



**C.L.D.H**

Lebanese Centre for Human Rights

# SYRIAN WORKERS IN LEBANON

**AN ASSESSMENT OF THEIR RIGHTS AND REALITY**

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**Contents**

ABREVIATIONS..... 3

ABOUT CLDH..... 4

METHODOLOGY..... 5

INTRODUCTION ..... 6

PRESENTATION: Syrian workers in the context of Lebanese-Syrian relations and the beginning of the Syrian crisis in 2011..... 8

LEGAL PERSPECTIVE: LACK OF EFFECTIVE PROTECTION ..... 10

    The legal framework for Syrian workers in Lebanon at national level ..... 10

        Bilateral Agreements..... 10

        Lebanese law and the Syrian workers status ..... 11

    Legal framework for the protection of migrant workers in international law. .... 12

        Universal Declaration of Human Rights ..... 12

        International Covenant on Civil and Political Rights (ICCPR) ..... 12

        International Covenant on Economic, Social and Cultural Rights (ICESCR) ..... 12

        Convention against torture and its optional Protocol ..... 13

    The International Labour Organization (ILO) Conventions and the International Convention on the Protection of the Rights of all migrant workers and members of their families: the need for an effective international commitment. .... 13

THE REALITY ON THE GROUND ..... 15

    Violations of job regulation and labour rights, absence of income guarantees, safety and health issues ..... 15

    Unstable conditions of stay..... 16

    Difficult living conditions ..... 17

    Arbitrary arrests, detentions, deportations, kidnappings and violence ..... 18

    Racism ..... 20

    The need to protect the human rights of regular and irregular Syrian workers ..... 21

RECOMMENDATIONS..... 22

## ABBREVIATIONS

|        |  |
|--------|--|
| CAT    | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CLDH   | Lebanese Center for Human Rights   |
| FEMED  | Euro-Mediterranean Federation against Enforced Disappearance                             |
| HRW    | Human Rights Watch   |
| ICESCR | International Covenant on Economic, Social and Cultural Rights                           |
| ICCPR  | International Covenant on Civil and Political Rights                                     |
| ILO    | International Labor Organization   |
| IRCT   | International Rehabilitation Council for Torture victims                                 |
| OMCT   | World Organization against Torture   |
| OPCAT  | Optional Protocol of the Convention against torture                                      |
| EMHRN  | Euro-Mediterranean Network of Human Rights   |
| SOLIDA | Support for Lebanese Detained Arbitrarily  |
| UNHCR  | Office of the United Nations High Commissioner for Refugees                              |
| WGAD   | United Nations Working Group on Arbitrary Detention                                      |

## **ABOUT CLDH**

The Lebanese Centre for Human Rights (CLDH) is a local non-profit, non-partisan Lebanese human rights organization based in Beirut. CLDH was created in 2006 by the Franco-Lebanese movement SOLIDA (Support for Lebanese Detained Arbitrarily), which has been active since 1996 in the struggle against arbitrary detention, enforced disappearance and the impunity of those perpetrating gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights enforced disappearance, impunity, arbitrary detention and racism and rehabilitates the victims of torture. CLDH regularly organizes press conferences, workshops and advocacy meetings on human rights issues in Lebanon and collects, records and documents human rights abuses in reports and press releases. CLDH team on the ground supports initiatives aimed at determining the fate of all missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in Lebanon in coordination with Lebanese and international organizations, and with the United Nations Working Group on Arbitrary Detention (WGAD) and the UN Special Rapporteur on Torture.

CLDH opened in 2007 a rehabilitation centre for the victims of torture in Beirut, Centre Nassim, member of the IRCT (International Rehabilitation Council for Torture victims), which provides multi-disciplinary professional support and case management for victims of torture and their families.

CLDH compiles a daily press review on human rights violations and on-going judiciary cases in Lebanon and updates several human rights blogs.

CLDH is a founding member of the Euro-Mediterranean Federation against Enforced Disappearance (FEMED), a member of the Euro-Mediterranean Network of Human Rights (EMHRN), of the International Federation of Human Rights (FIDH), a member of SOS Torture Network of the World Organization against Torture (OMCT).

## **METHODOLOGY**

In 2013, CLDH conducted personal interviews with twenty-seven Syrians workers who have been in Lebanon between three months and seventeen years. The names of all interviewees had to stay confidential in order to conduct these interviews and to maintain their anonymity and security. All interviews were conducted in Beirut. Some of them took place at CLDH premises but in most cases, because the interviewees were reluctant to talk, CLDH team went directly to them in the following areas: Ashrafieh, Barbir, Bourj Hammoud, Charles Helou station, Cola, Daroun, Dora and Nahr Ibrahim.

For obvious reasons, we knew that their answers would be distorted in the presence of their employer. Therefore, in some cases, CLDH team had to make sure the employer was not on the work place. We encountered three different scenarios while we could feel the pervasive fear of talking: some refused to be interviewed, others accepted after considering it and few of them did it proactively.

The questionnaire used for the purpose of the interviews is made up of five main points which establish the basis of this report: personal data (official status and information about their arrival), working conditions, living conditions, racism and their hope for the future.

Apart from the interviews, other sources of information were used, such as press articles, official reports and legal documents.

## INTRODUCTION

Since the 1960s, many Syrians have come to work in Lebanon mainly in the fields of construction, agriculture and cleaning services. The economic gap between Syria and Lebanon, the geographical situation and political relationship between the two countries favoured these migration flows. Logically, Lebanon has also become the first host country for Syrian refugees since the Syrian conflict erupted in 2011. Today, an estimated number of over one million Syrians are in Lebanon among which 842,482 are registered by the Office of the United Nations High Commissioner for Refugees (UNHCR) and 57,403 are awaiting registration.<sup>1</sup>

### Registered and unregistered refugees

Among the 27 people interviewed, only two of them said they were registered as refugees by the UNHCR, although they were all matching the definition of a refugee since they were not in a position to return to Syria.<sup>2</sup> CLDH team noticed that most of them were not aware of the kind of support the UNHCR could provide them, which highlights the lack of access to information about the agency and about the local organisations taking care of the displaced Syrians.

### Migrant workers

According to official figures by the Department of Syrian Workers in the Ministry of Labour, 650 Syrians were officially registered in 2012-2013.<sup>3</sup> In reality, they are likely to be hundreds of thousands and their number is expected to keep increasing because of the crisis. Today, there is no official figure determining the exact number of Syrian workers in Lebanon.

The actual situation of Syrian workers reflects the current political tensions and divisions in Lebanon. Before the Syrian crisis, they had been the victims of the tensed relations between the two countries. Today, they are being accused of dragging down Lebanon even more into the Syrian conflict. This situation has also created a strong feeling of insecurity among the Lebanese population whose current social system does not leave space for those newcomers.

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<sup>1</sup> UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, Lebanon, 14<sup>th</sup> December 2013, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122>.

<sup>2</sup> The 1951 Refugee Convention establishing the UNHCR spells out that a refugee is someone 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 to, or owing to such fear, is unwilling to avail himself of the protection of that country.*"

<sup>3</sup> Legal Status of Individuals Fleeing Syria, Syria Needs Analysis Project, June 2013, available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/legal\\_status\\_of\\_individuals\\_fleeing\\_syria.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf).

After years of political instability, armed conflicts and confessional divisions, Syrian workers are often the scapegoats of Lebanon that wants to maintain its identity and security up to the point of discriminating the Syrian migrant workers.

This report focuses on the living and working conditions of Syrian workers in Lebanon. Especially in the current context where these workers and the Lebanese, due to the increasing number of Syrians, have to live side by side, resentment has been intensified and is often reflected by racism. From a legal perspective, the Syrian workers do not benefit from any protection and it seems that legal uncertainty prevails. At work, the lack of labour regulations and rights' violations often results in safety and health issues, very low incomes and unequal relationships with employers. Outside the workplace, their situation is generally not better: most of them live in precarious conditions, suffer arbitrary arrests or detentions, and are victims of physical and verbal violence.

## **PRESENTATION: Syrian workers in the context of Lebanese-Syrian relations and the beginning of the Syrian crisis in 2011**

Historically, there have always been a great number of Syrian workers in Lebanon but the migration flows vary along with political developments. The behaviour of the Lebanese authorities towards Syrians can only be understood through the framework of the political relationships between the two neighbouring countries.

From the mid 1960s to 2005, there was a significant immigration of low-skilled Syrian workers as a result of various factors. In the 1960s, the economic boom in Lebanon resulted in massive recruitments of Syrian workers in the country. In 1972, they represented 90% of the construction workers in Lebanon.<sup>4</sup> During the Lebanese civil war, many Lebanese emigrated, which resulted in labour shortages. Moreover, the Syrian occupying army and its control over the Lebanese border made it easier for Syrian workers to enter and leave the country.<sup>5</sup> After the war, the migration movement continued since Lebanon needed abundant workforce for reconstruction and the Syrian economy started at the same period to encounter structural difficulties. Agreements between the two countries were signed to facilitate visas procedure.<sup>6</sup> Given the type of jobs offered to Syrians (construction, agriculture and cleaning services), the migrants were mainly low-skilled Syrian males. Overall, it was a win-win situation for both countries because Lebanon could use Syrian workers as a cheap and flexible labour force to rebuild the country and at the same time, it was allowing Syria to lower pressures on its labour market and to keep its economic model unchanged. In the 1990s, some said Syrian workers in Lebanon were more than 1.4 million<sup>7</sup> and others assessed they were 400 000 in 2003.<sup>8</sup> It seems the numbers significantly fluctuate with the political and economic situation in Lebanon. Indeed, the facility of movement, the fluidity of the labour market and the linguistic and cultural proximity make migration flows easy.

In 2005, following the assassination of former Lebanese Prime Minister Rafic Hariri and the withdrawal of the Syrian army forces from Lebanon, greater insecurity for Syrian workers prevailed in the country and acts of violence against them increased.<sup>9</sup>

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<sup>4</sup> John Chalcraft, *The invisible cage, Syrian Migrant Workers in Lebanon* (2009), Stanford, California: Stanford University Press, p. 310.

<sup>5</sup> In 1991, several bilateral agreements were signed between Syria and Lebanon, including the free circulation of persons

<sup>6</sup> Agreement on border posts in 1999, Consortium for Applied Research on International Migration (CARIM), *“Migration Profile: Syria”* (January 2012), p. 7.

<sup>7</sup> Gary C. Gambill, *Syrian Workers in Lebanon: The Other Occupation*, Middle East Intelligence Bulletin, February 2001, available at ; [http://www.meforum.org/meib/articles/0102\\_11.htm](http://www.meforum.org/meib/articles/0102_11.htm)

<sup>8</sup> Fabrice Balanche, « *Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d’oppression* » (mars 2007), Le Monde Diplomatique.

<sup>9</sup> “Following the Syrian withdrawal from Lebanon [in 2005], each bombing blamed on the Syrian regime was followed by the beating of some Syrian workers,” Yara Chehayed, member of the Anti-Racism Movement. IRIN,

As a consequence, they returned to Syria in large numbers even though many of them could come back to Lebanon after some time.

Since 2011, the violent repression against the protests in Syria has resulted in a massive flow of immigrants towards Lebanon, which has created strong political, economic and social tensions. The number of Syrian refugees in Lebanon since the beginning of the crisis varies depending on the source. Many of them reportedly entered illegally and may be working illegally as well. It is possible that some do not want to register because of their fear of retaliation on behalf of the Syrian authorities. Overall, the Lebanese government estimates that they are over one million in the country.<sup>10</sup>

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"Analysis: Catch-22 for Syrian migrants in Lebanon", available at: <http://www.irinnews.org/report/96679/analysis-catch-22-for-syrian-migrants-in-lebanon>

<sup>10</sup> UNHCR, *op. cit.*, note 1 p. 5.

## LEGAL PERSPECTIVE: LACK OF EFFECTIVE PROTECTION

### The legal framework for Syrian workers in Lebanon at national level

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#### Bilateral Agreements

In 1993, an **Agreement on the Regulation of Transport of Persons and Goods** between the Lebanese Republic and the Syrian Arab Republic was signed. Article 2 of the Agreement stipulates that “*both contracting parties shall endeavour to facilitate the transport of persons and goods from, to and across their two countries.*”<sup>11</sup> This Agreement was part of the 1991 Fraternity, Cooperation and Coordination Treaty signed between the two countries.

Moreover, article 1 of the **Agreement for Economic and Social Cooperation and Coordination** between the Lebanese Republic and the Syrian Arab Republic ensures the “*freedom of persons’ movement between both countries*” and “*freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country*”.<sup>12</sup>

Finally, article 4 of their 1994 **Bilateral Agreement in the Field of Labour** states that “*workers of each of the two States shall enjoy in the other State treatment, privileges, rights and obligations, according to the laws, regulations and directives applied in both states; the two Ministers of Labour in both countries shall be entrusted with pursuing their efforts in order to find the means likely to ensure workers’ rights in both states*”.<sup>13</sup> It adds that each worker performing jobs in any of the two countries should be given a provisional work card if the job is seasonal or a card allowing them to obtain a work permit from the competent bodies.

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<sup>11</sup> Agreement on the Regulation of Transport of Persons and Goods between the Lebanese Republic and the Syrian Arab Republic, 16<sup>th</sup> September 1993, available at [http://www.syrleb.org/docs/agreements/05PERSONS\\_GOODSeng.pdf](http://www.syrleb.org/docs/agreements/05PERSONS_GOODSeng.pdf).

<sup>12</sup> Bilateral Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic, 16<sup>th</sup> September 1993, available at [http://www.syrleb.org/docs/agreements/03SOCIAL\\_ECONOMICeng.pdf](http://www.syrleb.org/docs/agreements/03SOCIAL_ECONOMICeng.pdf).

<sup>13</sup> Bilateral Agreement in the Field of Labor between the Government of the Lebanese Republic and the Government of the Government of the Syrian Arab Republic, 18<sup>th</sup> October 1994, available at [http://www.syrleb.org/docs/agreements/11LABOR\\_AGREEMENTeng.pdf](http://www.syrleb.org/docs/agreements/11LABOR_AGREEMENTeng.pdf).

## Lebanese law and the Syrian workers status

It is clearly stated in the bilateral agreements mentioned above that in each of the two countries, migrant workers should benefit from the same legal treatment than national workers.

As a matter of fact, the **Lebanese Labour Code**<sup>14</sup> – as revised in 1996 – states that:

- Article 44: the salary cannot be inferior to the official minimum wage previously determined by a multipartite commission. In January 2012, the minimum wage was set to 675,000 LL a month (or 450\$).<sup>15</sup>
- Article 31: working time cannot exceed 48 hours a week.
- Article 34: each male worker has the right to have at least a one hour-break every six consecutive hours worked and each female worker every five hours.
- Article 36: every employee has the right to a weekly break which cannot be inferior to 36 consecutive hours.
- Article 62: working places must be arranged in order to ensure the employees' security.

The Lebanese Labour Law does not exclude non-Lebanese workers but it adopts the **principle of preference of Lebanese nationals**.

In theory, the Lebanese law declares that a work permit is required within ten days of entering the country for every foreigner willing to work in Lebanon. Taking into account the principle of preference of Lebanese, foreigners can only be granted a work permit, if they meet certain conditions.<sup>16</sup> The work permit should give them access to social security, the right to earn the minimum wage and security protections on dangerous worksites.

In practice, a large majority of them is working illegally and the system is as follows: once they have a residence permit, Syrians can live and work in Lebanon indefinitely. The Lebanese government is reluctant to issue work permits because Syrians workers are usually paid less and represent a possible competition for national labourers.

However, in February 2013, a resolution by the Minister of Labour made some professions, previously officially confined to Lebanese, available to Syrian workers such as electricity and sales if they had been working in this field for many years.<sup>17</sup>

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<sup>14</sup> Lebanese Labour Law of 1946 (revised in 1996), available at

<http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39255/64942/F93LBN01.htm#t1c6>.

<sup>15</sup> "Cabinet Approves Raising Lebanon's Minimum Wage to 675,000 LL", Al Manar, 19<sup>th</sup> January 2012, available at: <http://www.almanar.com.lb/english/adetails.php?eid=42609&cid=23&fromval=1>.

<sup>16</sup> Decree n° 17561 of 1964 available at <http://www.lpdc.gov.lb/Rights/Areas-of-Work/Right-To-Work.aspx>.

<sup>17</sup> Legal Status of Individuals Fleeing Syria, Syria Needs Analysis Project, June 2013, available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/legal\\_status\\_of\\_individuals\\_fleeing\\_syria.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf).

## **Legal framework for the protection of migrant workers in international law.**

Workers employed outside their countries have rights. Indeed, a large array of international instruments stands as protections for migrant workers and their labour rights.<sup>18</sup> Lebanon has ratified some of them and yet, they do not seem to be effectively enforced. Thus, the situation of Syrian workers in Lebanon results in several human rights violations.

### **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights adopted in 1948 is referred to as the basis for all human rights instruments. As stated in the Preamble of the Lebanese Constitution, "*Lebanon is [...] a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.*"

The first article of the Declaration states that all human beings are "*equal in dignity and rights*". Its second declares that "*everyone is entitled to all the rights*" of the declaration which means that no discrimination is permitted. Moreover, according to article 7 "*all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*"

### **International Covenant on Civil and Political Rights (ICCPR)**

The ICCPR has been ratified by Lebanon in 1972 and came into force in 1976. It defines the scope of the State's obligations to respect and ensure that all individuals on its territory have access to the rights listed in the Covenant.

Article 9 proclaims the right to be free from arbitrary arrest and detention. Moreover, article 26 states that "*all persons are equal before the law and are entitled without any discrimination to the equal protection of the law*". In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>19</sup>

### **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

Lebanon ratified the ICESCR in 1972. The Covenant reaffirms the principle of non-discrimination including on the ground of nationality.

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<sup>18</sup> Organisation for Security and Cooperation in Europe, International Legal Framework for the Protection of Migrant Workers, available at <http://www.osce.org/eea/19246>.

<sup>19</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16<sup>th</sup> December 1966, United Nations, Treaty Series, vol. 999, p. 171.

The economic, social and cultural rights “*apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.*”<sup>20</sup>

### **Convention against torture and its optional Protocol**

Lebanon also ratified the CAT in 2000 and more recently its Optional Protocol in 2008, which calls for the creation of a national preventive mechanism to visit and monitor places of detention. Article 3 of the CAT states that “*no state party shall expel, return 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*”.

### **The International Labour Organization (ILO) Conventions and the International Convention on the Protection of the Rights of all migrant workers and members of their families: the need for an effective international commitment.**

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**ILO conventions** mainly call for the implementation of policies securing equality of treatment and opportunity between regular migrants and nationals in employment and areas related to employment such as remuneration, social security, individual freedoms or access to legal proceedings.

Up to this date, Lebanon has not ratified the ILO Migration for Employment Convention of 1949. Its articles oblige States to assist and inform migrants about employment (article 2), to facilitate the reception of migrants for employment (article 4) and to provide them and their families with medical services (article 5). Further, member States have to give equal treatment to migrant workers and nationals in regards to remuneration and working conditions.<sup>21</sup> Lebanon has not ratified the Migrant Worker Convention of 1975 either. Therefore, the protection of Syrian workers (especially through equality of treatment with nationals) remains weak in Lebanon.

Since its adoption in 1990 (and ratification by 47 states as of May 2013), Lebanon did not ratify the **UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families**<sup>22</sup>.

This treaty is complementary to the ILO Conventions by furthering the rights and protections of those who migrate for employment including those who find

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<sup>20</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2 para. 2 of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/20), para. 30.

<sup>21</sup> International Labor Organisation, Convention concerning Migration for Employment (Revised 1949) (Entry into force: 22 Jan 1952), available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C097](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C097)

<sup>22</sup> United Nations Treaty Collection, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, New York 18th December 1990, available at [http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg\\_no=IV-13&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-13&chapter=4&lang=en).

themselves in an irregular situation. With this convention, every type of migrant workers has to benefit from equality of treatment between migrant workers irrespective of their status and nationals before the courts, with respect to remuneration and other working conditions, access to urgent medical assistance, education for their children, rights for transferring earnings and savings, and protection in relation to dismissal.

It becomes urgent for Lebanon to recognize the human rights of Syrian workers and support their access to justice as well to humane and lawful working and living conditions. Despite the major legally binding commitments mentioned above, a number of persons including Syrian migrant workers faced arbitrary arrests and were ill-treated during detention. In this unstable context, many Syrians in Lebanon report feeling insecure.<sup>23</sup> Moreover, this study confirms that Syrian workers in Lebanon are still subjected to occasional beatings, humiliations and threats of deportation, both from civilians and public authorities. Syrian workers in Lebanon live mainly in appalling conditions. Their access to the official labour market, to work permits, and to the minimum wage is not secured.

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<sup>23</sup> Human Rights Watch, World Report 2013, Lebanon, available at: <http://www.hrw.org/world-report/2013/country-chapters/lebanon>.

## THE REALITY ON THE GROUND

The massive presence of Syrian workers in Lebanon and their growing number since the beginning of the Syrian crisis have created social tensions. Indeed, the Lebanese workforce is more expensive and less flexible because they are effectively entitled to labour rights. Because Syrians are not – even though they yearn for it – Lebanese employers benefit from hiring them. Still, Syrian workers are accused of bringing trouble to the Lebanese economy, taking Lebanese's jobs or increasing crime and insecurity. The Lebanese government seems to do nothing to end these prejudices. As a consequence, they are often the scapegoats of both civilians and public authorities. This harsh situation also results in dramatic living conditions, arbitrary arrests, violence and racism. In Lebanon, they keep seeing their human rights violated.

### Violations of job regulation and labour rights, absence of income guarantees, safety and health issues

Despite the ratification of the bilateral agreements mentioned above, these legal provisions are far from being effectively implemented. Indeed, the interviews conducted with 27 Syrians workers reflected the following:

- Regarding incomes, 75% were earning less than the **minimum wage** and only 25% of them were receiving the minimum wage or more.<sup>24</sup>
- About **weekly working time**, 85% were working much more than the legal maximum time and only 15% of them were working 48 hours per week or less.<sup>25</sup>
- Concerning **breaks** during work time, 33% did not have or had less than one hour daily break and 66% had a break. However, 81% did not have a weekly break of 36 consecutive hours.<sup>26</sup>
- As for **safety issues**, 25% declared not having any work security equipment or protections, or said they were taking risks at work. It seems that either they were uncomfortable giving their opinion about work related-issues or were not aware of the rights they are entitled to.
- Syrian workers earn 1.9\$ per hour for an average of 71 weekly working hours whereas Lebanese workers earn around 2.3\$ per hour for 48 hours a week.

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<sup>24</sup> Calculations were based on the legal minimum wage (450\$ a month) and the legal maximum working time (48 hours a week or around 205 hours a month), which gives a fair idea of the hourly minimum wage in Lebanon: 2,2\$.

<sup>25</sup> Calculations were based on their daily working time and the number of days worked per week then compared to the 48 legal working hours.

<sup>26</sup> Calculations for daily breaks were based on the legal minimum of one hour every six hours and for weekly breaks, 36 consecutive hours, which makes around one and a half day off per week.

Overall, the interviews showed that there is a wide gap between the official legal framework for Syrian workers in Lebanon and the reality they face on the Lebanese territory. According to the 1994 Agreement, all Syrian workers should obtain an annual **work permit** or a seasonal one for temporary workers. Yet, the reality on the ground is not as simple: some have a temporary resident permit, while others don't, and most do not have any work permit and consequently, no social coverage. This situation places Syrian workers in a vulnerable position. For employers, it creates a flexible workforce: as long as they do not have work permits, they are not tied by any employment contracts and thus can be hired and fired according to the needs. On the contrary, Lebanese workers benefit from social security coverage for sickness, maternity care, family allowance, end-of-service pensions, work-related accidents and diseases. All employers are required to register their employees at the National Social Security Fund within one month from the start of the work, and are required to pay social security contributions on their behalf. According to the Lebanese law, foreign workers who hold work permits in Lebanon are entitled to social security benefits provided their country of origin offers equal treatment to Lebanese workers (i.e. France, Italy, UK, Belgium and Syria).<sup>27</sup>

### **Unstable conditions of stay**

Since the beginning of the Syrian crisis in 2011, the Lebanese government has decided to allow all Syrians to work in the six months following their legal entry into Lebanon. This special measure does not include access to the welfare benefits listed above, which is conditional upon the detention of an official work permit. Those who are registered as refugees by the UNHCR have the right to live and work in Lebanon indefinitely, without social security either.<sup>28</sup> Yet, these temporary decisions create neither a protective environment nor a stable legal and administrative framework for Syrians, who stay vulnerable to arrest, detention or even deportation.

Among the Syrians interviewed:

- 21 of them were migrant workers (both declared and undeclared), 1 had been registered as a refugee by the UNHCR, 1 had a tourist visa (which is the same than being an undeclared worker; it shows he is the only one who did not fear saying he had not been registered by his employer as a migrant worker), 1 was registered as a displaced person (which means he went to seek help from NGOs specialised in refugees issues) and 2 had no papers at all.
- None of them was registered at the National Social Security Fund so as to benefit from social security.
- Among them, 13 made comments about the stability of their legal situations.

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<sup>27</sup> Social Security Law of 1963, available at:

<http://www.ilo.org/dyn/natlex/docs/CTRYPROFILE/DOCUMENTS/LBN/F1071353789/Lebanon.pdf>.

<sup>28</sup> "Lebanon: Meagre job prospects for Syrian refugees in Lebanon", IRIN, 24<sup>th</sup> December 2012, available at <http://www.irinnews.org/report/97113/lebanon-meagre-job-prospects-for-syrian-refugees-in-lebanon>.

Here are some of these comments:

*“I feel safe but I don’t feel free because of my illegal status. The most important thing that I would like to change about my situation is to regularise my situation.”*  
(Abed, 22 years-old)

*“My visa has expired so I can’t work and I can’t leave Lebanon. I’m afraid someone else will be the reason of some problem that will lead me to jail.”*  
(Ahmed, 25 years-old)

*“I have a tourist visa because the Lebanese authorities did not offer me any other choice.”* (Khaled, 27 years-old)

*“What I hope for the future is to get the same rights as Lebanese workers.”*  
(Faysal, 33 years-old)

*“I hope to settle my legal status in Lebanon or to travel abroad as a refugee.”*  
(Hussein, 22 years-old, refugee status rejected)

*“Since 2005 I do not feel safe in Lebanon. Authorities often stop me to check my papers and sometimes they make me wait for several hours.”* (Majed, 28 years-old)

*“I do not feel safe in Beirut because I can’t get my rights.”* (Saleh, 21 years-old)

*“The most important for me is to live like others and get my rights.”* (Zaher, 50 years-old)

Most of Syrian workers send a part of their incomes back to their families in Syria. Given the size of the Syrian workforce in Lebanon, these transfers represent a substantial amount of money every year. Nevertheless, whatever their status is, Syrian workers in Lebanon are subjected to a legal ambiguity and uncertainty which often results in feelings of insecurity. For them, this blurred legal situation creates unstable conditions of stay.

## **Difficult living conditions**

Most Syrian workers live in precarious and squalid conditions. In the framework of this study, the interviewees were asked about their level of satisfaction regarding their living conditions. 11 out of 27 did not complain about anything and said they were “satisfied” as a whole in spite of their appalling living conditions. That can be explained by the fact that they were accepting these extreme conditions in order to simply be able to send money to their families and at the expense of their own well-being.

Among the others who did complain about their conditions:

- 3 were living on the streets
- 1 was living in a trailer with 2 other friends
- 2 were sharing rooms with dozens of people provided by NGOs
- 1 lived in a refugee camp
- 3 kept moving as they live on their workplace

## **Arbitrary arrests, detentions, deportations, kidnappings and violence**

Political resentment against the past Syrian occupation, and the current crisis in Syria and its impact on Lebanon, has resulted not only in isolated acts of violence and waves of kidnappings, but also sometimes arrests and deportations of Syrian workers by the Lebanese authorities.

In the 2000s, **violence** has become more frequent, as reported by several media and denounced by civil society organizations. For instance, a violent group called "Citizens for a Free and Independent Lebanon" conducted several attacks against Syrians mainly on the ground that they "abused Lebanese generosity".<sup>29</sup> One of our interviewees testified: *"people don't make the difference between the Syrian regime and the Syrian population"*.

The interviews conducted indicate that violence against Syrian workers has been most prevalent since 2005 and the assassination of former Lebanese Prime Minister Rafic Hariri, which was widely blamed on Syrian authorities. Since then, most of them declare not feeling safe in Lebanon anymore. Indeed, during the interviews, 3 Syrians reported having been victims of attacks, beatings, and robbery from civilians because of their nationality.

In 2007, Lebanon's Prime Minister Fouad Siniora received a report asserting that every day there were about four incidents against Syrian workers across Lebanon.<sup>30</sup> And most of them declare that it is not worth reporting it to public authorities since they will not listen to Syrians, and they will feel even more humiliated than before. Thus, these attacks against Syrians are often not investigated or prosecuted.

During the night of October 7, 2012, the Lebanese army raided in Achrafieh, and bet more than 70 foreigners, mostly Syrian nationals, in two buildings of the area. The Army would have justified this incident, claiming it received several complaints from the surrounding neighbourhoods that the workers were displaying "public immorality" by swearing, stealing, and harassing the Lebanese. The Army statement said 11 men had been arrested and referred for investigation, highlighting the "violent resistance" of the workers, and also regretted "any security act that might target some innocent workers". According to the testimonies collected by HRW, no

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<sup>29</sup> "Syrian Workers in Lebanon: The Other Occupation", Middle East Intelligence Bulletin, February 2001, available at [http://www.meforum.org/meib/articles/0102\\_l1.htm](http://www.meforum.org/meib/articles/0102_l1.htm).

<sup>30</sup> UNHCR, Lebanon and Syria: Situation of Syrians in Lebanon; violence against Syrians; political affiliation of Syrians; naturalization of Syrians in 1994 (1994-2009), available at <http://www.refworld.org/docid/4b7cee9023.html>.

questions were asked to the workers on such matters, and the workers opened the doors of their homes without any resistance.<sup>31</sup>

Since the beginning of the conflict in Syria, waves of **kidnappings** of Syrian nationals have taken place in Lebanon in retaliation of the kidnapping of Lebanese nationals in Syria.<sup>32</sup> Following the kidnapping of eleven Lebanese nationals on a pilgrimage bus on May 22, 2012 in the region of Aleppo in Syria, many Syrians have been attacked in various parts of Lebanon. In June 2012, Suleiman Mohammed al-Ahmad, a Lebanese national, was kidnapped, transferred and illegally detained in Syria. He was released the same month, following a wave of kidnappings in Lebanon organized in retaliation by his relatives. On August 15 the same year, the kidnapping of a dozen Syrian nationals and a Turkish businessman, Aydin Tufan was claimed by members of the Al Moqdad family in Lebanon, as a retaliation for the kidnapping in Syria of one of their relatives, Hassan Al Moqdad on August 13, by a group claiming to be part of the Free Syrian Army. The next day, another group also claimed on TV having kidnapped Syrian nationals in response to the kidnapping of H. Al Moqdad, and that they would kidnap any Syrian supporting the opposition or the Free Syrian Army.<sup>33</sup>

Even though Lebanon took the decision to keep its borders open in regards to Syria, the country deported 14 Syrians to their country in August 2012, in violation with article 3 of the Convention against torture. Four of them declared they feared persecution if returning to their home country. This practice seemed to have stopped following the denunciation of this **deportation** by civil society and international organizations. At the end of 2012, Syrian refugees arrested by the General Security received the same detention treatment as Lebanese with no identity documents, or Palestinian refugees in Lebanon, and were rapidly released on the Lebanese territory.<sup>34</sup>

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<sup>31</sup> CLDH, Civil and political rights in Lebanon 2012, "Racism", p.38

<sup>32</sup> Le Monde, The Syrian crisis in Lebanon, where a "war of kidnappings" is feared, August 16, 2012

<sup>33</sup> CLDH, Civil and Political rights in Lebanon 2012, "*Kidnappings and counter- kidnappings of Lebanese and Syrian nationals*", p. 26

<sup>34</sup> CLDH, Civil and political rights in Lebanon 2012, "Syrian refugees", p.41

## Racism

The most striking point of our interviews is the issue of racism. Almost all interviewees said they had been victims of racist comments, mostly by civilians but even sometimes also by public figures.

After being accused for a long time of taking jobs from the Lebanese, they are now blamed for bringing political instability into the country. The growing number of refugees since 2011 is perceived by the Lebanese as a factor allowing the Syrian conflict spilling over into Lebanon. Local media assert that in Lebanon every fourth person is now a Syrian<sup>35</sup> and that 54% of the Lebanese population believe their country should close its borders to Syrians.<sup>36</sup>

This resentment can be explained by the growing socio-economic tensions since the beginning of the Syrian crisis. According to the Lebanese authorities, it has caused unfair economic competition, kept tourists away and increased poverty-related issues, particularly crime.<sup>37</sup> As a result, racist comments, remarks or insults are more and more common<sup>38</sup>. Some uphold that their presence created a pressure on housing, electricity, water, jobs and food prices. Syrians are accused of raping, stealing, or even spreading diseases. On this ground, a curfew has been imposed for Syrians in several villages outside Beirut from around 9pm to 6am.<sup>39</sup> This decision illustrates the exacerbated tensions between Lebanese and refugees. Moreover, it is worth noting that some discourses propagated by political leaders<sup>40</sup>, along with their affiliated media stations, have been actively scapegoating Syrian refugees, forging a xenophobic and racist popular culture against Syrian refugees among the Lebanese population.<sup>41</sup>

The Lebanese population still have in mind the Syrian occupation which lasted until 2005, and now the fear to be overwhelmed again by the Syrian refugees rises up. This feeling cannot justify violations of basic human rights such as free movement that can not be impeded unless there is a real danger resulting from a glaring conflict.

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<sup>35</sup> Al Jazeera, "Syrian Refugees Find Shelter Among Assad's Lebanese Allies", 15<sup>th</sup> September 2013, <http://america.aljazeera.com/articles/2013/9/14/syrian-refugees-findshelteramongassadaslebaneseallies.html>.

<sup>36</sup> "54% des Libanais ne veulent plus de réfugiés syriens", L'Orient le Jour, 12<sup>th</sup> July 2013, available at <http://www.lorientlejour.com/article/823326/54-des-libanais-ne-veulent-plus-de-refugies-syriens.html>.

<sup>37</sup> "The Economic Menace of the Syrian Conflict", Al Akhbar, 8<sup>th</sup> July 2013, available at <http://english.al-akhbar.com/node/16361>.

<sup>38</sup> "Syrian Workers in Lebanon: No Time is Safe", Al Akhbar, 29<sup>th</sup> July 2012, available at <http://english.al-akhbar.com/node/10428>.

<sup>39</sup> "Aley vigilantes enforce night time curfews on Syrians", The Daily Star, 8<sup>th</sup> April 2013, available at <http://www.dailystar.com.lb/News/Local-News/2013/Apr-08/212903-aley-vigilantes-enforce-nighttime-curfews-on-syrians.ashx>. "Lebanese towns slap curfews on foreigners (Syrians)", Ya libnan, 18<sup>th</sup> July 2013, available at: <http://www.yalibnan.com/2013/07/18/lebanese-towns-slap-curfews-on-foreigners-syrians/>

<sup>40</sup> Now Lebanon, "Bassil calls for deporting Syrian refugees", 27<sup>th</sup> September 2013, <https://now.mmedia.me/lb/en/lebanonnews/bassil-calls-for-deporting-syrian-refugees>

<sup>41</sup> Daleel Madani, "Understanding racism against Syrian refugees in Lebanon", 5<sup>th</sup> November 2013, <http://daleel-madani.org/story/understanding-racism-against-syrian-refugees-lebanon>

Indeed, the freedom of movement is enshrined in article 12 of the ICCPR, ratified by Lebanon in 1972. Finally, the interviews also indicate that many Syrian workers face discrimination because of their religious orientation.

### **The need to protect the human rights of regular and irregular Syrian workers**

It should also be emphasized that as long as Lebanon will not ratify the 1951 Convention on Refugees, Syrians who are registered as refugees by the UNHCR will not get a legal status but will only get the right to receive assistance. As a result, they will keep facing risks of detention and deportation.<sup>42</sup>

All workers should be free from discrimination, exploitation and abuses. Particularly, Syrian workers without work permits are at the margins of protection by safety, health, minimum wage and other basic standards as they are employed in sectors where those standards are often not respected or enforced (construction mainly). It is the role of the Lebanese state to ensure that minimum standards of protection are respected including basic human rights for all workers whatever their status is.

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<sup>42</sup> CLDH, "Asylum Seekers and Refugees in Lebanon: Languishing in Injustice", March 2011.  
Lebanese Center for Human Rights (CLDH)  
Bakhos building, 7<sup>th</sup> floor, Dora Beirut, Lebanon.  
Tel : (+961) 01 24 00 23 [www.cldh-lebanon.org](http://www.cldh-lebanon.org)

## RECOMMENDATIONS

The Lebanese State should:

- ❖ Ratify the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- ❖ Ratify all relevant ILO Conventions, including the ILO Migration for Employment Convention of 1949 and the Migrant Worker Convention of 1975
- ❖ Implement the Optional Protocol of the Convention Against Torture (OPCAT), ratified by Lebanon in 2008, which calls for the creation of a national preventive mechanism to visit and monitor places of detention
- ❖ Implement regulations enshrined in all relevant bilateral agreements between the Lebanese Republic and the Syrian Arab Republic and labor rights enshrined in the Lebanese Labor Code.
- ❖ Ensure impartial and transparent investigations into any reported alleged ill treatment and torture of Syrian workers.
- ❖ Make all efforts to prevent racism, notably by issuing a law incriminating racial speech, incitement to racism and all racist acts, as well as enlisting them under the Lebanese Penal Code.
- ❖ Legislate on the Syrian refugees situation vis a vis the work market in order to prevent the exploitation of refugees.

The civil society should continue its efforts to monitor the situation of Syrian workers and the speeches surrounding their presence in Lebanon in order to prevent and fight racism and exploitation.

# APPENDIX

## Research questionnaire for the Syrian migrant workers in Lebanon

Date, time:

### I. Personal profile

1. (Name):
2. Age:
3. Gender:
4. Where do you come from in Syria?
5. Were you working/studying in Syria? If so, what was your field of work/studies?
6. What made you move to Lebanon? When did you arrive there?
7. How do you declare yourself to the authorities in Lebanon?
  - a. Migrant worker
  - b. Displaced
  - c. Refugee
  - d. Tourist
  - e. Other:
8. Have you been registered as a refugee to the UN? When?
9. Have you received any help from the UN Refugee Agency or local NGOs? If so, what kind of support and from who?
10. Who did you move to Lebanon with?
11. What is their official status?

### II. Working conditions

1. What is your current job? How long have you been working there?
2. Did you have any other jobs in Lebanon? If so, why (did you change your job)?
3. How many hours do you work every day? How many days a week?
4. Do you have any breaks during the day?
5. Do you have access to mineral water? A place to find food?
6. How would you describe the safety of your workplace? For example, do you have access to protective equipment (e.g. gloves, hard hats and proper shoes for construction workers?)
7. Other problems you have faced in your job? Any problems with other employees?
8. What is your monthly salary?
9. Do you receive your paycheck regularly?
10. Have the working conditions changed during your stay in Lebanon? For example, has the increasing number of refugees created more competition in the job market?
11. What kind of relationship do you have with your boss or the person who hired you?
12. Do you think that your working conditions could ever improve?
13. Have you noticed any changes on your state of health since you are working?

- a. Stress
  - b. Headaches
  - c. Sleeping disorders
  - d. Other:
14. Have you been to the doctor since?
15. Have you been registered to social security (the National Social Security Fund, NSSF)?

### III. Living conditions

1. Where do you live at the moment? If in Beirut, in which neighborhood?
2. Do you live in an apartment, a house, a hostel...?
3. How big is your place?
4. Who do you live with? (Family, coworkers, unknown people...) How many of you?
5. Are you satisfied with your living conditions? (Bathroom, showers, electricity, beds, AC...). If not, what problems have you faced? Have you been able to fix it?
6. Does your salary cover your living expenses (rent, food, clothing etc.)?
7. (If family staying with him) Is a member of your family also working?

### IV. Racism

1. Have you had problems because of your nationality? If so, have you been victim of the following:
  - a. Racist comments
  - b. Physical or psychological harassment (sexual harassment?)/violence
  - c. Theft or robbery
  - d. Other:
2. Who has treated you unfairly, the civilians and/or the authorities?
3. If you have faced any of the problems mentioned above, have you reported them to the authorities?
  - a. If yes, to whom? Has any change occurred since then?
  - b. If no, why?
4. Have you had difficulties because of your religious/political orientation? For example, did you choose your living neighborhood because of its religious/political character?
5. Do you feel secure? If not, why?
6. Have you ever had a problem with the security forces?

### V. Propositions for the future

1. How could your situation be improved? For example, what would be the most important thing to be changed?