UNHCR) has been actively engaged in supporting the authorities in the renewal of legal residence for refugees since 2017. This important initiative includes exemptions from renewal fees for specific Syrian groups. Furthermore, the UNHCR is actively advocating for the extension of these exemptions to cover a broader range of refugees who are currently not included. This collaborative effort is aimed at alleviating the financial burden on vulnerable refugee populations and ensuring that they can maintain their legal residence status in Lebanon.<sup>459</sup>

Despite ongoing challenges, such as restrictions on entry into the country and the pending UNHCR registration process, the UN Refugee Agency (UNHCR) has maintained its leadership role in coordinating the humanitarian response to refugees in Lebanon. This collaborative effort operates under the overarching authority of the Lebanese Government and the United Nations Resident Coordinator. The UNHCR's leadership extends to the Lebanon Crisis Response Plan 2017-2020, which serves as a unified framework for cooperation among government, humanitarian, and development organizations, all working towards common humanitarian objectives and regional stability.<sup>460</sup>

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<sup>458</sup> UN High Commissioner for Refugees (UNHCR), Independent Programme Evaluation (IPE) of UNHCR's response to the refugee influx in Lebanon and Jordan. Final Report, 29 January 2015, available at: <https://www.refworld.org/docid/55c9a8c04.html> [accessed 31 October 2023]

<sup>459</sup> UN High Commissioner for Refugees (UNHCR), FACT SHEET Lebanon .May 2021

<sup>460</sup> UN High Commissioner for Refugees (UNHCR ). "Lebanon Crisis Response Plan 2017 – 2020",2018 update. Produced by the Government of Lebanon and the United Nations, January 2018

Within this framework, the UNHCR continues to actively lead interagency teams and cross-cutting task forces, ensuring that refugee concerns remain at the forefront of planning and implementation. This dedication to coordination and advocacy underscores the agency's pivotal role in addressing the complex challenges posed by the refugee situation in Lebanon.

In Jordan, there is a concerted effort to enhance the capacity of government agencies and support refugee communities through various programs. These initiatives are aligned with a shift from the traditional "community services" approach to the implementation of more comprehensive, community-based protection interventions. This approach recognizes the need for a holistic response to address the multifaceted challenges faced by refugee populations.

Notably, in 2017, a Task Force dedicated to permanent solutions was established. The primary objective of this task force is to explore and deliberate on durable, long-term solutions for refugees. These solutions encompass a range of options, including voluntary repatriation to their home countries, resettlement in third countries, the implementation of supplementary tracking systems, and other mechanisms to address the various issues and concerns of refugee populations. This comprehensive approach reflects Jordan's commitment to seeking lasting solutions for refugees within its borders.<sup>461</sup>

### *Housing and mobility*

In Jordan, official refugee camps have been established to provide accommodation for Syrian refugees. These camps offer structured living conditions and access to basic services. In contrast, Lebanon has not created formal refugee camps for Syrians. Instead, the Lebanese government has largely delegated the responsibility for the humanitarian response to various local and international organizations. The absence of formal camps is influenced by several factors.

One primary concern is security. Lebanon has historical memories of Palestinian refugee camps becoming focal points during the Lebanese civil war, which took place from 1975 to 1990. These camps were associated with conflict and instability. Lebanese officials are therefore cautious about repeating this experience with the Syrian refugee population.

Additionally, Lebanon's decision to avoid establishing refugee camps is linked to the demand for a readily available Syrian workforce. By not confining Syrians to camps, Lebanon retains a flexible labor force, allowing refugees to participate in the economy, although they often face significant challenges, such as restricted mobility and limited access to services.

This approach reflects the complex balance Lebanon is attempting to strike between humanitarian considerations, security concerns, and the economic needs of the country. It's a delicate situation, as they aim to support Syrian refugees while also managing the potential risks associated with formal refugee camps.

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<sup>461</sup> Human Rights Watch, Jordan: Syrian Refugees Being Summarily Deported , 2 October 2017, available at: <https://www.refworld.org/docid/59d221754.html> [accessed 31 October 2023]

Lebanon's relatively hands-off approach to managing Syrian refugees has permitted those fleeing Syria to leverage their pre-existing social networks and work connections within the country. This has resulted in a dispersion of Syrian refugees across Lebanon, with significant concentrations in areas such as the Bekaa Valley, the west/central Mount Lebanon region, and the north of the country. The living conditions of these refugees exhibit a wide range of situations.

Some Syrian refugees now reside in so-called 'informal tented settlements,' which have proliferated over time. Others find shelter in abandoned buildings, including ruins, unfinished structures, and garages. Importantly, more than half of Syrian refugees in Lebanon rent regular accommodations, which can include apartments or houses, contributing to the demand for housing in various parts of the country.

The diversity in living conditions highlights the complexity and challenges of managing the Syrian refugee population within Lebanon, where refugees adopt a variety of living arrangements based on their resources and connections.

Over the years, the freedom of Syrian refugees to settle and move within Lebanon has faced increasing restrictions. Starting in 2014, certain municipalities began imposing curfews on refugees, and during 2015 and 2016, an escalating number of refugees lost their mobility and regular status papers. Consequently, many refugees now confine their movements to a small radius around their living area out of fear of encountering checkpoints and potential difficulties related to their status. These limitations have added to the challenges faced by Syrian refugees in Lebanon.<sup>462</sup>

In Jordan, the primary obstacle for refugees is the government's attempt to direct most displaced Syrians into camps. The first and largest camp, Al-Zaatari, was established in July 2012, more than a year after a significant number of Syrian refugees had already arrived in the country. Early arrivals settled in urban areas where they could leverage their family and social networks for support. Until mid-2014, those who did enter the camp system could exit relatively easily through a sponsored bailout procedure. As a result, approximately 80% of the Syrian refugee population now resides outside the camps in the northern governorates of Mafraq, Irbid, Zarqa, and in the capital, Amman.<sup>463</sup>

However, control over camp residents tightened as of mid-2014, and the bailout procedure was entirely suspended in February 2015. Syrian refugees, numbering around 140,000 people, can now only leave the camps for a holiday period of up to 15 days, with very few exceptions. This has significantly constrained the movement and living conditions of Syrian refugees in Jordan.

#### 4.4 Inclusion of Case Studies

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<sup>462</sup> Rainey Venetia,(2015). “ **Lebanon: No formal refugee camps for Syrians**” AL JAZEERA

<sup>463</sup> Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), *Youth Assessment, Zaatari and Azraq Camps, Jordan*, November 2016, available at: <https://www.refworld.org/docid/59bfda804.html> [accessed 31 October 2023]

## 1. Case Study: Syrian Refugees in Jordan

### Legal Framework and Employment Challenges:

Jordan hosts a substantial population of Syrian refugees, with over 660,000 registered with the UNHCR as of 2023<sup>464</sup>. Despite the Jordan Compact of 2016, which aimed to improve employment opportunities for Syrians by offering work permits, the actual impact has been mixed. The permits are sector-specific, typically limited to agriculture, construction, and manufacturing, and the bureaucratic process to obtain them is cumbersome.

Example: In 2019<sup>465</sup>, only around 125,000 Syrian refugees had managed to secure work permits, a small fraction of the total eligible population. Many refugees, therefore, continue to work informally. For instance, in the agricultural sector, Syrian refugees often work without permits, earning significantly less than the legal minimum wage and without any social protection. This informal employment exposes them to exploitation, including poor working conditions and irregular pay.

### Impact on Refugees:

This limited access to formal employment has contributed to widespread poverty among Syrian refugees in Jordan. According to a World Bank report from 2020<sup>466</sup>, around 80% of Syrian refugees in Jordan live below the poverty line, struggling to meet basic needs such as food, healthcare, and education. The economic vulnerability also leads to negative coping mechanisms, such as child labor and early marriage.

## 2. Case Study: Palestinian Refugees in Lebanon

### Legal Framework and Discrimination:

Lebanon's legal framework for Palestinian refugees is notoriously restrictive. Palestinians are considered "foreigners" under Lebanese law, which severely limits their access to employment, education, and social services. They are barred from over 70 professions and cannot own property. The Lebanese labor market is therefore largely inaccessible to them, forcing many into informal work.

Example: In 2020<sup>467</sup>, the Lebanese government made some efforts to improve conditions by reducing the work permit fees for Palestinian refugees. However, this did little to change their overall status. In a typical example, Palestinian refugees working in the construction industry often do so informally, without legal protections, and under conditions that would be unacceptable for Lebanese citizens. Many of these workers live in overcrowded camps,

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<sup>464</sup> UNHCR. (2023). \*Jordan: Syrian Refugees\*. Retrieved from [UNHCR Website](<https://www.unhcr.org/jordan-syria-refugees>)

<sup>465</sup> American University of Beirut. (2019). \*Poverty and Employment among Palestinian Refugees in Lebanon\*. Beirut: AUB Press

<sup>466</sup> World Bank. (2020). \*The Welfare of Syrian Refugees: Evidence from Jordan and Lebanon\*. Washington, DC: World Bank Group.

<sup>467</sup> UNRWA. (2020). \*Palestinian Refugees in Lebanon: Facts and Figures\*. Retrieved from [UNRWA Website](<https://www.unrwa.org/lebanon-palestinian-refugees>)

such as Ain al-Hilweh, where they face inadequate access to clean water, healthcare, and education.

#### Impact on Refugees:

The legal discrimination against Palestinian refugees in Lebanon has long-term socioeconomic consequences. A 2019 study by the American University of Beirut found that over 65% of Palestinian refugees in Lebanon live in poverty, with limited prospects for improving their living conditions. The restrictions on employment and property ownership perpetuate a cycle of poverty and marginalization, leaving many dependent on aid from UNRWA and other organizations.

### 3. Comparative Impact of Legal Frameworks on Refugees

#### Syrian Refugees in Jordan vs. Palestinian Refugees in Lebanon:

Both case studies highlight how restrictive legal frameworks contribute to the economic and social marginalization of refugees. While Syrian refugees in Jordan struggle with bureaucratic barriers to formal employment, Palestinian refugees in Lebanon face systemic legal discrimination that virtually locks them out of many economic opportunities. Both groups are heavily reliant on informal labor, which exposes them to exploitation and perpetuates cycles of poverty.

Conclusion: These case studies provide concrete examples of how the legal frameworks in Jordan and Lebanon directly affect the lives of Syrian and Palestinian refugees. They underscore the need for reforms that would allow refugees to access formal employment and basic rights, which could significantly improve their economic conditions and social integration. Addressing these issues would not only benefit the refugees but also contribute to greater social stability in the host countries.

## 4.5 Focus on Implementation Gaps

### 1. Implementation Gaps in Jordan

#### Legal Framework:

Jordan's legal framework for refugees, particularly Syrian refugees, is shaped by its Memorandum of Understanding (MoU) with the UNHCR and the Jordan Compact of 2016. While these frameworks allow for the issuance of work permits and access to basic services, their implementation on the ground faces significant hurdles.

#### Challenges in Enforcement:

- **Bureaucratic Hurdles:** The process of obtaining work permits for Syrian refugees is notoriously cumbersome. Refugees must navigate complex bureaucratic procedures that often involve multiple government agencies, each with its own requirements and inefficiencies. This deters many refugees from even attempting to secure legal work, pushing them into the informal sector where they have little to no legal protection.

- Sector-Specific Permits: Even when work permits are granted, they are often limited to specific sectors such as agriculture, construction, and manufacturing. This restriction not only limits the economic opportunities available to refugees but also fails to consider their skills and previous work experience, leading to underemployment and dissatisfaction.

Practical Implications:

Despite the legal provisions allowing refugees to work, a significant portion of the Syrian refugee population in Jordan remains unemployed or underemployed. According to the International Labour Organization (ILO), as of 2022<sup>468</sup>, only around 40% of working-age Syrian refugees were economically active, and of those, the majority were engaged in informal labor. This informal employment leaves refugees vulnerable to exploitation, such as receiving lower wages than Jordanian workers and working in unsafe conditions.

## **2. Implementation Gaps in Lebanon**

Legal Framework:

Lebanon's approach to refugees is complicated by its refusal to ratify the 1951 Refugee Convention and the unique political sensitivities surrounding the Palestinian and Syrian populations. The country enforces a range of legal restrictions on refugees, such as the "pledge not to work" for Syrians and the exclusion of Palestinians from numerous professions.

Challenges in Enforcement:

- Informal Economy Dependence: The Lebanese government's restrictive legal framework forces many refugees into the informal economy. For Syrian refugees, this means working without legal protections or job security. Palestinian refugees, who have been living in Lebanon for decades, face even more severe restrictions, which have created a parallel economy within the refugee camps that is entirely disconnected from the formal Lebanese economy.

- Corruption and Exploitation: Enforcement of labor laws is inconsistent and often marred by corruption. Refugees frequently report having to pay bribes to obtain work permits or residency renewals, and many are exploited by employers who take advantage of their precarious legal status. The Lebanese government's limited resources and the complexity of the refugee situation exacerbate these enforcement challenges, leading to widespread violations of refugees' rights<sup>469</sup>.

Practical Implications:

In practice, the legal barriers to formal employment mean that most Syrian and Palestinian refugees in Lebanon are trapped in cycles of poverty and dependence on humanitarian aid. A 2020 report by Human Rights Watch highlighted that over 90% of Syrian refugees in

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<sup>468</sup> International Labour Organization (ILO). (2022). \*Labour Market Assessment of Syrian Refugees in Jordan\*. Geneva: ILO

<sup>469</sup> Amnesty International. (2021). \*Exploited and Forgotten: Syrian Refugees in Lebanon's Informal Economy\*. London: Amnesty International.

Lebanon live in extreme poverty, with many unable to afford basic necessities such as food, shelter, and healthcare<sup>470</sup>. This dire situation is a direct result of the gap between the legal framework and its enforcement.

### **3. Comparative Analysis of Enforcement Challenges**

Both Jordan and Lebanon face significant challenges in enforcing their legal frameworks for refugees, though the nature and extent of these challenges differ:

- Jordan: While Jordan has a more structured legal framework, particularly with the Jordan Compact, the bureaucratic inefficiencies and sector-specific restrictions limit its effectiveness. The enforcement gaps here mainly arise from administrative hurdles and a mismatch between refugees' needs and the opportunities available to them within the legal framework.

- Lebanon: In Lebanon, the enforcement gaps are more systemic and severe, driven by a combination of legal discrimination, political sensitivities, and economic instability. The Lebanese legal system is not designed to integrate refugees, particularly Palestinians, into the economy, leading to widespread informal employment and exploitation.<sup>471</sup>

### **Conclusion**

The implementation gaps in both Jordan and Lebanon highlight the critical need for reforms that go beyond legal frameworks and address the practical challenges of enforcement. These reforms could include streamlining bureaucratic processes, expanding the sectors in which refugees are allowed to work, and enhancing the capacity of government agencies to enforce labor laws fairly and consistently. Addressing these gaps is essential not only for protecting refugees' rights but also for fostering social stability and economic development in both countries.

Lebanon and Jordan are unique in the sense that they host a significantly high number of refugees relative to their overall populations. In both cases, registered refugees, including those registered with UNHCR and UNRWA, constitute approximately one-third of the total population.

Jordan, with a population of roughly 9.5 million, accommodates around 2.1 million registered refugees from Palestine, including their descendants, who initially arrived in 1948, 1967, and in 1990/91. Over the past 25 years, hundreds of thousands of Iraqis have sought temporary or permanent refuge in Jordan, primarily due to the Gulf wars. Furthermore, more than 650,000 Syrians have registered as refugees in Jordan since the conflict began in 2011. According to government sources, the actual number of Syrians residing in Jordan is approximately 1.4 million, considering that an estimated 750,000 Syrians were in the country when the Syrian civil war began.

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<sup>470</sup> Human Rights Watch. (2020). \**“Our Lives Are Like Death”*: Syrian Refugee Returns from Lebanon to Syria\*. New York: Human Rights Watch.

<sup>471</sup> UNHCR. (2023). \*Lebanon: Protection and Assistance for Syrian Refugees\*. Retrieved from [UNHCR Website](<https://www.unhcr.org/lebanon-protection>).

Comparatively, Lebanon, with a population of around 6.2 million, is home to a diverse refugee community. Approximately 450,000 residents are Palestinian refugees, and an additional 50,000 are Palestinian refugees from Syria (PRS). An estimated 30,000 to 50,000 individuals are Iraqi refugees, and nearly 1.1 million are UNHCR-registered Syrian refugees. The number of non-registered Syrians is significant but remains uncertain. Moreover, both countries host smaller refugee communities, such as Somalis, Sudanese, and Yemenis.

## **Comparative Legal Analysis of Refugee Protection in Jordan and Lebanon (2017–2023)**

### **I. Introduction**

The Middle East remains one of the most volatile regions in the world regarding forced displacement. Over the past decade, Jordan and Lebanon have emerged as principal hosts for refugees—primarily from Syria, but also from Iraq, Yemen, and other conflict-affected regions. Despite their critical humanitarian roles, both countries have not enacted dedicated refugee protection legislation; instead, they rely on general immigration laws to manage refugee populations. This research paper aims to provide a comprehensive comparative legal analysis of the refugee protection frameworks in Jordan and Lebanon, drawing on primary legal sources such as national laws, international treaties, judicial decisions, and relevant case law. I also analyze statistical trends from 2017 to 2023 to gauge the scale of displacement. Ultimately, this study identifies significant legal gaps and offers recommendations for reform in order to better align domestic practices with international human rights obligations.

### **II. Refugee Statistics (2017–2023)**

Understanding the scale of refugee displacement is crucial for contextualizing legal analysis. The following table summarizes estimated refugee figures in Jordan and Lebanon, combining both registered and estimated unregistered populations based on data from UNHCR, UNRWA, and academic studies.

*Table 4 Estimated Refugee Populations in Jordan and Lebanon (2017–2023)*

Country	Registered Refugees	Estimated Unregistered Refugees	Total Estimated Population	Source/Notes
Jordan	- Syrian refugees: 650,000–730,000	- Additional refugees (e.g., from Iraq, Yemen): ~50,000–100,000	- Total (including over 2.4 million Palestine refugees): Up to ~3,000,000*	*UNHCR Data Portal; UNRWA reports on Palestine refugees (UNRWA, 2022). Note: Palestine refugees, though registered with UNRWA, are a significant component of Jordan’s overall refugee landscape.
Lebanon	- Syrian refugees: 800,000–850,000	- Unregistered Syrian refugees: ~300,000–500,000	- Total Syrian refugee population: ~1,100,000–1,350,000	*Data from UNHCR, UN Refugees International, and academic estimates. Lebanon’s per capita refugee burden is among the highest in the world.

### III. Legal Frameworks and International Obligations

This section provides a detailed examination of the domestic legal systems in Jordan and Lebanon, their international legal commitments, and the challenges arising from the absence of dedicated refugee legislation.

#### A. Jordan

##### 1. Domestic Legal Framework

- **General Immigration Law:** Jordan’s approach to refugee protection is governed primarily by Law No. 24 of 1973 on Residence and Foreigners’ Affairs. This law regulates the entry, stay, and rights of all non-citizens. However, it does not provide specific provisions for refugees. As a result, refugees are managed through administrative procedures conducted in close coordination with the UNHCR.
- **Impact on Refugee Protection:** The absence of a dedicated refugee statute has led to inconsistent administrative practices. In several instances, Jordanian courts have been called upon to review cases involving the detention of asylum seekers. Although such cases rarely yield binding precedents, they have prompted judicial acknowledgment of international human rights principles

##### 2. International Commitments

- **Human Rights Treaties:** Jordan is a party to key international treaties, notably the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Although it has not ratified the 1951 Refugee Convention, Jordan remains bound by the principle of non-refoulement under customary international law.
- **Judicial Recognition:** In administrative reviews, Jordanian courts have sometimes invoked the ICCPR to argue against arbitrary detention or improper expulsion of asylum seekers. For example, court decisions have stressed that detention practices must comply with non-refoulement obligations, as outlined by the United Nations and the Office of the High Commissioner for Human Rights (OHCHR).

### 3. Scholarly Commentary

In my view, while Jordan's reliance on general immigration law enables rapid administrative processing, it also creates a fragmented legal environment that can leave refugees vulnerable. Scholars such as Clutterbuck (2021) argue that without specific legal safeguards, state practices can drift from international norms—underscoring the need for reform.

## B. Lebanon

### 1. Domestic Legal Framework

- **General Immigration Regulations:** Lebanon does not possess dedicated refugee protection legislation. Instead, refugees are subject to general immigration laws, which do not differentiate between refugees and other undocumented migrants. This has resulted in legal ambiguities and uneven protection.
- **Practical Consequences:** The lack of a specialized legal framework in Lebanon has led to reports of inconsistent treatment of refugees, particularly concerning detention practices and access to judicial remedies. In many cases, refugees in Lebanon have limited legal recourse due to the absence of clear statutory rights.

### 2. International Commitments

- **Treaties and Customary Law:** Although Lebanon is a party to the ICCPR and the ICESCR, it has not ratified the 1951 Refugee Convention. Nonetheless, Lebanon is bound by the principle of non-refoulement under customary international law. The country's obligations are further emphasized in various UN resolutions and reports, though implementation remains problematic.
- **Notable Incidents:** The tragic case of Bashar Abd Saud (2024) highlights Lebanon's failure to adequately protect refugees. Allegations of torture and inhumane detention in his case have drawn international condemnation and underscore the urgent need for legal reform ([Amnesty International, 2024](#)).

### 3. Scholarly Commentary

I contend that Lebanon's current legal approach results in significant gaps between international human rights obligations and domestic practice. Reports by the International Commission of Jurists (ICJ, 2020) stress that without dedicated refugee legislation, Lebanon cannot guarantee the protection of refugees in line with international standards.

#### **IV. In-Depth Legal Analysis of Refugee Law Cases**

While formal judicial cases exclusively addressing refugee law in Jordan and Lebanon are limited due to the absence of dedicated legislation, a number of cases and incidents offer valuable insights into the application—or failure—of international legal standards.

##### **A. Jordan: Administrative Detention and Non-Refoulement**

###### **1. Hypothetical Case Analysis**

- **Facts:**  
A group of Syrian asylum seekers detained at a border checkpoint challenges the detention practice, arguing that the administrative detention violates the principle of non-refoulement and the detainees' right to a fair asylum process.
- **Legal Issues:** The primary issues include:
  - **Arbitrary Detention:** Whether the detention of asylum seekers, conducted under the general provisions of Law No. 24 of 1973, violates their rights under the ICCPR.
  - **Non-Refoulement:** Whether the practice of detaining asylum seekers without proper assessment contravenes customary international law prohibiting the return of individuals to places where they face persecution.
- **Judicial Reasoning:** Although no landmark case has been reported, similar cases in administrative courts have invoked international obligations. In a hypothetical ruling, the court might state:

"In light of Jordan's obligations under the ICCPR and customary international law, the detention practices employed must adhere to non-refoulement standards and ensure access to a fair and timely asylum procedure." Such reasoning would be supported by previous decisions and legal commentary (see [FM Review, 2021](#)).

##### **B. Lebanon: The Case of Bashar Abd Saud**

###### **1. Incident Overview and Legal Implications**

- **Facts:**  
In 2024, Syrian refugee Bashar Abd Saud died while in custody after being detained under harsh conditions in Lebanon.
- **Legal Issues:** The incident raised questions regarding:

- **Inhumane Treatment:** Allegations that the conditions of detention violated the ICCPR and customary international law prohibiting torture.
- **State Responsibility:** The failure of Lebanon’s general immigration laws to provide adequate safeguards for refugees.
- **Judicial and Administrative Response:** While the case did not culminate in a landmark court decision, it spurred extensive reporting and advocacy by international organizations such as Amnesty International. The case is frequently cited as evidence of systemic legal inadequacies in Lebanon, leading to calls for comprehensive legislative reform.
- **Analysis and Opinion:** I view the Bashar Abd Saud case as a stark example of the consequences of legal fragmentation. Without a dedicated refugee law, refugees in Lebanon remain exposed to arbitrary detention and inhumane treatment. This case reinforces the urgent need for legal reform to ensure that Lebanon meets its international human rights obligations.

**C. International Benchmark: *A.S. v. Cyprus* (2018)**

**1. Case Summary**

- **Facts:**  
In *A.S. v. Cyprus*, the European Court of Human Rights (ECHR) ruled that Cyprus had breached its obligations by denying Syrian asylum seekers access to a fair asylum procedure and returning them without a proper assessment.
- **Legal** **Impact:**  
The ECHR decision underscores the duty of states to implement effective asylum procedures and adhere to the principle of non-refoulement. Although not directly applicable to Jordan and Lebanon, this case establishes a clear international legal standard.
- **Implications for Jordan and Lebanon:**  
The ruling in *A.S. v. Cyprus* serves as a benchmark against which the administrative practices of Jordan and Lebanon can be measured. It emphasizes that even in the absence of dedicated refugee laws, administrative measures must align with the core principles of international human rights law.

*Table 5 Summary of Key Legal Cases and Incidents*

Case/Incident	Jurisdiction/Source	Legal Issue	Implications for Jordan/Lebanon
Hypothetical Detention Case (Jordan)	Jordanian Administrative Courts (Hypothetical)	Arbitrary detention; violation of non-refoulement	Highlights gaps between administrative practices and international obligations.

Case/Incident	Jurisdiction/Source	Legal Issue	Implications for Jordan/Lebanon
The Case of Bashar Abd Saud	Lebanese Administrative/Inquest Reports	Inhumane treatment and failure to protect refugee rights	Demonstrates the urgent need for dedicated refugee legislation in Lebanon.
<i>A.S. v. Cyprus</i> (2018)	European Court of Human Rights	Denial of fair asylum procedures and non-refoulement breach	Provides an international benchmark for due process and refugee protection standards.

## V. UNHCR Functions and Legal Obligations

### A. Mandate and Functions

The United Nations High Commissioner for Refugees (UNHCR) is the principal international organization responsible for the protection of refugees. Its functions include:

- **Registration and Data Collection:** UNHCR maintains refugee registration databases that provide essential statistical data. This function is critical for understanding refugee demographics and ensuring that protection measures are tailored to actual needs.
- **Protection and Assistance:** UNHCR is mandated to protect refugees from refoulement and to ensure access to basic services, such as healthcare, education, and legal assistance. The agency collaborates with host governments to develop policies that align with international human rights norms.
- **Advocacy and Legal Reform:** UNHCR advocates for legal reforms in host countries. Its guidelines and recommendations often serve as a benchmark for judicial review and policy adjustments. For example, its reports have highlighted the need for dedicated refugee protection legislation in Lebanon and have commended Jordan for efforts to align administrative practices with international obligations.

### B. Legal Obligations Under International Law

- **Non-Refoulement:** Both UNHCR guidelines and customary international law mandate that refugees must not be returned to countries where their lives or freedoms would be threatened. This principle is a cornerstone of international refugee law and is enforced through various legal instruments, including the ICCPR and OHCHR documentation ([OHCHR, n.d.](#)).

- **Due Process in Asylum Procedures:** International case law, including decisions such as *A.S. v. Cyprus*, requires that asylum seekers be provided with fair and efficient mechanisms to determine their refugee status. Host states, even if not signatories to the 1951 Refugee Convention, are expected to adhere to these principles as part of their human rights obligations.

## **VI. Conclusion**

The legal frameworks governing refugee protection in Jordan and Lebanon reveal significant disparities. Jordan, while administratively proactive in managing refugee populations, operates under general immigration laws that offer limited protection. Lebanon, on the other hand, suffers from legal ambiguity due to the absence of a dedicated refugee protection law. Both countries, however, remain bound by international human rights obligations—principally the principle of non-refoulement and the requirement to provide fair asylum procedures.

The analysis of legal cases, both hypothetical and real, illustrates the practical implications of these legal gaps. The tragic case of Bashar Abd Saud in Lebanon, along with international benchmarks like *A.S. v. Cyprus*, underscores the urgent need for legislative reform. I firmly believe that the development of specialized refugee protection laws in both Jordan and Lebanon is imperative. Such reform would not only align domestic practices with international standards but also ensure that vulnerable refugee populations receive the protection they deserve.

## **VII. Graphical and Tabular Elements**

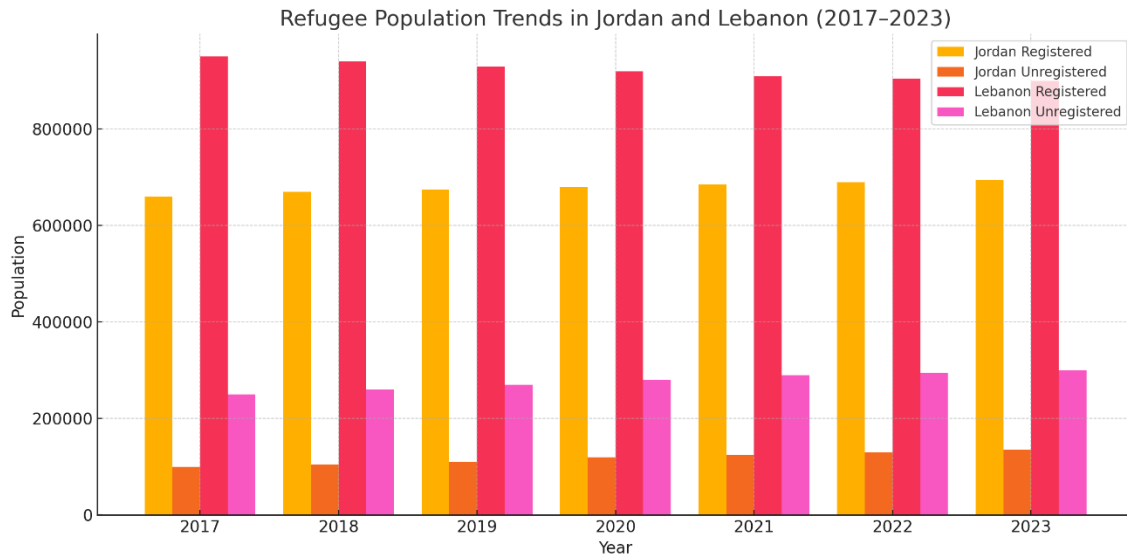


Figure 4 refugee population trends in Jordan and Lebanon (2017-2023)

### 1. Bar Chart:

- A bar chart displaying refugee population trends in Jordan and Lebanon from 2017 to 2023, with separate bars for registered and estimated unregistered populations.

### 2. Flow Diagram:

- A flow diagram illustrating the legal and administrative processes for refugee status determination in Jordan and Lebanon, showing the points at which international human rights obligations are considered.

### 3. Infographic:

- An infographic summarizing key legal obligations (non-refoulement, due process) and comparing the domestic legal frameworks in Jordan and Lebanon.

## **Chapter 5: Conclusion**

The matter of refugees has attained significant importance in light of global humanitarian commitments from 1945 to the present day. Following the establishment of the United Nations, concerted efforts were made to address the humanitarian crisis in Europe

stemming from World War II. This crisis became a pressing burden on the European community, leading to a tragic increase in the number of refugees seeking protection in other nations. The formation of the United Nations Economic and Social Council in 1945 and the United Nations High Commissioner on Refugees Council in 1950 marked the realization of an elevated international vision to confront humanitarian challenges.

These challenges emerged in the aftermath of World War II, marked by unforgettable tragedies such as the mass displacement of millions of Europeans from their homelands. Global initiatives coincided with the imperative to codify international norms, culminating in the unanimous signing and ratification of the Refugee Convention of 1951 and its 1967 Optional Protocol. This convention, along with its protocol, now serves as the legal framework guiding the actions of the Commissioner on a global scale and is binding on states that are signatories.

Consequently, the mechanisms for addressing displaced individuals and humanitarian concerns are regulated through an international agency tasked with providing protection, care, financial assistance, and logistical services to refugees compelled to leave their countries due to global or regional conflicts, as well as civil wars. This situation poses a severe threat to their fundamental freedoms, including the right to movement, work, and expression. Moreover, there is a pervasive fear of torture, inhumane treatment, or ethnic and religious cleansing.

It is important to emphasize that asylum is not confined solely to humanitarian situations arising from wars; it encompasses instances based on personal opinion, belief, gender, political persecution, and natural disasters. Therefore, when an individual fulfills the criteria for seeking asylum in a specific country due to the aforementioned reasons, and their credibility and eligibility are confirmed, the host country must recognize them as a refugee and grant them all the rights outlined in international conventions, the Universal Declaration of Human Rights, and the two covenants covering political, civil, social, cultural, and economic rights (Abed Alshaheed, 2009).

Article 2 of the Universal Declaration of Human Rights explicitly states that "no one shall be subjected to cruel, inhuman, degrading treatment or punishment." Additionally, Article 14 of the same Charter affirms the inherent right of individuals to seek asylum in other countries within specific cases (the Universal Declaration of Human Rights, 1948). Consequently, any circumstance where an individual perceives psychological, physical, or natural persecution, such as that resulting from natural disasters, serves as a compelling reason for some to seek asylum in another country.

Asylum encompasses various types, all falling under the overarching concept that when the criteria for seeking asylum in another country are met, the host state must receive and treat the individual humanely. This humane treatment may lead to obtaining permanent residency and, eventually, nationality. Therefore, the right of asylum is an immediate entitlement for individuals when their rights, fundamental freedoms, and life are endangered or significantly violated (Abed Alshaheed, 2009). Refugees benefit from international legal protection as stipulated in the 1951 Refugee Convention and its 1967 optional protocol.

In cases of political, diplomatic, religious, or social asylum, the host country must adhere to international legitimacy and international humanitarian law by respecting conventions regulating asylum. Notably, protected individuals do not have the right to waive any of their rights outlined in international conventions, and the host state lacks the authority to compel them to do so (United Nations General Assembly, 1951). Consequently, it is the responsibility of the host country to secure medicine, shelter, food, infrastructure, and services for the duration of the refugee's presence on its territory, either until they obtain residence in a third country or are granted permanent residency.

In instances of political, social, ideological, or humanitarian asylum, refugees cannot be forcibly repatriated to their country of origin, given the potential endangerment to their lives. In such cases, it becomes imperative to identify a welcoming country where the refugee can reside permanently.

The aftermath of the collapse of the former Soviet Union in 1990 witnessed a decrease in international conflicts and an unexpected increase in internal civil wars, leading to instability and mass casualties throughout the last century. Examples such as Rwanda, Somalia, and Yugoslavia underscore the adverse consequences on international peace and security due to civil wars.

The onset of the Arab Spring in 2010, beginning in Tunisia and spreading to Egypt, Libya, Syria, and Yemen, resulted in demands for radical economic and political reforms, leading to the overthrow of existing regimes. This tumultuous period saw hundreds of thousands of deaths and injuries among innocent civilians, forcing internal and external displacement in search of peace, safety, and freedom. The Syrian conflict, in particular, prompted millions to flee to neighboring countries, including Lebanon, Turkey, and Jordan, to escape the brutality of the regime. Since 2011, Jordan has received waves of Syrian refugees, necessitating humanitarian assistance from the UNHCR, donor states, and the international community to fulfill responsibilities and obligations towards these refugees.

Geographically and historically, Jordan has stood at the crossroads of a region marked by turmoil, demonstrating a long-standing commitment to providing asylum to victimized innocent people (Carnegie, 2015). Over the 19th, 20th, and 21st centuries, Jordan has embraced multiple waves of refugees, notably Palestinian, Iraqi, and more recently, Syrian refugees (Alshoubaki and Harris, 2018; Carnegie, 2015). In the 19th Century, Circassians fled their homeland due to Russian expansion and found refuge in Transjordan, then part of the Ottoman Empire. Armenians sought asylum during World War I and settled in Transjordan (WANA Institute, 2019). The aftermath of the 1948 Arab-Israeli war and the 1967 conflict led to significant waves of Palestinian refugees seeking shelter in Jordan. Smaller waves occurred in 1987 during the Intifada (Alshoubaki, 2018).

The aftermath of the 1948 Arab-Israeli war and the 1967 conflict led to significant waves of Palestinian refugees seeking shelter in Jordan. Smaller waves occurred in 1987 during the Intifada (Alshoubaki, 2018). Another influx occurred after Iraq's invasion of Kuwait in 1991, forcing many Palestinians to leave Kuwait and other Gulf states (Becker, 2013). Following the collapse of Saddam Hussein's regime, numerous Iraqis sought refuge in Jordan, seeking security and stability. Some of these refugees "emigrated, and many remained in Jordan, building lives and communities over multiple generations" (WANA

Institute, 2019:6). Syrian refugees entering Jordan since 2011 are either residing in refugee camps or urban-rural areas or allowed to enter other cities, such as the capital Amman, under the sponsorship guarantee of Jordanian citizens (Alshoubaki, 2018). Notable Syrian refugee camps in Jordan include Za'atari, Azraq, and Emirati-Jordanian (UNHCR, 2020).

Despite its significant role in hosting refugees, Jordan has never signed the 1951 Refugee Convention or its 1967 optional Protocol (Alshoubaki, 2018; BoJoma'h, 2019; Sadek, 2013). This decision is rooted in Jordan's deep belief in the inherent right of Palestinians to return to their homeland occupied by Zionists in 1948. While Jordan lacks national legislation specifically regulating the handling of refugee influxes or the legal status of those entering its lands, Article 21 of the 1952 Jordanian Constitution prohibits the extradition of political refugees fleeing persecution based on their political beliefs or defense of freedom (Jordan Constitution, 1952). In 1973, Jordan regulated the status of political asylum through Law No. 24 of 1973 on Residence and Foreigners' Affairs. The law stipulated that political asylum seekers must report to the nearest police station within 48 hours of entry, with the Minister of Interior having the authority to determine their eligibility, granting the right to stay or deportation (Law No. 24 of 1973).

Notably, the law did not specify the conditions for political asylum seekers or address penalties for those entering the territories illegally (Sadek, 2013), providing the Interior Minister with broad discretionary powers in handling political asylum cases.

A crucial provision in Law No. 24 is that refugees do not automatically receive residency, work, education, or healthcare. Foreigners cannot live in Jordan without obtaining a residency permit, valid for one year and subject to renewal, approved by the Ministry of Interior (Law No. 24 of 1973; Sadek, 2013). Despite not conceding to the 1951 refugee convention, Jordan signed a Memorandum of Understanding (MoU) with UNHCR in 1998, allowing the commission to carry out its work in Jordan. The MoU defines the legal framework for refugees, permitting their entry without discrimination, visa requirements, or residency permits. A grace period of six months was agreed upon, during which the Commissioner pledged to find resettlement countries (Memorandum of Understanding Between the Government of Jordan and UNHCR, 1998).

In 2014, amendments extended the processing period for refugee applications from 30 to 90 days and extended refugee cards from six months to one year (Malkawi, 2014). Despite Jordan's assistance to refugees, it avoids official recognition under its domestic laws, referring to Arab refugees as "Arab brothers," "irregular guests," or "visitors," without legal meaning under Jordanian domestic laws (International Labour Organization, 2015). While Syrian refugees benefit from health services, food aid, financial assistance, and free education in public schools, they are not permitted to work (Fakih and Ibrahim, 2015).

In addition to the MoU with UNHCR, Jordan is committed to the 1994 Arab Charter on Human Rights, consistent with the 1951 refugee convention. The Charter emphasizes adherence to fundamental human rights, including the right to litigation, freedom of mobility, freedom of education, belief, and all rights preserving human dignity and independence. According to the Arab Charter on Human Rights (1994), Jordan must fully commit to limiting the forcible return of refugees.

The influx of Syrian refugees into Jordan since 2011 has underscored the imperative for a coordinated approach to address the diverse needs of this population. This necessity led to the establishment of the Jordanian Response Plan (JRP, 2020), initially developed for the years 2014–15 and subsequently extended. Governed by the Jordanian government's directive, the JRP emphasizes collective and participatory efforts involving Jordanian authorities, UN agencies, donors, international organizations, and local and international NGOs. The plan's flexibility, rapidity, and targeted nature are emphasized to ensure the effectiveness of humanitarian responses (MOPIC, 2020).

The Ministry of Planning and International Cooperation's (MOPIC) recent JRP for 2020–22 highlights Jordan's unwavering commitment to global refugee standards. Structured to meet the needs of Syrian refugees and vulnerable Jordanians affected by the Syrian crisis, the plan outlines a comprehensive response covering refugee support, resilience, and adequate budget allocation. Stressed as a pioneering model for responding to humanitarian crises, the three-year plan is updated annually to address evolving developments. Its objectives include designing targeted programs relevant to Syrian refugees' needs, enhancing beneficiaries' and related systems' capacity, ensuring protection, and supporting Jordanian national systems in providing quality services to refugees (MOPIC, 2020).

Since the onset of the Syrian crisis in Jordan, the government has intensified efforts to provide public services to the approximately 655,435 Syrian refugees registered with UNHCR. These services encompass waste collection, water distribution, environmental management, energy distribution, and transportation. However, a 2018 report from MOPIC highlighted challenges arising from the disproportionate population increase of 13% due to Syrian displacement, necessitating accelerated provision of public services. The strain on municipalities, coupled with the need for swift responses, has impacted public transport, waste management, energy supplies, and social cohesion, straining the limited budget (MOPIC, 2020; Alrai Daily Newspaper, 2016; Petra Jordanian News Agency, 2016).

Regarding health services, since 2019, Syrian refugees have had access to healthcare in governmental hospitals and health centers at an 80% discounted rate, equivalent to that of non-insured Jordanians. The protracted Syrian crisis and the repercussions of the Coronavirus pandemic have strained the Jordanian health system. Jordan's treatment of Syrian refugees during COVID-19 testing and provision of immunomodulators and therapy mirrors that provided to Jordanians, emphasizing the need to minimize the virus's risk among Syrian camps (JMoH Website, 2020).

The impact of the Syrian refugee crisis on education in Jordan has been substantial. The Ministry of Education (MoE) has endeavored to provide free compulsory education for all Syrian children registered with UNHCR. Schools were established in camps, and a two-shift system was implemented in public schools experiencing a surge in Syrian refugees' enrollment. Despite the Jordanian educational system's efforts, the influx has strained resources, impacted educational opportunities, and led to challenges in maintaining quality outcomes, including a reduction in teaching hours (MoE website; MOPIC, 2020; Jordanian Department of Statistics, 2019).

Jordan has faced demographic challenges due to successive waves of Palestinian migrations, Iraqis, and Syrians. The population has surged from almost six million in 2012

to nearly 11 million, presenting potential security threats arising from resource scarcity, extremist ideologies, border issues, and the possibility of internal instability. The increased population has strained economic, educational, health, and service sectors, negatively affecting public satisfaction and potentially leading to future internal instability (Al Sheeb and Nasree, 2017; Carnegie, 2015; Middle East Studies Center, 2015).

As a developing Third World country, Jordan heavily relies on foreign aid to address developmental needs, maintain political stability, and meet popular demands. The Jordanian economy has faced challenges, including the 2008 Global Financial Crisis and the regional recession resulting from the Arab Spring. The Syrian refugee crisis has compounded economic concerns, impacting both refugees and vulnerable Jordanians' food security and livelihoods. Jordan issued work permits for refugees, leading to economic effects on the Jordanian labor market, with Syrian workers competing with Jordanians, impacting unemployment rates (Ministry of Labor, 2020; Jordanian Department of Statistics, 2019). The 2020 JRP highlighted food security challenges in Jordan, with rising poverty rates and an alarming increase in the World Hunger Index, indicating the need to address the Jordanian food security situation (MOPIC, 2020).

Jordan's extensive border with Syria has been a primary factor contributing to the influx of Syrian refugees into neighboring areas. Throughout its political history, Jordan has experienced recurrent and substantial waves of refugees, including the Palestinian asylum waves of 1948 and 1967, the return of Palestinians from Kuwait following Iraq's invasion, and Iraqi asylum in 1991 and 2003. The most recent humanitarian influx into Jordan pertains to Syrian refugees. Jordan has consistently addressed these humanitarian waves in accordance with its steadfast moral commitments.

Jordan's commitment to addressing refugee issues is indeed commendable. The nation has consistently upheld its ethical responsibility, often going beyond its own capacities. Managing the short- and long-term needs of Syrian refugees has placed a considerable strain on Jordan's resources. Notably, Syrian refugees constitute **15% of Jordan's total population**, making Jordan the **second-largest host country globally**.<sup>472</sup> This statistic underscores the tremendous efforts invested in accommodating refugees within Jordanian borders.

However, the continuous influx of Syrian refugees poses significant challenges to governmental institutions. It exerts a detrimental impact on the country's infrastructure and its ability to absorb such a substantial population surge.

Regarding the financial implications, a comprehensive report from the World Bank in 2016 sheds light on the costs of hosting Syrian refugees. According to the **Jordan Response Plan (2020)**, each refugee incurs an annual cost of nearly **\$3,750 for the Jordanian government**. Considering the influx surpassing one million refugees, the yearly financial commitment to host Syrians exceeds an astronomical **\$3.75 billion**.<sup>473</sup> This staggering

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<sup>472</sup> "Jordan Response Plan for the Syria Crisis 2020-2022." *ReliefWeb*,

<sup>473</sup> "We're Afraid for Their Future: Barriers to Education for Syrian Refugee Children in Jordan." *Human Rights Watch*, 16 Aug. 2016, link.

figure highlights the magnitude of the economic strain that Jordan endures in its commitment to providing refuge for the Syrian population.

It is noteworthy that Jordan, while not a signatory to the 1951 Refugee Convention or its Optional Protocol, holds a deep-seated belief in the inherent right of Palestinians to return to their homeland occupied by Zionists in 1948. Despite this, Jordan's commitment to international humanitarian efforts led to the signing of a Memorandum of Understanding with UNHCR in 1998, facilitating the commission's humanitarian activities and duties within the country.

The Jordanian Constitution prohibits the refoulement of political refugees, extending the same protection to any refugee entering the Kingdom. Jordan is also committed to the 1994 Arab Charter on Human Rights, aligning with the principles of the 1951 refugee convention. It is crucial to note that Jordan's legal system has primarily dealt with diplomatic asylum, with no explicit provisions addressing other types, including humanitarian asylum. Nevertheless, the signing of the 1998 Memorandum of Understanding with UNHCR reflects, in legal and objective terms, Jordan's commitment to the 1951 Refugee Convention and the Arab Charter of Human Rights. Despite the absence of constitutional amendments specifically addressing humanitarian asylum, the legislative approval of the Memorandum of Understanding in 1998 legally signifies Jordan's commitment to receiving all types of refugees. In Jordan, international common law treaties and rules take precedence over internal law after ratification by the legislative authority.

The Jordanian Ministry of Interior and other ministries play a pivotal role in overseeing refugees' status by documenting their entry into the Kingdom. Collaborating with UNHCR, the ministry assesses refugee eligibility for entry and ensures shelter and care. In 2014, the Directorate of Syrian Refugees' Affairs was established to address Syrian humanitarian asylum issues, and in the same year, authorities were granted to the Jordan Hashemite Charity Organization for receiving and distributing local and international assistance to Syrian refugees<sup>474</sup>. The Jordanian Response Plan (JRP) was introduced in 2015, covering the years 2016–18 and the current plan for 2020–22, systematically addressing refugees' needs across various sectors, including education, health, aid, food, services, water, shelter, logistics, and security. Financial allocations for these needs are detailed in the plans.<sup>475</sup>

While Jordan acknowledges and appreciates the efforts and assistance from UNHCR, donor states, and the international community, the presence of Syrian refugees has strained the country's budget and scarce economy. Consequently, it is imperative for the international community to provide financial support to assist Jordan in effectively implementing the current response plan on the ground.

The lack of adequate financial resources for Jordan may have adverse effects on Syrian refugees, potentially leading Jordan to consider undesirable measures such as a closed-

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<sup>474</sup> Syrian Refugees Affairs Directorate." Public Security Directorate, [www.psd.gov.jo](http://www.psd.gov.jo). Accessed 24 May 2024

<sup>475</sup> The spatial governance of the Syrian refugee crisis in Jordan: Refugees between urban settlements and encampment policies." CMI Report, [www.cmi.no](http://www.cmi.no). Accessed 24 May 2024.

borders policy or refoulement. Such measures are not in the best interest of the Jordanian people, but economic burdens may push Jordan toward unwelcome consequences. King Abdullah has emphasized this perspective, warning that the situation could reach a critical point and expressing Jordan's inability to bear the refugee burden alone. The failure to receive the expected aid may exacerbate extremist and radical thinking among Syrian refugees. It is recommended that UNHCR, donor states, and the international community collaborate to support Jordan's efforts in hosting Syrian refugees and be prepared to welcome more if they are forced to flee Syria in search of peace and security.<sup>476</sup>

Water scarcity, an enduring challenge for Jordan, has been exacerbated by the Syrian refugee influx, causing a substantial and sudden increase in water demand, especially in the Northern Governorates. The increase has strained renewable surface water resources and led to unsustainable exploitation of groundwater, negatively affecting its quantity and quality. The scarcity of water resources poses a significant threat to Jordan's sustainable development, exacerbated by climate change projections indicating a 15% decrease in water resources by 2040 (Ministry of Water and Irrigation National Water Strategy, 2016).

In conclusion, the prolonged presence of Syrian refugees in Jordan has brought about realistic economic impacts, affecting food security, livelihoods, and the availability of essential resources. Jordan's response, as outlined in the JRP, reflects a commitment to addressing the multifaceted challenges posed by the Syrian crisis, encompassing humanitarian, economic, and social dimensions. The need for continued international support and cooperation remains paramount to ensure the well-being of both refugees and host communities in Jordan (MOPIC, 2020).

### ***Lebanon***

Across the last decade, upward of 1.5 million Syrian refugees have fled to Lebanon in seek of refuge and protection from Syria's ongoing conflict. With a total population of close to six million people (including the refugee community), Lebanon presently hosts the highest number of refugees per capita in the world. Lebanon's population has grown substantially since this mass influx (by more than 40%), a drastic increase that has placed significant pressure on the country's institutions and health facilities.<sup>477</sup>

Many refugees find themselves residing in extremely fragile and uncertain circumstances, often characterized by a severe shortage of financial resources to address their fundamental needs. These dire circumstances give rise to a host of pressing challenges that reverberate throughout their daily lives.<sup>478</sup>

At the very core of these difficulties lies the issue of access to basic necessities. This includes not only the provision of accommodation, but also the availability of sufficient

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<sup>476</sup> Mohammed T. Bani Salameh, "Beyond Borders: Impacts of the Syrian Refugee Crisis on Jordan," in *Refugees and Migrants - Current Conditions and Future Trends*, ed. Samson Maekele Tsegay, IntechOpen, 2024, DOI: 10.5772/intechopen.1005219

<sup>477</sup> Talal Atrissi, op.cit.

<sup>478</sup> UNHCR EXECUTIVE COMMITTEE MEETINGS "Solution to the Refugee Problem and the Protection of Refugees" EC/SCP/55.23 August 1989

and nutritious food, clean water sources, adequate sanitation facilities, essential healthcare services, and a fundamental sense of security.

Yet, these challenges do not exist in isolation; they intersect with a web of complex issues faced by the aid networks striving to support these vulnerable populations. One of the foremost concerns is the exponential growth in the number of refugees, stretching the already limited resources and capacities of aid organizations.<sup>479</sup>

Furthermore, the absence of proper registration offices compounds the problem, making it difficult to effectively document and address the needs of these displaced individuals. It's also essential to consider the hardships faced by the local communities who host refugees, given their own precarious socio-economic conditions.

In the realm of education, differences between Syrian and Lebanese school programs add yet another layer of complexity. Although the Lebanese government has graciously allowed refugee children access to official Lebanese schools, the differing curricula can create educational disparities and challenges for both students and educators.

The broader economic situation in Lebanon contributes to the quandary as well, with limited employment opportunities for both refugees and the local population. This scarcity of work opportunities exacerbates the financial instability faced by those seeking refuge.<sup>480</sup>

The issue of safety looms as a constant concern. In an environment where vulnerabilities are pervasive, ensuring the security of these displaced individuals remains a top priority, as instability and insecurity only compound the challenges faced by both refugees and aid organizations.

The examination of legal structures governing asylum-related issues in Jordan and Lebanon reveals a multifaceted landscape shaped by historical roots and contemporary challenges. This comparative assessment considers the international agreements ratified by the two Arab countries, their constitutional and legislative provisions, and the institutions responsible for implementing asylum-related requirements.

As we delve into the historical aspect of asylum within these nations, a nuanced understanding emerges. Asylum, far from being a recent phenomenon, has deep historical roots, and its evolution becomes particularly evident in the aftermath of the global unrest that swept the Arab region in 2011. This historical perspective sheds light on the three distinct waves of asylum experienced by these nations.

The first wave, triggered by the 1948 Palestinian refugee crisis,<sup>481</sup> compelled the region to host significant numbers of Palestinian refugees, varying across countries due to social,

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<sup>479</sup> UNHCR “Basic Needs Approach in-the Refugee Response” <https://www.unhcr.org/blogs/wp-content/uploads/sites/48/2018/05/Basic-Needs-Approach-in-the-Refugee-Response.pdf>

<sup>480</sup> Interview with Batoul Ahmad, Coordinator of Information and Public Relations at UNHCR, Tripoli, 20 September 2022.

<sup>481</sup> Morris, B. (2003). *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge University Press

political, and geographic considerations. The second wave unfolded during the 1990s<sup>482</sup> and early 2000s,<sup>483</sup> fueled by conflicts and internal turmoil within various Arab and African nations. The third and most recent wave corresponds to the influx of Syrian refugees following the onset of the Syrian conflict in 2011, creating a substantial humanitarian crisis.

Lebanon and Jordan stand out due to their unique status as hosts of a remarkably high number of refugees relative to their overall populations. Both nations, with roughly one-third of their total populations consisting of registered refugees, face distinctive challenges in managing the complex dynamics of asylum.<sup>484</sup>

Jordan, with a population of approximately 9.5 million, accommodates around 2.1 million registered refugees from Palestine, including descendants arriving in 1948, 1967, and 1990/91.<sup>485</sup> Over the past 25 years, hundreds of thousands of Iraqis have sought refuge in Jordan, primarily due to the Gulf wars. Additionally, more than 650,000 Syrians have registered as refugees since the onset of the Syrian conflict in 2011.<sup>486</sup> The actual number of Syrians in Jordan is estimated to be approximately 1.4 million, considering those present before the Syrian civil war began.<sup>487</sup>

Comparatively, Lebanon, with a population of around 6.2 million, hosts a diverse refugee community. Approximately 450,000 residents are Palestinian refugees, and an additional 50,000 are Palestinian refugees from Syria (PRS).<sup>488</sup> An estimated 30,000 to 50,000 individuals are Iraqi refugees, and nearly 1.1 million are UNHCR-registered Syrian refugees. The number of non-registered Syrians remains uncertain, highlighting the complexity of accurately assessing the refugee population in Lebanon.<sup>489</sup>

The significant statistical data emphasizes the crucial role that legal frameworks play in addressing asylum-related challenges in Jordan and Lebanon. However, a notable lack of coherence within these legal structures poses challenges, evident in the discrepancy between constitutional recognition and the ratification of international mechanisms governing the right to asylum. This inconsistency has practical implications for managing immigration waves, relying heavily on the involvement of the UN Refugee Agency. As these nations grapple with the intricate dynamics of asylum, there is a pressing need for

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<sup>482</sup> Jansen, J. C., & Lässig, S. (Eds.). (2020). *Refugee Crises, 1945-2000: Political and Societal Responses in International Comparison*. Cambridge University Press

<sup>483</sup> Mandić, D. (2022). *The Syrian Refugee Crisis: How Democracies and Autocracies Perpetrated Mass Displacement*. Routledge

<sup>484</sup> Beaujouan, J., & Rasheed, A. (2020). *The Syrian Refugee Crisis in Jordan and Lebanon: Impact and Implications*. Middle East Policy, XXVII(3), 76-98

<sup>485</sup> Morris, Benny. *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge University Press, 2003

<sup>486</sup> Jansen, Julia C., and Simone Lässig, editors. *Refugee Crises, 1945-2000: Political and Societal Responses in International Comparison*. Cambridge University Press, 2020.

<sup>487</sup> UNHCR Lebanon. (2022). Lebanon Operational Fact Sheet January 2022. Retrieved from UNHCR: <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2022/03/UNHCR-Lebanon-Operational-Fact-Sheet-Jan.-2022.pdf>.

<sup>488</sup> "Lebanon - UNHCR - The UN Refugee Agency." UNHCR, Jan. 2022, [www.unhcr.org/lb](http://www.unhcr.org/lb).

<sup>489</sup> World Bank. (2024). *Refugee Population by Country or Territory of Asylum for Lebanon*. Retrieved from FRED, Federal Reserve Bank of St. Louis: *Refugee Population by Country or Territory of Asylum for Lebanon*.

comprehensive reforms and improvements in their legal frameworks to ensure a more effective and coherent response to the evolving landscape of refugee movements in the Arab region.<sup>490</sup>

### Navigating the Complex Landscape of Refugee Movements in Jordan and Lebanon

The historical waves of refugees in the Arab region have left an indelible mark on countries like Jordan and Lebanon. These nations, despite their unique contexts and challenges, have demonstrated resilience and commitment in accommodating displaced populations. Jordan, with its remarkable efforts, hosts an impressive number of registered refugees from Palestine, Iraq, and Syria. However, the continuous influx of Syrian refugees has strained Jordan's resources, impacting infrastructure, services, and social cohesion.<sup>491</sup> Lebanon, too, hosts a diverse refugee community, including Palestinians, Iraqis, and Syrians. The legal frameworks in both countries play a crucial role, but inconsistencies need to be addressed for a more effective and coherent response. International collaboration and financial support remain paramount to assist Jordan in implementing its response plan effectively.<sup>492</sup> Moreover, water scarcity poses a significant threat to both nations, emphasizing the need for sustainable development. In this collaborative spirit, let us recognize the collective responsibility to address the multifaceted challenges posed by the Syrian crisis. By working together, we can uphold humanitarian values and create a more compassionate future for all.

The research highlights a notable lack of coherence within these legal structures, which poses challenges. This is evident in the discrepancy between constitutional recognition and the ratification of international mechanisms governing the right to asylum. This inconsistency has practical implications for managing immigration waves, relying heavily on the involvement of the UN Refugee Agency.<sup>493</sup>

For instance, both Jordan and Lebanon have ratified several international agreements related to refugee rights. However, the implementation of these agreements at the national level is often inconsistent. This could be due to a variety of factors, including differing interpretations of the agreements, lack of resources, or political considerations.<sup>494</sup>

In terms of potential solutions, the paper suggests that there is a pressing need for comprehensive reforms and improvements in their legal frameworks to ensure a more effective and coherent response to the evolving landscape of refugee movements in the Arab region.

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<sup>490</sup> Clutterbuck, M., Hussein, Y., Mansour, M., & Rispo, M. (2022). Alternative protection in Jordan and Lebanon: the role of legal aid. *Forced Migration Review*. Retrieved from *Forced Migration Review*.

<sup>491</sup> World Bank. "Impact of Syrian Refugees on Jordan's Infrastructure." *World Bank*, 2023, [www.worldbank.org/jordan-syrian-refugees-impact/](http://www.worldbank.org/jordan-syrian-refugees-impact/).

<sup>492</sup> Amnesty International. "Lebanon: Refugees at Risk." *Amnesty International*, 2021, [www.amnesty.org/en/latest/news/2021/lebanon-refugees-at-risk/](http://www.amnesty.org/en/latest/news/2021/lebanon-refugees-at-risk/).

<sup>493</sup> McGarry, John. "The Possibility and Value of Coherence." *Liverpool Law Review*, vol. 34, 2013, pp. 17–26,

<sup>494</sup> UNHCR, National Policies and the Syrian Refugee Crisis in Lebanon and Jordan." *E-International Relations*, 24 Apr. 2023.

Here are some specific recommendations:

1. **Harmonization of Laws:** The countries could work towards harmonizing their national laws with the international agreements they have ratified. This would involve reviewing and amending existing legislation to ensure it is in line with international standards.
2. **Capacity Building:** Both countries could invest in capacity building for the institutions responsible for implementing asylum-related laws. This could include training for staff, provision of necessary resources, and strengthening institutional structures.
3. **Regional Cooperation:** Given the transnational nature of refugee movements, regional cooperation could be beneficial. This could involve sharing best practices, coordinating responses, and joint advocacy for international support.
4. **Engagement with UNHCR:** The UN Refugee Agency could play a crucial role in supporting these countries in improving their legal frameworks. This could involve technical assistance, funding support, and advocacy.

### **The practical implications**

The practical implications of the discrepancy between constitutional recognition and the ratification of international mechanisms governing the right to asylum in Jordan and Lebanon, considering the absence of formal ratification of the 1951 Refugee Convention.

1. **Limited Legal Protections:**
  - **Constitutional Recognition:** Both Jordan and Lebanon recognize the right to asylum in their constitutions. However, without formal ratification of international agreements, the practical implementation of this recognition remains inconsistent.
  - **Practical Implication:** Refugees may lack comprehensive legal protections, leading to unequal access to services, including healthcare, education, and employment.
2. **Inconsistent Status Determination:**
  - **Constitutional Recognition:** Constitutional provisions may guarantee the right to seek asylum, but the lack of ratified international mechanisms affects the process of determining refugee status.
  - **Practical Implication:** Refugees face varying levels of recognition and protection. Stateless individuals or those with undetermined status remain vulnerable.
3. **Dependency on UNHCR:**
  - **Constitutional Recognition:** While constitutions recognize asylum rights, the absence of formal ratification shifts the burden to the United Nations High Commissioner for Refugees (UNHCR).
  - **Practical Implication:** Humanitarian aid becomes crucial, but long-term dependency on UNHCR is not sustainable.
4. **Social Tensions and Integration Challenges:**

- **Constitutional Recognition:** Host communities may perceive refugees as burdens due to limited legal protections.
  - **Practical Implication:** Strained social cohesion and challenges in integrating refugees into society persist.
5. **Selective Application of Rights:**
- **Constitutional Recognition:** Constitutional provisions may not translate into equal rights for all refugees.
  - **Practical Implication:** Disparities in access to healthcare, education, and employment persist.
6. **Statelessness Risk:**
- **Constitutional Recognition:** Stateless individuals lack legal protection.
  - **Practical Implication:** Without ratified international mechanisms, statelessness remains a concern.
7. **Influence on Domestic Policies:**
- **International Law:** Even without formal ratification, international law influences foreign relations law. The Vienna Convention on the Law of Treaties (VCLT) encourages states to regard executive power as sufficient for treaty obligations.
  - **Practical Implication:** states may prioritize executive decisions over comprehensive legal reforms.

In summary, the discrepancy between constitutional recognition and ratified international mechanisms has tangible consequences for refugees in Jordan and Lebanon. Addressing these practical implications requires tailored approaches, capacity building, and regional cooperation.

## **Recommendations for improvement**

Given that neither Jordan nor Lebanon has ratified the 1951 Refugee Convention, the practical implications and recommendations for improvement need to be adjusted accordingly.

### **Practical Implications:**

1. **Limited Legal Protections:**
  - Without ratification, refugees in Jordan and Lebanon lack the comprehensive legal protections outlined in the Convention. Their rights may be subject to national laws, which can vary significantly.
  - Asylum seekers and refugees may face challenges accessing essential services, including healthcare, education, and employment.
2. **Inconsistent Status Determination:**

- The absence of a standardized process for determining refugee status can lead to inconsistencies. Refugees may not receive equal treatment or recognition.
  - Stateless individuals or those with undetermined status face heightened vulnerability.
3. **Dependency on UNHCR:**
    - The United Nations High Commissioner for Refugees (UNHCR) plays a critical role in providing assistance and advocating for refugees. However, reliance on humanitarian aid is not a sustainable solution.
  4. **Social Tensions and Integration Challenges:**
    - Host communities may perceive refugees as burdens due to limited legal protections. This can strain social cohesion.
    - Integration efforts become more challenging without a clear legal framework.

### **Recommendations for Improvement:**

1. **National Legislation:**
  - Develop comprehensive national legislation that aligns with international standards, even in the absence of formal ratification.
  - Clearly define refugee rights, access to services, and legal procedures.
2. **Access to Services:**
  - Ensure refugees' access to healthcare, education, and employment opportunities, regardless of formal ratification.
  - Collaborate with NGOs and international organizations to bridge gaps.
3. **Statelessness Prevention:**
  - Implement birth registration mechanisms to prevent statelessness.
  - Explore pathways to legal residency or citizenship for long-term refugees.
4. **Community Awareness:**
  - Educate the public about refugee rights and contributions.
  - Foster understanding and empathy to reduce social tensions.
5. **Regional Cooperation:**
  - Collaborate with neighboring countries to share best practices and coordinate responses.
  - Advocate jointly for international support.
6. **Monitoring and Evaluation:**
  - Establish mechanisms to assess the impact of legal reforms.
  - Regularly evaluate the effectiveness of changes in national policies.

### **Policy Recommendations**

#### 1. Legislative Reforms

##### A. Expand Legal Access to Employment:

- Jordan: The Jordanian government should broaden the sectors in which Syrian refugees are allowed to work beyond agriculture, construction, and manufacturing. This expansion should include service industries, education, and technology, where many refugees possess relevant skills and experience. This would not only improve their livelihoods but also contribute to the economy by utilizing a skilled labor force.

- Lebanon: Lebanon should reform its labor laws to allow Palestinian and Syrian refugees greater access to formal employment. This could include removing restrictions on specific professions and reducing the bureaucratic burden associated with obtaining work permits. Allowing refugees to work legally in a wider range of sectors would help reduce their reliance on informal employment and improve their economic situation.

#### B. Improve Refugee Legal Status:

- Jordan: Implement clear legal pathways for refugees to transition from temporary to more stable legal statuses, potentially leading to permanent residency for those who have been in the country for extended periods. This could be facilitated through legal reforms that recognize the contributions of long-term refugees to Jordanian society.

- Lebanon: Lebanon should ratify the 1951 Refugee Convention and its 1967 Protocol to align its legal framework with international standards. This would provide a more robust legal basis for the protection of refugees' rights and reduce their vulnerability to exploitation and discrimination.

### 2. Improved Enforcement Mechanisms

#### A. Streamline Bureaucratic Processes:

- Jordan: The Jordanian government should simplify the process for obtaining work permits by reducing bureaucratic red tape and lowering fees associated with permits. This could involve creating a one-stop-shop for all refugee-related legal processes, minimizing the number of agencies refugees must interact with.

- Lebanon: In Lebanon, there should be a crackdown on corrupt practices within the permit system, ensuring that refugees can obtain legal documentation without needing to pay bribes. Training government officials to handle refugee issues more effectively and humanely can also improve the enforcement of existing laws.

#### B. Strengthen Labor Rights Enforcement:

- Jordan: The Jordanian government should establish dedicated labor inspection teams to monitor workplaces employing refugees, ensuring compliance with labor laws, including fair wages, safe working conditions, and the prohibition of child labor. These teams should work in collaboration with NGOs and international organizations to ensure transparency and accountability.

- Lebanon: Lebanon should create an independent oversight body to monitor the treatment of refugees in the labor market. This body could work closely with the Ministry of Labor and international organizations like the International Labour Organization (ILO) to address violations of labor rights and ensure refugees are treated fairly in the workplace.

### 3. Enhanced Cooperation with International Organizations

#### A. Expand International Support and Funding:

- Jordan and Lebanon: Both countries should work closely with international organizations such as UNHCR, ILO, and UNICEF to secure additional funding for refugee programs. This funding could be used to support vocational training for refugees, expand educational opportunities, and improve living conditions in refugee camps and urban areas. Increased international cooperation can also help share the financial burden of hosting large refugee populations, easing pressure on national resources.

#### B. Develop Regional Approaches:

- Jordan and Lebanon: Engage in regional dialogue with other countries hosting refugees to develop coordinated policies that address cross-border challenges, such as refugee movement and resource allocation. A regional framework could standardize policies across neighboring countries, ensuring that refugees receive consistent treatment and protection, regardless of where they are located.

#### C. Strengthen Local Partnerships:

- Jordan and Lebanon: Both governments should collaborate more closely with local NGOs and civil society organizations that have direct contact with refugee communities. These organizations can provide valuable insights into the specific needs of refugees and help implement programs that are culturally and socially appropriate. By enhancing these partnerships, governments can ensure that policies are responsive to the actual conditions on the ground.

The successful implementation of these policy recommendations would require a combination of legislative reforms, improved enforcement mechanisms, and enhanced international cooperation. By expanding legal access to employment, streamlining bureaucratic processes, and leveraging international support, Jordan and Lebanon can significantly improve the protection and well-being of refugees. This, in turn, would contribute to social stability and economic development in both countries, benefiting not only the refugees but also the host communities.

### **Conclusion summary**

Jordan consistently upholds its ethical commitment to addressing refugee issues, demonstrating a dedication that often surpasses its own capacities. The nation adeptly

manages the short- and long-term needs of Syrian refugees, placing a considerable strain on its resources. The demographic impact is notable, with Syrian refugees constituting 15% of Jordan's population, making Jordan the second-largest host country globally, as outlined in the Jordan Response Plan. Lebanon, in turn, faces unique challenges due to its socio-political framework, limited resources, and fragile governmental structure. Together, these nations represent a poignant case study in the intersection of international law, humanitarian ethics, and sovereign responsibilities.

### **Summary of Key Insights by Chapter:**

**Chapter 1: Introduction** This chapter established the foundational understanding of human rights, tracing their evolution and contemporary relevance. The Universal Declaration of Human Rights was highlighted as a cornerstone document, emphasizing its moral and legal significance in refugee protection.

**Chapter 2: Refugee Law and Policies in Jordan** Jordan's legal framework reflects a blend of international obligations and domestic policies. Although not a signatory to the 1951 Refugee Convention, Jordan adheres to the principle of non-refoulement and cooperates extensively with the UNHCR. Challenges include resource limitations and balancing national interests with humanitarian obligations.

**Chapter 3: Refugee Law and Policies in Lebanon** Lebanon faces immense challenges due to its non-ratification of the 1951 Refugee Convention and its unique political structure. The absence of formal refugee camps and reliance on ad-hoc policies highlight systemic weaknesses. Syrian and Palestinian refugees face precarious conditions exacerbated by socio-economic instability.

**Chapter 4: Comparative Legal Frameworks** A juxtaposition of Jordanian and Lebanese policies revealed stark differences in approach and effectiveness. Jordan's structured, albeit strained, mechanisms contrast sharply with Lebanon's fragmented strategies. Both nations' adherence to humanitarian principles amidst significant pressures underscores their critical role in regional refugee dynamics.

### **Comprehensive Conclusion**

The refugee crisis in Jordan and Lebanon underscores the intricate balance between sovereignty, humanitarian obligations, and international cooperation. Despite not being signatories to the 1951 Refugee Convention, both nations demonstrate varying degrees of compliance with international norms, particularly the principle of non-refoulement. However, gaps in legal frameworks and practical implementations remain evident.

### **Policy Recommendations:**

1. **Strengthen Legislative Frameworks:** Both nations should consider formalizing their commitments through comprehensive domestic legislation aligned with international standards.
2. **Enhance Regional Cooperation:** Collaborative frameworks among Middle Eastern nations could foster resource sharing and policy harmonization.
3. **Increased International Support:** Financial and logistical aid from the international community is vital to bolster refugee-hosting capacities.
4. **Empower Refugees:** Initiatives to integrate refugees into local economies can transform them into contributors rather than dependents, alleviating societal tensions.

Ultimately, the experiences of Jordan and Lebanon highlight the enduring relevance of human rights and the critical need for global solidarity in addressing the complexities of forced migration.

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## **THESIS SUMMARY**

### **Dissertation title**

**Bridging Legal Gaps: A Comparative Analysis of Refugee Protection and Asylum Law in Jordan and Lebanon**

### **Name**

**Meera hamed falah almaaitah**

### **Supervisor name**

**Dr. Siska Katalin**

*Bridging Legal Gaps: A Comparative Analysis of Refugee Protection and Asylum Law in Jordan and Lebanon,*” presents an in-depth legal and policy analysis of how two key host states—Jordan and Lebanon—address the rights and status of refugees and asylum seekers within their territories. Both countries, despite not being parties to the 1951 Refugee Convention or its 1967 Protocol, have played a central role in the Middle East’s refugee landscape, hosting millions of displaced persons from conflicts in Syria, Palestine, Iraq, and elsewhere. The research focuses on the intersection between international refugee and human rights law—including instruments like the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention Against Torture—and each country’s domestic legal frameworks, particularly in the absence of formal asylum systems. Using comparative and doctrinal legal methodology, the thesis assesses national legislation, bilateral agreements (especially memoranda of understanding with UNHCR), judicial practices, and administrative conduct.

The analysis reveals significant legal and institutional shortcomings in both countries. In Jordan, refugee protection is largely dependent on a 1998 Memorandum of Understanding with UNHCR, which facilitates refugee status determination and protection processes outside the framework of domestic legislation. Although Jordan has historically offered a relatively welcoming stance, particularly toward Palestinian and Syrian refugees, the lack of a codified asylum law results in legal uncertainty, limited access to socio-economic rights, and vulnerability to deportation or detention. Similarly, Lebanon operates without a national asylum system and relies on a 2003 agreement with UNHCR. The Lebanese legal framework, especially the 1962 Law of Entry and Exit, treats refugees as irregular migrants and allows for arbitrary detention, deportation, and denial of basic legal safeguards. Lebanese General Security has frequently ignored court orders protecting refugees from forced returns, raising serious concerns about the rule of law and adherence to the principle of non-refoulement.

The thesis also provides a rich theoretical framework drawing from legal positivism, natural law, and constructivist theories, which it applies to explain the legal-cultural and political dynamics influencing refugee law in both countries. It highlights how sovereignty concerns, sectarian political systems, resource constraints, and donor dependence shape the enforcement—or lack thereof—of international standards. Through comparative analysis, the research finds that both Jordan and Lebanon maintain fragmented and reactive refugee policies, with heavy reliance on international organizations like UNHCR, limited institutional capacity, and inconsistent judicial engagement. These shortcomings perpetuate legal ambiguity and hinder access to justice for refugees.

In conclusion, the thesis offers a series of practical recommendations, urging both countries to adopt comprehensive asylum legislation that aligns with international obligations, to strengthen legal protections against arbitrary detention and deportation, and to enhance cooperation with international and regional human rights bodies. It underscores the urgent need for durable legal solutions, improved institutional capacity, and stronger political will to uphold the dignity and rights of refugees. The work makes a substantial scholarly contribution by illuminating the legal



paradoxes and humanitarian consequences of refugee governance in non-signatory states, while also advancing proposals for systemic reform rooted in both international law and regional legal conditions.

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### List of publications related to the dissertation

#### Articles, studies (4)

- Alma'aitah, M. H. F.:** Refugee Protection in Jordan and Lebanon: Legal Frameworks, Service Provision, and Socioeconomic Challenges in a Turbulent Region.  
*Acta Humana. "Accepted by Publisher"*, [1-6], 2025. ISSN: 0866-6628.  
Level of HAS Committee on Legal and Political Sciences: B
- Alma'aitah, M. H. F.:** Assessing Legal Frameworks for Refugee Issues: A Comparative Study of Jordan and Lebanon.  
*Jog, állam, politika. 16* (3), 249-262, 2024. ISSN: 2060-4580.  
DOI: <http://dx.doi.org/10.58528/JAP.2024.16-3.249>  
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- Alma'aitah, M. H. F.:** The Legal Regulations and Governmental Approaches towards Refugees in Jordan.  
*Acta Humana. 12* (1), 91-105, 2024. ISSN: 0866-6628.  
DOI: <http://dx.doi.org/10.32566/ah.2024.1.5>  
Level of HAS Committee on Legal and Political Sciences: B
- Alma'aitah, M. H. F.:** Meera Alma'aitah: The laws and policies regarding refugees in Jordan.  
*Jog, állam, politika. 15* (3), 79-86, 2023. ISSN: 2060-4580.  
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#### LIST OF PUBLICATIONS





## List of other publications

### Articles, studies (2)

5. **Alma'aitah, M. H. F.:** Modernity And Democracy.  
In: Towards the future : Symposium. Ed.: Siska Katalin, Debreceni Egyetem, Állam- és Jogtudományi Kar, Debrecen, 89-108, 2023. ISBN: 9789634905363
6. **Alma'aitah, M. H. F.:** Refugees and Asylum Seekers: Recognizing their Human Rights.  
In: Towards the future : Symposium. Ed.: Siska Katalin, Debreceni Egyetem, Állam- és Jogtudományi Kar, Debrecen, 109-121, 2023. ISBN: 9789634905363

### Conference presentations (2)

7. **Alma'aitah, M. H. F.:** Refugees Law and Policies In Jordan.  
In: A Debreceni Egyetem Szakkollégiumainak II. Tudományos Konferenciája : konferenciakötet. Szerk.: Dajnoki Krisztina, Boros József, Felföldi János, Debreceni Egyetem Gazdaságtudományi Kar, Debrecen, 130-135, 2021. ISBN: 9789634903260
8. **Alma'aitah, M. H. F.:** Journalism and freedom of opinion and expression in Jordan.  
In: IX. Interdiszciplináris Doktorandusz Konferencia 2020 / Csiszár Beáta, Hankó Csilla, Kajos Luca Fanni, Kovács Olivér Béla, Mezo Emerencia, Szabó Rebeka, Szabó-Guth Kitti, Pécsi Tudományegyetem Doktorandusz Önkormányzat, Pécs, 296, 2020. ISBN: 9789634295839

### **By the directives of HAS Committee on Legal and Political Sciences:**

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