



**UNHCR MUST PROTECT
SYRIAN REFUGEES IN LEBANON
FROM REFOULEMENT**

We, the undersigned organizations, call on United Nations' Secretary General, the United Nations High Commissioner for Refugees (UNHCR), and the international community, in particular the EU, France, Germany, the United States, and the United Kingdom, to exercise their power to prevent the forced return of Syrian refugees under duress or pressure from Lebanon to Syria. Syria is not yet safe for the return of refugees as returnees are at risk of detention, torture, and even death.

France, Germany, the United States, and the United Kingdom have declared that "safe, dignified, informed and voluntary return" to Syria is not possible at this time. In particular, the German Foreign Ministry noted that Syria remains unsafe for the return of refugees and that a safe return for any category of people to any area in Syria cannot be guaranteed or verified. Despite the ongoing war and safety concerns, the Lebanese Minister of Social Affairs Ramzi Msharrafieh stated that Lebanon's "plan" to return Syrians to Syria was approved at the "Damascus Conference on the displaced" in November.

Although Lebanon has not signed the 1951 Refugee Convention, it is bound by the customary international law principle of nonrefoulement. As such, it must not return anyone to a place where they would face a real risk of persecution, torture or other ill-treatment, or a threat to life. Refoulement occurs not only when a refugee is directly rejected or expelled, but also when indirect pressure is so intense that it leads refugees to believe that they have no practical option but to return to a country where they face these risks.

Additionally, Lebanon ratified the United Nations' Convention against Torture and Other Cruel, Inhuman, or degrading Treatment or Punishment (CAT). Article 3 of the CAT states that "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". The Lebanese Government is therefore committed to these principles and cannot, under any circumstances (including lack of capacity), extradite any person to Syria under current conditions.

Furthermore, the Lebanese government, in accordance with the Lebanese Code of Criminal Procedure (Article 47), as well as the Universal Declaration of Human Rights, and the United Nations Convention Against Torture, must guarantee that Syrian refugees are assigned a lawyer to represent them immediately after they are arrested, regardless of the reason. Finally, in accordance with Article 317 of the Lebanese Penal Code, which criminalizes racist acts and speeches, as well as the International Convention on the Elimination of All Forms of Racial Discrimination, which Lebanon ratified in 1971, the Government is obligated to deter hate speech and discrimination against Syrian refugees.

Despite its legal obligations, Lebanon has adopted severe restrictions and other measures that have prevented thousands of Syrians from legally working in Lebanon, thereby depriving them of the opportunity to provide for themselves and their families, to find housing, to educate their children, and forcing them to live in indecent and excruciating conditions.

These measures include raiding refugee camps and confiscating identity documents to prevent Syrians from: (1) travelling abroad, (2) conducting civil status registrations, (3) obtaining humanitarian assistance, and (4) receiving education and health care services. The primary goal of these policies is to pressure Syrian refugees to “voluntarily” return to Syria by denying them their basic human rights and protections.

According to international humanitarian law and the UNHCR’s own policies, return must be voluntary, safe, and dignified. The principle of ‘voluntariness’ is derived from the principle of non-refoulement. “Voluntariness means not only the absence of measures which push the refugee to repatriate”, it also prohibits the cessation of food, housing, and financial assistance as measures to push repatriation.

Since the start of 2019, the Access Center for Human Rights (ACHR) recorded 44 arbitrary deportations. 25 of these recorded cases were deported through the Beirut airport after being forced to sign a “voluntary return” sheet. Moreover, continuous raids on refugee camps, which often includes mass arrests and beatings, demolition of houses, and arbitrary detentions, are widespread and systematic. As a result of these raids, the ACHR documented 34 arbitrary detention cases in 2020.

Discriminatory actions against Syrian refugees by security forces and local authorities have significantly increased since the beginning of the COVID-19 pandemic and during the state of public mobilization. At least 21 municipalities imposed crippling discriminatory restrictions on Syrian refugees limiting their freedom of movement and access to basic services, several of these forcibly expelled some Syrian refugees. Further, refugee camps witnessed intensified raids by various security agencies with no legal justification.

Despite the UNHCR being the entity concerned with the care and protection of refugees in Lebanon, it has fallen short in fulfilling its obligations and following its policies. Of the 44 arbitrary deportation cases recorded by ACHR, at least six were registered with the UNHCR, (note that UNHCR’s mandate is not exclusive to those registered with the agency). Of the 41 cases of identity document confiscation recorded by ACHR, 37 were officially registered with the UNHCR. In each instance, the UNHCR failed to intervene in contravention of its responsibilities towards refugees.

In response, on-and-off protests have taken place by refugees against the UNHCR in recent years. The most recent protest started in October 2020, and lasted over two months, in which 150 Syrian refugees launched a daily sit-in before the UNHCR head

office in Beirut to protest the UNHCR's "scarce assistance and insufficient response" to their demands. UNHCR relied on their security staff and Lebanese security forces to break-up the sit-ins. In the end, it failed to meet the demands of the Syrian refugees. Lebanon's stifling restrictions and the UNHCR's failures continue to reverberate throughout the community of displaced Syrians in Lebanon. As a result, Syrian refugees feel that they are not supported or welcomed in Lebanon by the Lebanese government and the UNHCR, the very government and entity that are supposed to protect them and take care of their needs.

The UNHCR and the International Community must act to prevent Syrians from being forcibly returned to Syria, in violation of international humanitarian law. To that end, we recommend the following:

I. To the UNHCR and OHCHR

- i. In accordance with international humanitarian law and the UNHCR's policies regarding repatriation, the UNHCR must issue a public statement clarifying its position on the Lebanese government's plan to deport Syrian refugees back to Syria.
- ii. Intensify efforts to monitor and document violations against Syrian refugees by any party in Lebanon, including the Lebanese Government.
- iii. Increase public reporting of violations against Syrian refugees and lobby against policies designed to force them to return.
- iv. Provide public information about the situation in Syria, including the UNHCR's limitations on collecting information in Syria, to Syrian refugees prior to any voluntary repatriation.
- v. Refrain from participating in, aiding, and assisting (directly and indirectly) activities that include deportation to Syria, even if the activity is conducted by the Lebanese Government.

II. To International Donors of the UNHCR and Lebanon

- i. The EU, US, Germany, France, and the United Kingdom must condition its assistance to Lebanon on ensuring that refugees are not forced or pressured to return to Syria involuntarily. Such conditioning of assistance should include inter alia: non-humanitarian financial resources, development assistance and financial support to the security sector.
- ii. Increase humanitarian assistance provided directly to Syrian and non-Syrian humanitarian organizations to enable them to, among other things, emphasize projects that will enable Syrian refugees to sustain themselves over the long-term and work with the Lebanese Government to ensure it allows and encourages such projects.
- iii. Provide funding for capacity-building of human rights organizations in Lebanon to increase their ability to monitor and advocate for the protection of Syrian refugees.
- iv. Support funding for integration assistance to refugees and campaigns to combat xenophobia and encourage cross-cultural collaboration in Lebanon.
- v. Alleviate the pressure on Lebanon by committing to resettle significantly more Syrian refugees.

Signatories:

- Access Center for Human Rights.
- Anti-Racism Movement.
- A Pint A Month.
- Baytna.
- Cedar Centre for Legal Studies (CCLS).
- Centre d'accès pour les droits de l'homme (ACHR).
- Democratic Lawyers.
- European Lawyers for Democracy and Human Rights (ELDH).
- Haldane Society of Socialist Lawyers.
- Hurras network.
- Impunity Watch.
- Interfaith Initiative for Human Rights in Syria.
- International Humanitarian Relief (IHR).
- Irish Syrian Community.
- Lebanese Centre For Human Rights (CLDH).
- NASC Ireland.
- Peace and Justice for Syria.
- Places of Sanctuary Ireland.
- Rahma Worldwide for Aid and Development.
- Scotland4Syria.
- Seenaryo.
- Syria Solidarity UK.
- Syrian American Council.
- Syrian Association for Citizens' Dignity.
- Syrian British Medical Society (SBMS).
- Syrian Center for Media and Freedom of Expression (SCM).
- Syrian Network for Human Rights (SNHR).
- Swiss Democratic Lawyers (DJS – JDS).
- The Irish Syria Solidarity Movement.
- The Syrian British Council.
- Women now for development.

