

2020

Together For Human Rights

REFUGEES WITHOUT PROTECTION

A Report on the Human Rights Situation in Lebanon

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01

Introduction on Access Center for Human Rights

Who are we?

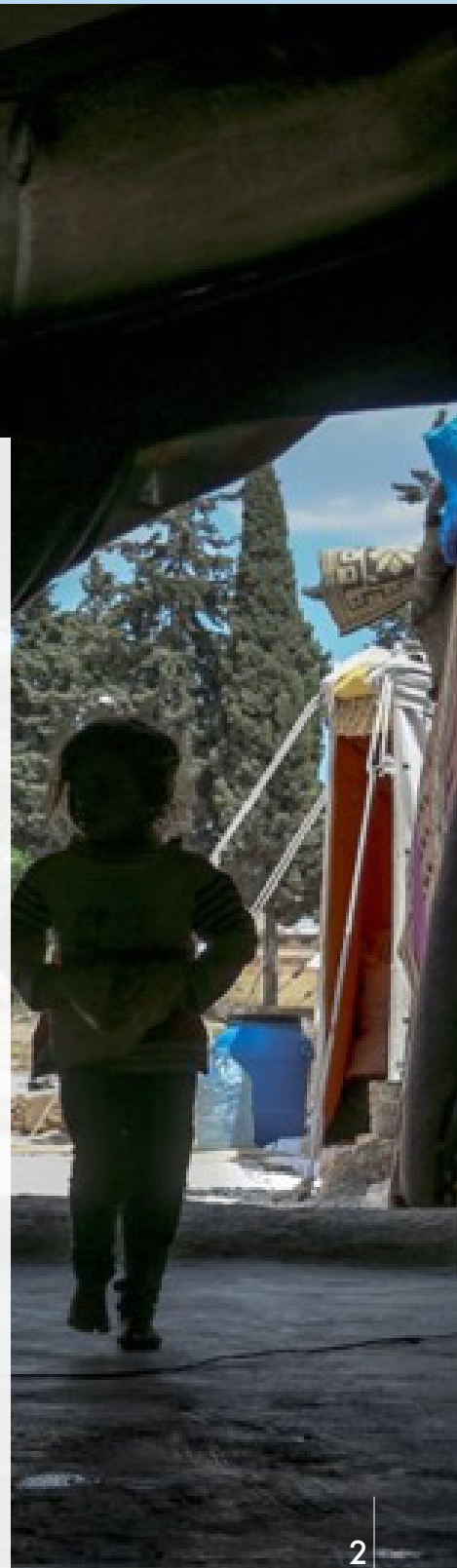
Access Center for Human Rights (ACHR) is a non-profit and non-governmental human rights organization founded in Beirut in 2017 and re-established in Paris in 2020, and includes a group of activists with experience in law, local and international advocacy.

ACHR launched its activities in Lebanon due to its belief in supporting refugees' rights, at a time of a rise in serious **violations** against them. ACHR is specialized in observing the human rights refugee situation and publishes periodic publications on **mass violations** with the aim of raising awareness and international advocacy to ensure the right to human dignity in the countries of asylum until their voluntary, dignified, and safe return to their country of origin.

In this regard, ACHR works on protecting refugees from human rights **abuses** by monitoring and documenting **violations** and providing awareness on refugee issues and conditions in host countries, as well as offering legal support and assistance.

ACHR also works on supporting host communities by making accurate information available to civil society, the private sector, decision makers, donors, and international organizations to help them understand refugees' conditions in a fact-based manner, with the aim of developing policies that restrict human rights **violations** and contribute to finding durable solutions for these issues.

Moreover, ACHR works on creating a joint workspace for human rights defenders that assists them in submitting **complaints** to the special mechanisms of the human rights council, as well as provides them with the necessary tools and information to conduct their human rights and media activities.



ACHR activities in monitoring and documenting violations

In June 2019, ACHR intensified its efforts in observing the refugees' situation and documenting human rights **violations** against them by expanding its capacities in reporting **abuse** and establishing the first database on **violations** against refugees in Lebanon to support its periodic reports and research papers.

During 2020, ACHR reports, research papers and field research included:



Research paper: **"The Fears of Civil Society Organizations Amid Lebanese Government Restrictions."**

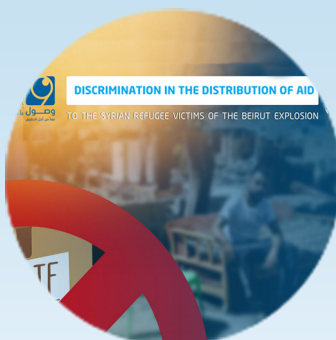
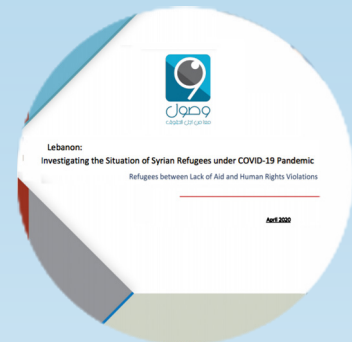
24 September 2020

Regarding the pressures exercised by Lebanese authorities on civil society organizations working with Syrian refugees.¹

Research paper: **"Lebanon: Investigating the Situation of Syrian Refugees Under COVID-19 Pandemic."**²

1 May 2020

In addition to multiple periodic reports on the: **"Conditions of Syrian refugees amid COVID-19."**³



Field research on: **"the discrimination against Syrian refugees in aid distribution following the Beirut explosion."**⁴

29 September 2020

Field research on: **"the preparations of Syrian refugees for the winter season"**.⁵

27 November 2020



ACHR also intervenes in cases that necessitate an urgent and direct response through legal and/or humanitarian assistance, after the team verifies the information and determines its capacity in providing direct assistance or referring the case to partners. In 2020, 74 individual cases and two collective cases were referred to the UN Refugee Agency, local and international partner organizations that provide legal consultations and have the capacity to represent victims before the authorities or the Lebanese judiciary.

¹ Access Center for Human Rights, The Fears of Civil Society Organizations Amid Lebanese Government Restrictions, 24 September 2020.

² ACHR, Lebanon: Investigating the Situation of Syrian Refugees Under COVID-19 Pandemic, 1 May 2020.

³ For more information, kindly view the following reports produced by ACHR:

The Continued Restrictions on Syrian Refugees in Lebanon Amid the Covid-19 Crisis, 15 April 2020.

Summary of the Conditions of the Syrian Refugees amid the Coronavirus Pandemic (COVID-19), 12 May 2020.

The Third Summary of Most Prominent Violations Against Syrian Refugees in Lebanon Amid COVID-19 Pandemic, 16 July 2020.

⁴ ACHR, Discrimination in the Distribution of Aid to the Syrian Refugee Victims of the Beirut Explosion, 29 September 2020.

⁵ ACHR, Flash on the Winter Preparations of Syrian Refugees, 27 November 2020.

<https://www.achrightrights.org/en/2020/09/24/11456/>

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<https://www.achrightrights.org/en/2020/09/29/11467/>

<https://www.achrightrights.org/en/2020/11/27/11669/>

Complaints Submitted to the Special Rapporteurs:

The Special Procedures of the United Nations Human Rights Council are individual independent human rights experts, or groups of such experts, mandated to report and advise on human rights issues from a thematic or country-specific perspective, covering civil, cultural, economic, political, and social rights.

ACHR collaborated with the Syrian Legal Development Program (SLDP) to submit complaints to the UN Special Procedures on cases of human rights **violations**, and subsequently SLDP guided and advised the team in writing and submission mechanisms. During 2020, ACHR submitted three **complaints** to the Special Rapporteurs on human rights defenders' issues:



30
September
2020

A complaint on the Lebanese State's practices of ill-treatment, degrading and inhuman treatment, as well as **discrimination** on the basis of nationality against a Syrian activist, by members of the Lebanese Armed Forces at a security checkpoint.⁶

The complaint was submitted to:

- The Special Rapporteur on the status of human rights defenders - Ms. Mary Lawlor.
- The Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance - Ms. Tendayi Achiume.
- The Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment - Professor Nils Melzer.

17
November
2020

A complaint on the denial of the French authorities the right to residency for a Syrian activist despite being at a serious and well-founded risk of **arbitrary detention, enforced disappearance, and torture** by both the Syrian authorities and the opposition factions due to her political views, secular democratic ideas and activities, and the numerous successive **arrests** she has previously suffered.⁷

The complaint was submitted to:

- The Special Rapporteur on the status of human rights defenders - Ms. Mary Lawlor
- The Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment - Professor Nils Melzer.

17
December
2020

A complaint on the arbitrary arrest and detention of a Syrian activist on the basis of a "similarity of names" with a person wanted by the security agencies. He was also subjected to **ill-treatment** by members of the Lebanese Army and General Security.⁸

The complaint was submitted to:

- The Special Rapporteur on the status of human rights defenders - Ms. Mary Lawlor.
- The Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment - Professor Nils Melzer.
- The Working Group on Arbitrary Detention.

⁶ ACHR, Documentation of the Complaint for the Case of a Human Rights Defender Refugee in Lebanon, 21 October 2020.

⁷ ACHR, The French Authorities Denied the Right of Legal Residence for a Syrian Activist in France, 18 November 2020.

⁸ ACHR, Documentation of the Complaint of a Syrian Civil Activist in Lebanon, 18 December 2020.

<https://www.achrightrights.org/2020/10/20/11499/>

<https://www.achrightrights.org/2020/11/18/11613/>

<https://www.achrightrights.org/2020/12/18/11713/>

The Database on Human Rights Violations

In July 2019, ACHR established the first database specialized in documenting human rights **violations** against Syrian refugees. This database is crucial in ACHR advocacy and awareness activities with governmental, local, and international non-governmental actors. It is also analysed and incorporated in research papers and reports.

Violations are reported through:



Direct contact with ACHR team



Referrals from partner organizations



Social media



ACHR website



Field volunteers

Documentation Methodology

The ACHR team observes the human rights field situation, collects information on **violations** and verifies it for documentation purposes by directly contacting the victim or his/her family or first-degree relatives through field interviews or calls using secure, encrypted, and open-source programs, individually, guaranteeing independency in their statements and anonymity of **at-risk** individuals.

The documentation process begins with the staff and volunteers providing the victims with their personal information to gain their trust and introducing the intermediary that assisted in achieving communication, as well as introducing ACHR and its mechanism of action. The team is committed to the principles stipulated in its work policies, including confidentiality of information, data preservation, and consent prior to obtaining information.





Communication is conducted either physically or through secure, encrypted, and open-source communication means depending on security risks for the team, the victims, their families and whether the information is transferable through voice communication. In most cases, the team makes contact through a secure means of communication to obtain preliminary information in preparation for the interview, and to build a direct relationship with the victims or their families.

In all interviews, the team is obligated to use secure means of communication to maintain the safety and privacy of the victims and commit to not publish personal data without direct authorization, to maintain the confidentiality of the information lists, to protect the confidentiality of the source, the evidence, the safety standards related to the preservation and archiving of information.

The interviews are based on a unified list of questions included in a questionnaire prepared in advance by the team based on international documentation mechanisms, and **the United Nations** approved form for recording and reporting **violations**, in the original language of the interviewees, without any financial compensation.

A medical examiner may be hired to document the cases of gross psychological and/or physical **violations**.

In all monitoring, documentation and follow-up processes, the team takes special precautions to evaluate and use the observed and documented information to determine its accuracy, by guaranteeing the following: primary and secondary data sources, the level of detail, the presence of contradictions, the absence/presence of elements that support/refute the **violation**, the date of occurrence or recording, and the actor responsible for the **violation**.

ACHR adopts the definitions of **violations** of **the Office of the United Nations High Commissioner for Human Rights** and its criteria, including “accuracy,” “objectivity,” and “impartiality” among its priorities in the documentation and preparation of research papers and reports.

The monitoring and documentation process includes many challenges in the Lebanese context, so it must be noted that all our efforts in monitoring and documenting **violations** reflect the statistical values of what we have been able to reach, thus remain inadequate in evaluating all **violations** by random samples that are scientifically represented, nevertheless they are useful in clarifying general patterns, and direct attention to the scale of the **violations** that occur in a systematic manner on refugees, in light of the pressing security, economic and security **restrictions**.

02

Report Summary



Background

Lebanon faced multiple and intertwining crises during 2020: an economic **crisis** and severe **inflation** with the US dollar exchange rate reaching 8,400 Lebanese pounds by the end of 2020, while the US dollar rate was stabilized at 1,507.5 pounds at the Central Bank of Lebanon.⁹ In addition to the **COVID-19 pandemic** and finally the **Beirut Port explosion** on 4 August 2020 which exacerbated difficult conditions in Lebanon.



Despite the **economic crisis** affecting all residents of Lebanon, it specifically impacted **vulnerable groups** including Syrian refugees. According to **Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR 2020)**,¹⁰ 89 percent of Syrian families live below the **poverty** line, a worrying increase compared to 55 percent during 2019, while 49 percent of refugees suffer from **food insecurity** after prices doubled in Lebanon since October 2019.¹¹

Moreover, income opportunities have significantly **diminished**,¹² especially after the Lebanese government announced **general mobilization** and **complete closure**, which **negatively impacted** Syrian refugees, most of whom depended on daily and seasonal work that was **interrupted** due to **quarantine** measures and the **fear** of leaving the camp as a result of the intensification of **security checkpoints** by local authorities.¹³ During that period, Syrian refugees witnessed a noticeable increase in the **harassment** of Lebanese authorities and an escalation in **incitement, hate speech and discriminatory decisions** taken against them.

Multiple Lebanese municipalities had imposed a **curfew** on Syrian refugees in several areas, under risk of **penalty**. At least eight municipalities issued a **curfew** decision exclusively for Syrian refugees and not for Lebanese citizens under the pretext of "combatting the **COVID-19 pandemic**", prior to the government announcement of a **general mobilization**, while at least 21 municipalities imposed **incapacitating and discriminatory restrictions** on Syrian refugees that limited their movement and made it difficult for them to access basic services, as well as imposing **tighter restrictions** on refugees more than Lebanese citizens during the permitted touring hours, and prevented them from leaving their homes or receiving visitors.¹⁴

Various security agencies conducted **raids** in camps, sometimes daily and consistently without any legal justification. These agencies conducted searches for Syrians' UNHCR registration papers and legal residencies,¹⁵ while an estimated 80 percent of Syrian refugees older than 15 years do not have legal residency,¹⁶ and this may be a result of the **high fees** imposed on residencies (300,000 Lebanese Pounds),¹⁷ or the **complex procedures and conditions** imposed by the Lebanese General Security, or the latter's severe **tardiness** in reviewing applications.¹⁸

⁹ Al-Ain, The Dollar Rate in Lebanon Thursday 31 December 2020, 31 December 2020.

¹⁰ UN Refugee Agency, Nine out of ten Syrian refugee families in Lebanon are now living in extreme poverty, UN study says, 18 December 2020.

¹¹ World Food Programme, Crisis after crisis: How WFP helped Lebanon respond to 2020, 31 December 2020.

¹² Interagency Coordination, UNHCR, UNICEF, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR), 18 December 2020.

¹³ ACHR, Investigating the Situation of Syrian Refugees Under COVID-19 Pandemic.

¹⁴ Al Markaziya, The Emergency Plan Has Begun and Municipalities Are Monitoring Implementation: Police Alert, Spraying and Sterilization Campaigns, 16 March 2020.

Al Modon, Corona Turns Lebanese Municipalities into Closed Sanctuaries: Checkpoints and Sterilization, 23 March 2020.

¹⁵ Investigating the Situation of Syrian Refugees Under COVID-19 Pandemic.

¹⁶ Interagency Coordination, VASyR.

¹⁷ The Lebanese General Security, Settling the Status of Violating Syrians Until 30/06/2021. Last Access: 6 May 2021.

¹⁸ VASyR.

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snacksyrian

On the other hand, Syrian camps were **attacked** on numerous occasions by Lebanese citizens, most notably, the **attack** on “Clinton” camp in Ghazze – Beqaa Governorate on 15 April 2020, due to a conflict between the Lebanese **perpetrators** and the camp residents where a Lebanese citizen subsequently **shot** and **injured** three refugees, several refugees were **arrested** and the head of the municipality took the decision to **evict** Syrian refugees from the town, which was rejected by the Minister of Interior.¹⁹

Similarly, on 23 November 2020, following the **murder** of a resident of Bcharri – Northern Lebanon Governorate, town locals **attacked** Syrian refugees residing, attempting to **burn and destroy** some of their houses and threatening to **evict** them from the town, with approximately 270 families leaving Bcharri.²⁰ The municipality also released a statement requesting security agencies to conduct a “wide **search** campaign on all [Syrian refugee] places of residence and verify their identity documents.”²¹

On 26 December 2020, Lebanese citizens **lit a fire** in Bhinin-Minieh – Northern Lebanon Governorate due to a **conflict** between them and Syrian refugees, causing the entire camp to **burn** and the **displacement** of nearly 75 families.²²

The Significance of the Report and Its Purpose

This report was produced during a time of a rise of human rights **violations** in Lebanon, especially with the worsening of the economic **crisis** which gave the authorities additional excuses for **forcing** refugees to return to their **unsafe** country. This report aims to shed light on these **violations** perpetrated against Syrian refugees in Lebanon during 2020, especially amid the **economic deterioration** and protests that heavily impacted host communities and was used by those in power in Lebanon to **incite** citizens against refugees. Followed by the **COVID-19 pandemic** where the Lebanese Government and local authorities took **discriminatory** measures and decisions under the pretext of combating the spread of the **virus**, while intensifying **pressures** and **raids** on camps.²³

Subsequently, ACHR finds monitoring and documenting **violations** important to study the conditions of Syrian refugees in Lebanon from a human rights perspective to mobilize local and international advocacy efforts, to improve the human rights situation in the region by pressuring the parties concerned with refugee affairs in Lebanon at the national and international levels to take the necessary measures and policies to secure and protect the rights of refugees.

¹⁹ Infomigrants, Lebanon: Tension in the Western Beqaa and “restrictions” of Syrian Refugees, 17 April 2020.

²⁰ SyriaTV, The Family of the Lebanese Murdered in Bcharri Releases a Statement, 30 November 2020.

²¹ LBCI, a Statement from the Bcharri Municipality After Yesterday’s Horrific Crime... What Did It Request from the Security Agencies and the Relatives? 24 November 2020.

²² BBC News, the burning of a camp for Syrian refugees in Lebanon “following a quarrel”, 27 December 2020.

²³ Investigating the Situation of Syrian Refugees Under COVID-19 Pandemic.

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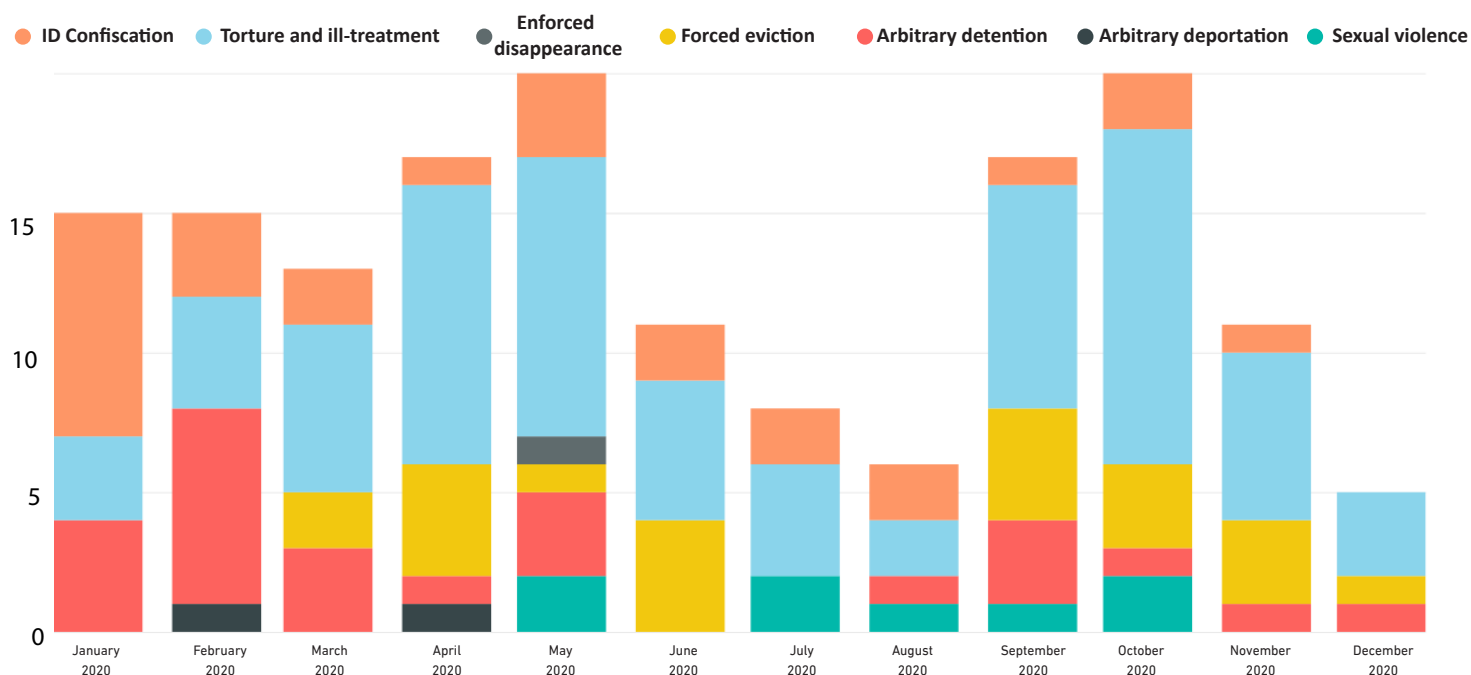
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Summary of findings



25

Arbitrary arrest and detention



19

individual



6

collective

The cases did not have legal basis and included four activists. Most cases took place at checkpoints or during security raids of victims' residences.

73

Torture and ill-treatment



60

individual



13

collective

Cases included eight civil society activists. Some of these cases were documented through a medical examiner.

2

Arbitrary deportation

ACHR was unable to record additional information post-deportation but fears their arbitrary arrest in Syria given a similar fate for the 42 deportation cases documented by ACHR in 2019 who were deported from the Beirut airport after returning from different countries to Lebanon.

8

Sexual violence

Eight cases were recorded including three cases against minors, and one case for an LGBTQIA+ individual. All cases were perpetrated by Lebanese and Syrian individuals.

27

Identity documents confiscation

27 cases were recorded between 2014 and 2020, while the owner of the documents still faces difficulties in returning them. These cases include nine that occurred in 2020, including one of a civil society activist.

22

Forced eviction



9

individual



13

collective

As a result of a deteriorating economic situation in Lebanon on one hand and attacks on camps on another hand.

1

Forced disappearance

One case was recorded, of which the perpetrator was a political party. Despite the victim being released, he still suffers pressures and threats from the same party.

03

Findings



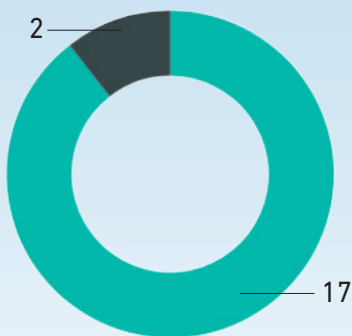
Detention and Arbitrary Arrest

Due to systemic **arbitrary arrests and detentions** of Syrian refugees by the Lebanese authorities, particularly during **raids** in camps and residential communities, refugees limit their movement in **fear** that they will be subjected to an **inspection** at **security checkpoints**.

19

ACHR has documented 19 individual cases of **arbitrary detention** of refugees during 2020, with the highest proportion of refugees being held at security **checkpoints**, while homes were the second most common place for arrests. Some **arbitrary arrests** were also recorded in camps or public places, in addition to an **arrest** in the UNHCR headquarters in Beirut, and another inside a government institution. Four of the **arrested** are Syrian civil society activists.

● Holds Valid Residency
● Lacks Valid Residency

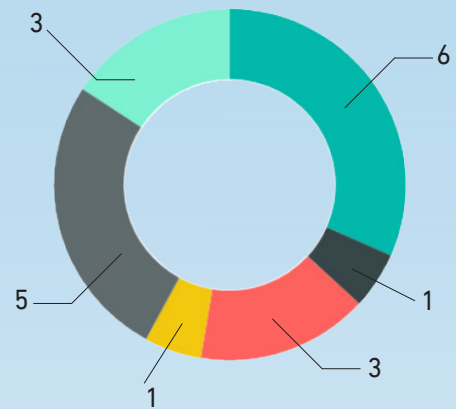


90 percent of **arbitrary arrests** were carried out in 2020 against refugees who lack valid residency in Lebanon, although approximately 75 percent are registered with UNHCR.

6

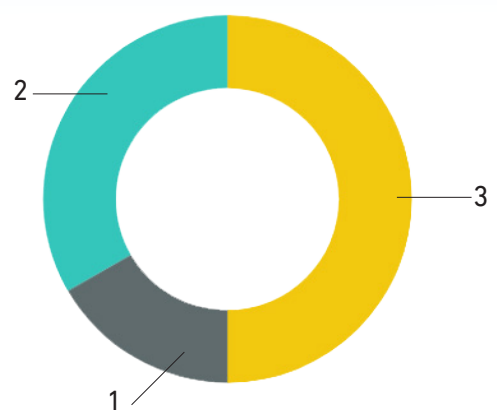
Concerning mass **arbitrary arrests**, six cases were registered in 2020; three cases had occurred in camps, two cases took place at the **victims'** houses, while an incident of mass **arbitrary detention** was carried out at UNHCR headquarters.

● Public Places
● UNHCR Headquarters
● Governmental Institution
● Victim's residence
● Camp
● Checkpoint



Places of Arrest for Individual Cases

● Victim's residence
● UNHCR Headquarters
● Checkpoint
● Camp
● Governmental Institution
● Public Places



Places of Arrest for collective Cases

What is an arbitrary arrest?



Detaining individuals "**without legitimate cause or legal justification**" is prohibited in Lebanese laws and international conventions ratified by Lebanon.

What are the national laws and international treaties regarding arbitrary detention?

On the international level:

Article 9 of [the Universal Declaration of Human Rights \(1948\)](#) states that "no one shall be subjected to **arbitrary arrest, detention or exile.**"

Article 9 of [the International Covenant on Civil and Political Rights \(1966\)](#) gives everyone the right to liberty and security. It prohibits the **arbitrary arrest, detention, or deprivation of freedom** of any individual except on grounds provided for by law and by legal procedures. This article also specifies certain rights of the arrestee, failure to respect them marks the **arbitrariness** of the **arrest or detention**. These rights include: the right to know the reason for the arrest and the charges, to be presented to a judge or officer legally authorized to perform judicial functions, to be trialled within a reasonable time and to be compensated if the arrest is **illegal**.

According to the [Working Group on Arbitrary Detention](#),²⁴ deprivation of liberty is **arbitrary or unlawful** if it falls into one of the following categories:

1. The absence of a clear legal basis for **deprivation of liberty**, such as keeping a person in **detention** even after the termination of his or her sentence.
2. **Deprivation of liberty** due to the exercise of the rights or freedoms guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. When it is caused by the **failure** to apply some international norms relating to the right to a fair trial.

On a national level:

[The Lebanese constitution](#) is keen on protecting and safeguarding personal freedoms; Article 8 stipulates that: "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 offence may be established, or penalty imposed except by law."

[The Lebanese Penal Code](#), specifically Article 327, penalizes directors, employees and officers of prisons, correctional and disciplinary institutes, with temporary hard labour if they **arrest or imprison** people in cases other than those stipulated by law. Moreover, Article 328 penalizes accepting a person without a judicial warrant or judicial decision or retain him for more than the legally specified time. In this regard, Article 47 of [the Criminal Procedure Code](#) states the rights of the individual upon arrest, which are:

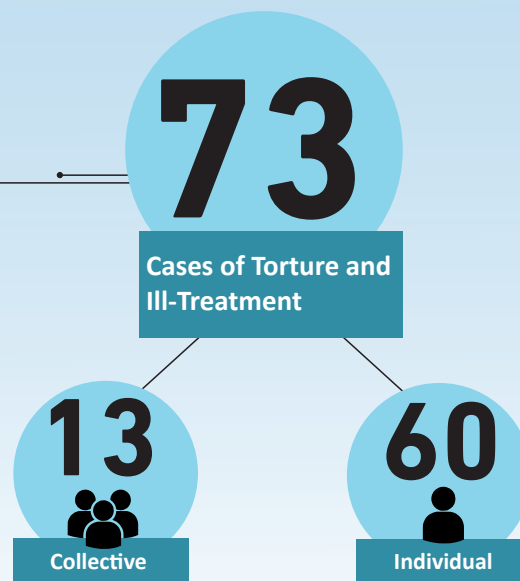
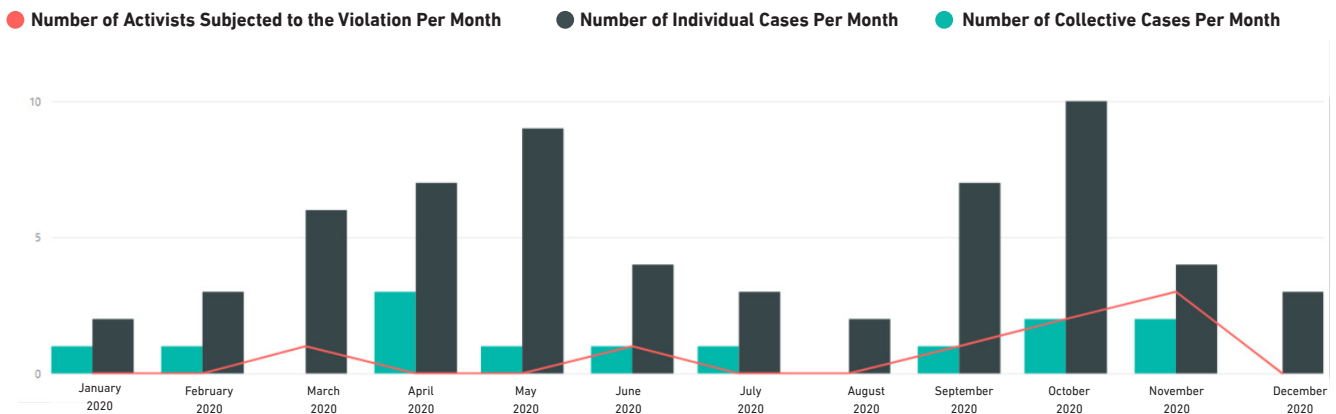
- The detention period may not exceed 48 hours, renewable for a similar period based on the approval of the Public Prosecution.
- Contact a family member, employer, lawyer of his/her choice, or acquaintance.
- Receiving the visit of a lawyer appointed by him/her with a statement written on the report.
- Hiring a sworn translator if he/she is not fluent in the Arabic language.
- Allow a doctor to see him/her.

²⁴ The Working Group on Arbitrary Detention was established pursuant to United Nations Human Rights Council Resolution No. 1991-1942 and works to investigate cases of deprivation of liberty imposed arbitrarily or inconsistent with the standards set forth in international legal instruments: <https://bit.ly/3vMTXCI>



Torture and Ill-Treatment

The prevention of torture is an absolute principle that cannot be justified in any case or circumstance and is non-derogable; A State may not restrict it, even temporarily and under any circumstances, even in the event of war, internal political instability, or other public emergency.²⁵



Access centre registered 73 cases of **torture and ill-treatment** in 2020, of which 13 were collective cases and 60 were individual cases. The registration of these cases increased mid-year from its inception, recording a peak in October 2021, with no repeated pattern or standard indicator. It should be noted that eight of the registered cases are activists, while 51 of the 60 individuals are registered with UNHCR.

²⁵ OHCHR, Prevention of Torture: An Operational Manual for National Human Rights Institutions, May 2010.

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What is torture?



Torture is any act caused by severe **pain or suffering**, whether physical or mental, intentionally inflicting **pain or suffering** for specific purposes, by or at the instigation of or with the consent of an official or other person acting in an official capacity.²⁶

It is an exaggerated form of **ill-treatment** as a **violation**, except that it differs in the level and severity of **ill-treatment** and taking into account the victim's helplessness, such as the state of **detention**. In addition, **ill-treatment** does not presume the existence of a "specific purpose," unlike **torture**, which has a specific purpose, such as obtaining information, confession, fear, or for a **discriminatory** reason.²⁷

What laws criminalize torture and ill-treatment?

On the international level:

The Universal Declaration of Human Rights:

Article 5 states that "no one shall be subjected to **torture or cruel, inhuman or degrading treatment or punishment**." Article 10 stresses on the right of all persons **deprived of liberty** to humane and dignified treatment.

Article 7 of the **International Covenant on Civil and Political Rights**, which states: "No one shall be subjected to **torture or cruel, inhuman or degrading treatment or punishment**, and in particular no one shall be subjected to any medical or practical experience without his or her free consent."

Article 2 of the **Convention against Torture (1984)** establishes the duty of each State party to take the necessary and effective action to prevent acts of **torture**. The State is prohibited from invoking any exceptional circumstances to justify **torture**, such as internal **political instability or public emergencies**. In the case of a person charged with acts of **torture** within the territory under its jurisdiction; The state must bring him/her to trial.

On a national level:

The **Lebanese Code of Conduct for Public Security** stipulates that officers and staff must refrain from "performing, enticing or condoning any act of **torture, cruel, inhuman or degrading treatment** during investigations or carrying out any tasks assigned to them." It adds that public security agents in **detention** centres must refrain from committing, abetting, ordering, aiding or condoning **torture** or any form of **inhuman or degrading treatment**. In addition, all forms of physical or psychological **violence or harassment of detainees** during their transfer to and from the **detention** centre shall be prohibited."

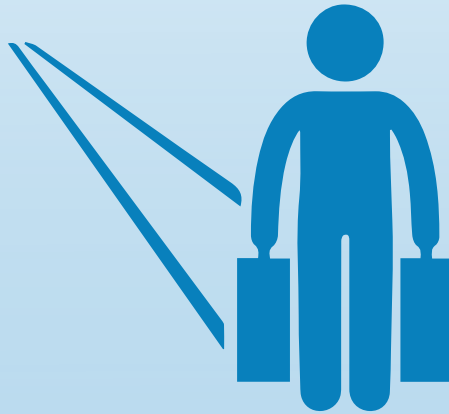
The Code of Conduct of the Lebanese Armed Forces, specifically Article 7, requires members of the army to respect human rights and protect public freedoms in the performance of their duties. It stresses the need to refrain from, **incite or condone** any act of **torture, cruel, inhuman or degrading treatment**."

Article 11 also prohibits the use of any form of **violence or cruel or degrading treatment**.

²⁶ United Nations General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A / RES / 70/175, 8 January 2016.

²⁷ Ibid

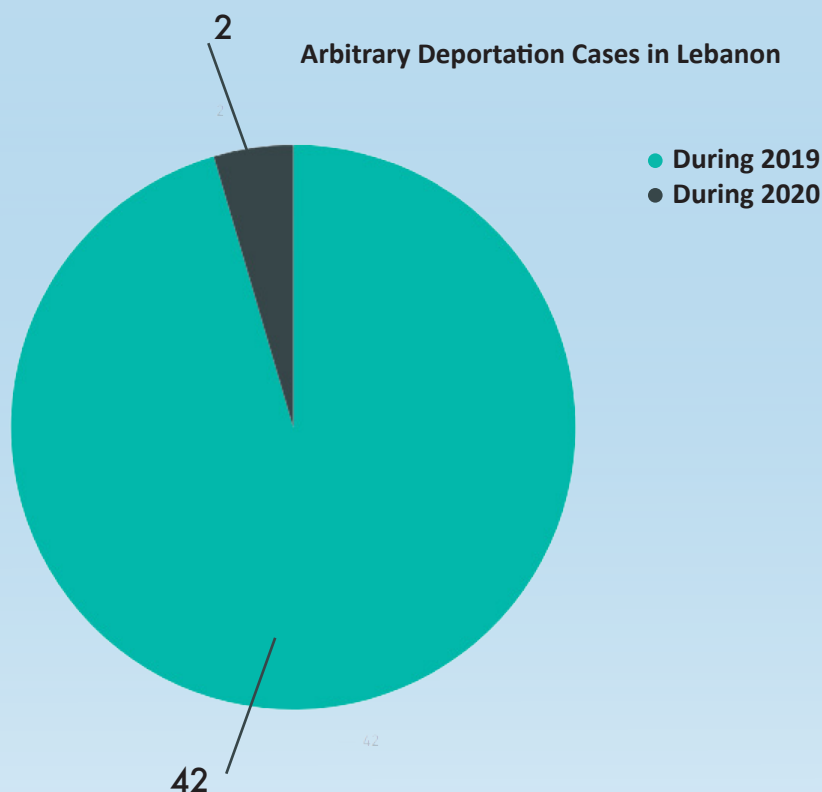
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Arbitrary Deportation

The deportations are contrary to Lebanon's obligations under domestic laws and international treaties, to not **deport** any refugee in its territory to a country where they may be at risk of **death, torture, or persecution**. Although Lebanon is not a signatory to **the 1951 Convention relating to the Status of Refugees**, this does not exempt it from its other obligations at the international level.

Arbitrary Deportation Cases in Lebanon



2

During 2020

23

During 2019

ACHR has recorded two cases of **arbitrary deportation** during 2020, a significant **decline** from the number of cases registered during 2019, which amounted to 42 cases of **deportation** of Syrian refugees.²⁸ This was before the Lebanese authorities reported that between 13 May 2019 and 9 August 2019, 2,477 Syrians had been **deported** as a result of **surreptitiously** entered into Lebanese territory, based on **the decision of the Supreme Defense Council** to **deport** Syrians that entered Lebanon **irregularly** after 15 April 2019.

As shown in the figure, this difference between the number of deportations for 2019 and 2020 is due mainly to the **closure of the border** between the two countries during 2020 due to the **COVID-19 pandemic**.

²⁸ ACHR, Arbitrary Deportation/Human Rights Violations Against Syrian Refugees in Lebanon in 2019, Infographic, 10 April 2020.

<https://www.achrights.org/2020/04/06/10659/>



What are Lebanon's obligations under the international conventions it has ratified?

According to Article 14 of [the Universal Declaration of Human Rights](#), "Everyone has the right to seek asylum in other countries, or to try to resort to them to escape **persecution**."

Article 13 of [the International Covenant on Civil and Political Rights](#) also prohibits **arbitrary deportation**. It provides that: "An alien lawfully in the territory of a State Party to the present Covenant may be **expelled** therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his **expulsion** and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority."

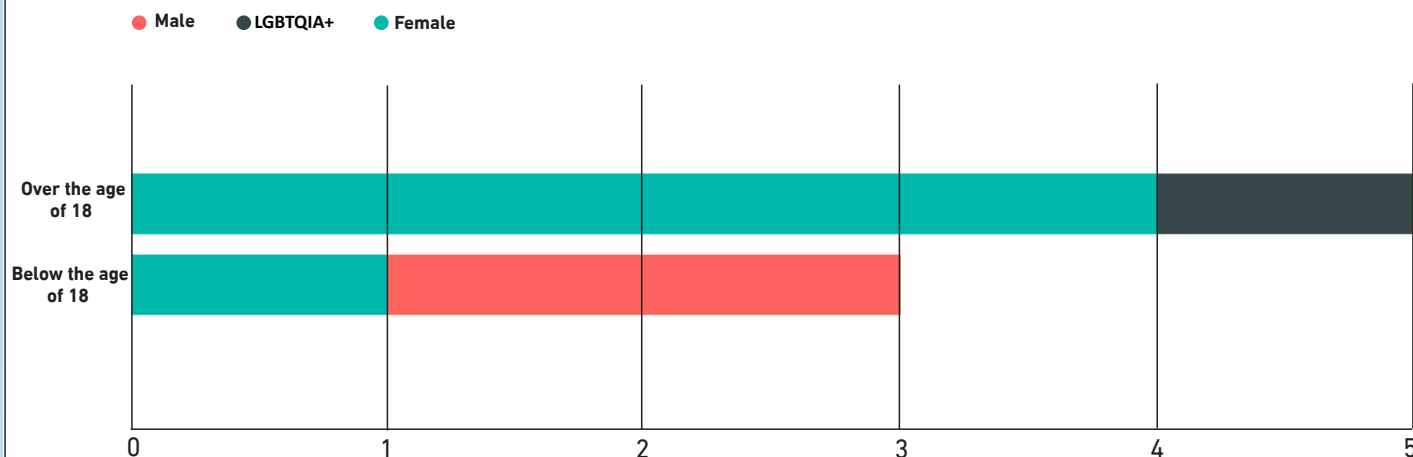
Article 3 of [the Convention against Torture \(1984\)](#) states that "no state party may **expel or return** any person or **extradite** him to another country if it has real reasons to believe that he is under the risk of **torture**."

While Article 31 of [the 1962 Law on the Regulation of Entry, Residence and Exit](#) from Lebanon also prohibits the **deportation** of a political refugee to the territory of a State where he **fears** for his/her life or freedom.



Sexual Violence

In addition to the lack of basic necessities of life in refugee camps, including adequate housing and medical care, or official documents that allow refugees to access services, refugees in Lebanon, especially women and minors, are exposed to **sexual exploitation or harassment**, by various perpetrators, including landlords, employers, and even by Lebanese authorities.²⁹



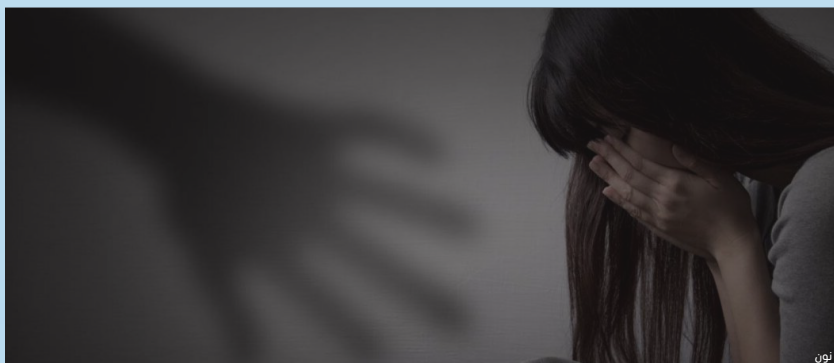
ACHR recorded eight cases of **sexual violence**, including three male victims of which one is an LGBTQIA+ individual, while three cases were against minors under the age of 15. All of the recorded cases were committed by Lebanese or Syrians, and specifically, neighbours, colleagues, and employers.

The cases were concentrated in the Beqaa region, with five cases recorded in the Beqaa Governorate, while two cases occurred in the North Governorate and one case in Akkar Governorate. One of the most notable cases that became a matter of public opinion was of a 13-year-old child who was **sexually assaulted and raped** by eight Lebanese men during his work at an olive press two years ago.³⁰

²⁹ Amnesty International, Lebanon: Refugee women from Syria face heightened risk of exploitation and sexual harassment, 2 February 2016.
³⁰ ACHR, ACHR Comment on the Case of the Child in Beqaa, 12 July 2020.

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What is sexual violence?



The Office of the United Nations High Commissioner for Human Rights (OHCHR) defines sexual violence as “a form of gender-based violence and encompasses any sexual act, attempt to obtain a sexual act, **unwanted** sexual comments, or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. Sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity.”³¹

What are Lebanon’s commitments according to international treaties?

The Committee on the Elimination of Discrimination against Women (CEDAW) in General Recommendation No. 35 stated that the prohibition of **violence** against women has become a principle of international customary law, and therefore binding for all countries who have a duty of care which includes taking active measures to prevent and protect **violence** against women, punish the **perpetrators** and compensate the **victims**.³²

In General Recommendation No. 19, the committee considered **violence** against women as a form of discrimination covered by the mandate of **the Convention on the Elimination of All Forms of Discrimination Against Women (1979)**. Subsequently, all obligations resulting from this convention are applicable for **violence** against women, notably the State parties’ obligation to provide effective protection to women and to adopt a policy to eliminate **discrimination and violence** against women, with all possible means and without delay for any reason whatsoever, including economic, cultural, or religious reasons.³³

The Declaration on the Elimination of Violence against Women (1993) puts forth the obligation of States to condemn **violence** against women without invoking any custom or religious considerations to evade eliminating it, this includes the obligation to adopt laws to sanction **perpetrators** as well as provide access to mechanisms of justice for **victims** and effective means of redress.

The Convention on the Rights of the Child (1989) requires States to ensure the necessary protection and care for the child, while taking appropriate legislative and administrative measures to achieve this.

The Convention on the Rights of the Child, specifically Article 19, requires member States to take legislative, administrative, social, and educational measures to protect the child from all forms of **violence**, including **sexual exploitation and abuse**. While Article 34 requires States to protect the child from all forms of **sexual exploitation and sexual abuse**.

³¹ OHCHR, Sexual and gender-based violence in the context of transitional justice, October 2014.

³² CEDAW General Recommendation No. 35, 26 July 2017, CEDAW/C/GC/35.

³³ CEDAW, General Recommendation No. 19, 1992.

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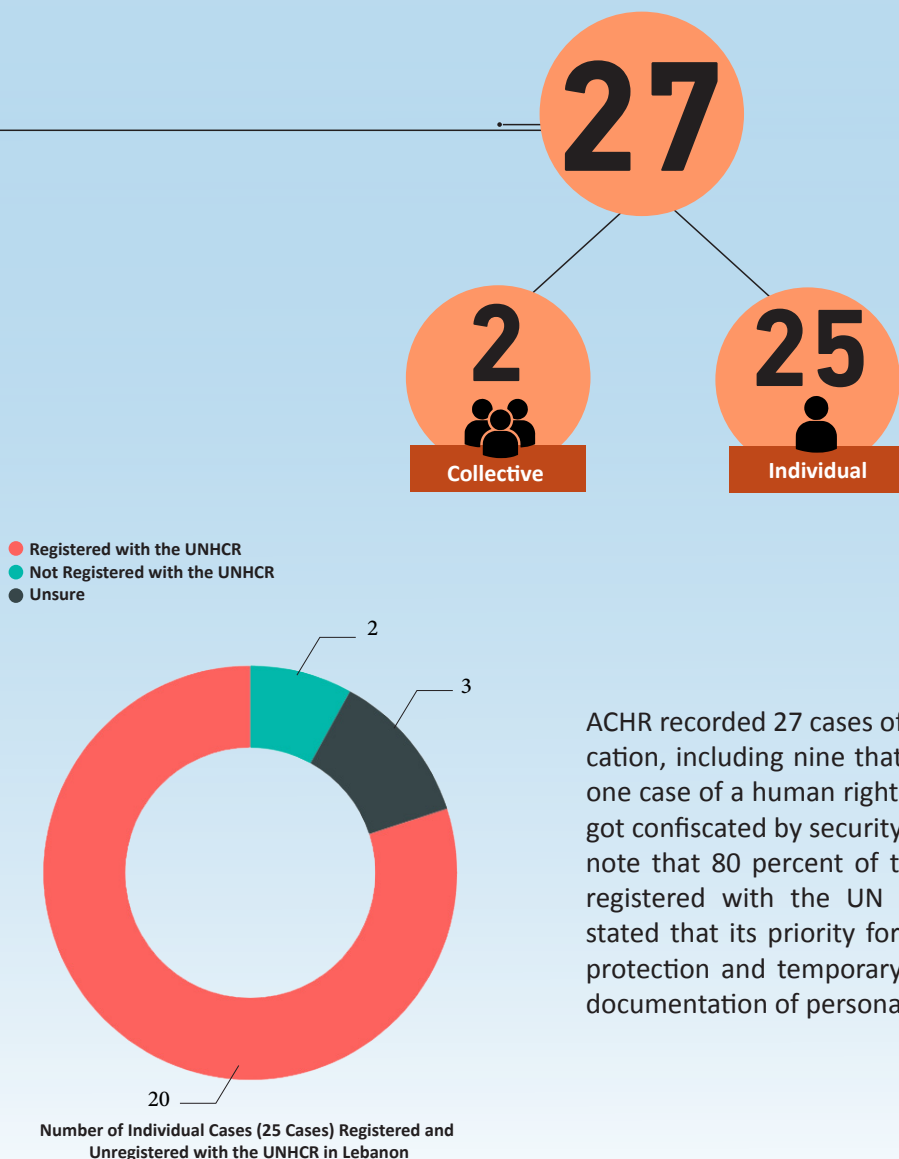
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Identity Documents Confiscation

Identity documents' confiscation **violates** Lebanon's commitments according to international treaties as it **prevents** refugees from the right of movement inside and outside Lebanon, in addition to **preventing** them from working amid the difficult **economic conditions** in the country, and from registering personal status events such as marriage, divorce and new births.



ACHR recorded 27 cases of identity documents confiscation, including nine that occurred during 2020 and one case of a human rights activist whose documents got confiscated by security agencies. It is important to note that 80 percent of the cases are of individuals registered with the UN Refugee Agency who had stated that its priority for 2020 is to ensure refugee protection and temporary legal residency as well as documentation of personal status events.³⁴

Despite lack of national legal texts regarding confiscation of residents' identity documents, Lebanon remains bound by international treaties and conventions that preserve other rights and freedoms affected by the confiscation of official documents. The right to legal identity is one of the fundamental human rights as it allows individuals to practice other rights, such as the right to register personal status events and to access humanitarian assistance and basic services including education and health, in addition to the freedom of movement.

According to **the Human Rights Committee** any individual that enters a country **illegally** and subsequently regularizes his papers is then considered legally present in the country and has the right to practice these rights.³⁵

³⁴ UNHCR, Who are? Where do we work? Lebanon. Last Access: 6 May 2021.

³⁵ Celepli v. Sweden, Communication No. 456/1991, U.N. Doc. CCPR/C/51/D/456/1991 (1994).

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What are Lebanon's obligations according to international treaties?

Identity Document Confiscation and the Right to Legal Identity

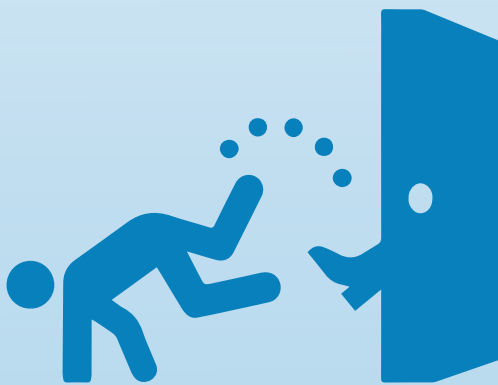
All [the nine fundamental international conventions on human rights](#) address the right to legal personality, it is therefore a non-derogable right that may not be suspended even in situations of emergency.

Article 6 of [the Universal Declaration of Human Rights](#) and Article 16 of [the International Covenant on Civil and Political Rights](#) give the right to legal personality to everyone, anywhere.

Identity Document Confiscation and freedom of movement

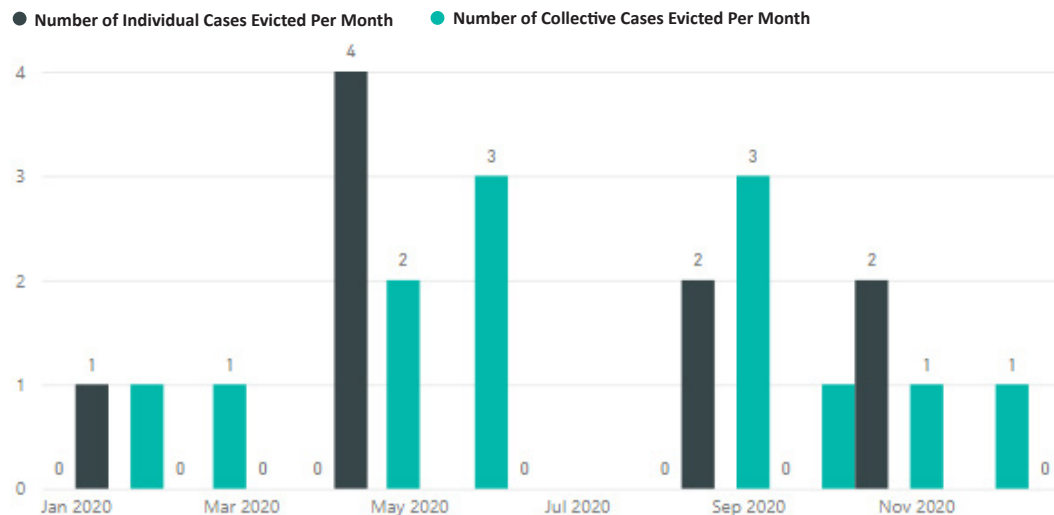
Article 13 of [the Universal Declaration of Human Rights](#) gives the right every individual the right to leave any country including his/her own and to return to it.

Article 12 of [the International Covenant on Civil and Political Rights](#) preserves freedom of movement and to choose the place of residence for every individual legally present within a country's territory.



Forced Eviction

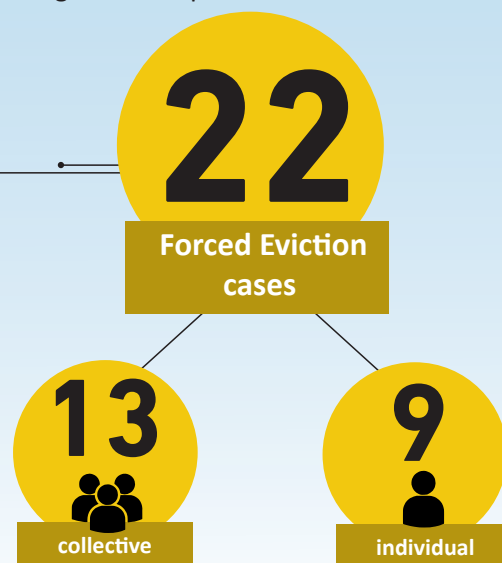
Forced eviction constitutes a human rights **violation** as it may prevent the practice of several rights and freedoms, most importantly: The right to housing, the right to a standard of living that guarantees health and well-being, and the right to legal protection.



ACHR recorded 22 cases of forced eviction during 2020, 13 collective cases and nine individual ones. The collective cases took place in Syrian refugee camps or informal settlements.

Eviction cases witnessed a noticeable rise during 2020 compared to 2019 as ACHR recorded eight cases that previous year.³⁶

The main reason for the rise of forced eviction cases goes back to the rise in prices as a result of the **inflation** in Lebanon and the inability of refugees to pay rent, especially with the suspension of their work amid the **COVID-19 pandemic** and the **general mobilization order** since 17 March 2020, while camps and informal settlements witnessed several **attacks** from Lebanese citizens, notably:



Bcharri Incident – North Governorate:

On 23 November 2020, after the **murder** of a local, town residents **attacked** Syrian refugees residing in the area, attempting to **burn** and **vandalize** some houses of refugees and threatening to **evict** them from the town, with approximately 270 Syrian families leaving.³⁷ The municipality also released a statement requesting security agencies to conduct a “wide **inspection** in their places of residence and to verify their identities.”³⁸

Bhinin-Minieh Camp – North Governorate:

On 26 December 2020, Lebanese citizens **lit a fire** in the camp as a result of a **conflict** they had with Syrian refugees, which led to the entire camp, which hosted approximately 75 families, **burning**.³⁹

³⁶ ACHR, Forced Eviction – Medical Negligence – ID Confiscation/Human Rights Violations Against Syrian Refugees in Lebanon for 2019, Infographic, 9 April 2020.

³⁷ SyriaTV, The Family of The Murdered Lebanese in Bcharri Releases a Statement, 30 November 2020.

³⁸ LBCI, a Statement from the Bcharri Municipality After Yesterday's Horrific Crime... What Did It Request from the Security Agencies and the Relatives? 24 November 2020.

³⁹ BBC News, the burning of a camp for Syrian refugees in Lebanon “following a quarrel”, 27 December 2020.

<https://www.achrights.org/2020/04/06/10682>

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What is forced eviction?



The **Committee on Economic, Social and Cultural Rights** defines it as "the permanent or temporary **removal** against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."⁴⁰

The definition of **the Committee Committee on Economic, Social and Cultural Rights** includes the failure to secure an alternative that guarantees the right to adequate housing for those affected and the implementation of the **eviction** without the possibility of appealing the **eviction** decision or its process and without considering the procedures and the State's international and national obligations, or even the implementation of the evacuation during difficult **weather conditions** or periods of **epidemics**.⁴¹

What are the rights of individuals according to national laws and international treaties?

Article 25 of **the Universal Declaration of Human Rights** affirms that "everyone has the right to a standard of living sufficient to ensure the health and well-being of himself and his family, especially with regard to food, clothing and housing."

Article 11 (1) of **the Covenant on Economic, Social and Cultural Rights** states that "the right to housing is part of the right to an adequate standard of living for an individual and his family."

According to **Lebanese laws**, a landlord is not entitled to **evict** a tenant except by a court order. As long as the **evacuation** is not consensual and is not carried out by a judicial order; The tenant has the right to refrain from implementing it, based on his right to housing.⁴²

⁴⁰ Office of the High Commissioner for Human Rights, Forced Evictions: Fact Sheet No. 25 / Rev.1, 2014.

⁴¹ UN, Committee on Economic, Social and Cultural Rights, General Comment No. 7: Right to Adequate Housing (Article 11.1), Forced Evictions, 20 May 1997, E/1998/22.

⁴² Housing Monitor, If I was at risk of eviction, what are my rights? Last Access: 6 May 2021.

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04

Recommendations

Lebanon, as a member State to the [Convention Against Torture](#), is obligated not to **return or extradite** anyone if there are valid reasons indicating that this individual would be at risk of **torture**. Lebanon is also bound by the [customary international law principle of non-refoulement](#), which **prohibits** returning people to places where they would be subjected to **persecution**, or exposing anyone to a real risk of **torture, cruel, inhuman, or degrading treatment, or a danger to their lives**.

Access Center for Human Rights urges the international community and the Special Rapporteurs of arbitrary arrest, enforced disappearance, contemporary forms of racism, torture, all human rights, the High Commissioner for Refugees, and the working groups at the United Nations, to prevent the continuation of **human rights violations** against Syrian refugees, who are deprived of the most basic rights guaranteed by the United Nations Charter, its conventions and resolutions, which is the right not to deport them to a country where they could be **killed, tortured, persecuted, or deprived of a dignified and safe life**.

ACHR believes that **denying** refugees the right to obtain legal residency greatly contributes to justifying the violations of the Lebanese authorities. ACHR also stresses the need for the international community to move to follow up on the report's recommendations, especially in light of the escalation of politicians and the Lebanese government regarding the **forced return** of refugees, which they call "voluntary return", ACHR sees it as **indirect pressure** on the refugees in several ways, most notably the **restriction** on them in **arbitrary arrests** on the pretext that they do not possess legal residency papers, which the Lebanese authorities have contributed to **denying** them with **arbitrary decisions**.



Recommendations

1- To the Lebanese authorities

- Aiming Lebanon's policy of dealing with refugees in a direction that guarantees respect for their desire to return to Syria or to remain in Lebanon, away from **political disputes** within the Lebanese government.
- Put an end to **forced returns** to Syria and adopt policies that guarantee the necessary protection for all refugees in Lebanon.
- Allow **victims** threatened with **deportation** to appeal those decisions issued against them before the competent judicial authorities, in accordance with national law.
- Repeal the decision of **the Supreme Defense Council No. 50 issued on 15 April 2019** and the decision of **the General Director of the General Security No. 43830 issued on 13 May 2019** which seek to **deport** Syrian residents who entered Lebanon through **informal crossing paths**.
- Allow all Syrians in Lebanon the right to receive legal residency without **incapacitating** conditions that **prevent** them from exercising this right.
- Take the immediate initiative to implement **the State Council decision No. 421/2017-2018 issued on 8 February 2018**, to ensure legitimacy and public order in Lebanon, and announcing the **suspension** of the procedures issued by **the General Directorate of General Security in 2015** and their amendments regarding the conditions for entry and residency of Syrian citizens in Lebanon.
- Establish the necessary legal mechanisms to stop **arbitrary arrests and detentions** and ensuring the right of detainees to contact their families and/or defense attorneys prior to the **investigation** processes.
- Ensure that human rights organizations have access to places of **detention** to verify the conditions of **detainees**.
- Annul **the Decision No. 1/151 of the Ministry of Labour issued on 20 December 2019**, and adopt special laws, in a manner consistent to international treaties and conventions, to regulate foreign labour.
- Annul all **discriminatory decisions** adopted by municipalities and adopt legal mechanisms that bind municipalities to receive prior approvals from the Ministry of Interior and Municipalities before publishing circulars and decisions.
- Respect civil society principles and objectives, especially organizations working on the field, and provide them with the necessary space to implement their projects and facilitate their work and programs that contribute to building a society.
- Security agencies must cease **prosecution** of civil society workers and activists, and repeated **visitations** to pressure civil society workers, as well as ensure their protection from **security risks** to facilitate their legal work.
- Facilitate the process of obtaining legal residency papers for civil society workers and exclude them from the Minister of Labour's campaign to combat foreign labour. These workers should also be included in Social Security without **discrimination**, to ensure their legal work and protect them from **exploitation**.
- Include civil society, notably the organizations working with refugees, in assisting the Lebanese government to organize the issues of refugees and **vulnerable** groups.

Recommendations

2- To the UN Refugee Agency

- Implement its annual funding appeals by supporting local civil society organizations working directly with refugees.
- Respect refugees inside UNHCR centers, while stressing the privacy policy with the contracted security and protection company, monitoring their performance, and not tolerating those who **violate** work policies.
- Activate the complaints mechanism, listening to the demands of the people, respecting their opinions, beliefs, and ideas, and working to achieve their needs.
- Increase the active role of the protection office by providing legal support and representation through lawyers affiliated with the commission or independent lawyers assigned by the commission to defend individual and collective refugee cases and follow up their cases in the courts to ensure fair, impartial, and transparent trials.
- Take action in cases of official **documents' confiscation** and coordinate with the Lebanese authorities, to ensure that refugees receive protection, legal residency, and document personal status cases, in implementation of UNHCR priorities for the year 2020.
- Conduct a field study on the conditions of Syrians to determine the percentage of individuals with and without residency, which would enable them to work with General Security to solve their issues.

3- To the international community and donors

- Establish and activate a mechanism to monitor the **restrictions**, procedures and measures adopted by Lebanon against Syrian refugees and its **violation** to the international treaties and conventions, in addition to monitoring the **violence, ill-treatment, arrests and harassment** conducted by the Lebanese authorities against them.
- Contribute to pressuring Lebanon to respect and adhere to its commitments according to ratified international treaties and provide protection and security to all residents in Lebanon including Syrian refugees.
- Strengthen the capacities of civil society organizations and associations to enable them to influence government policy, participate in its industry, and provide political and human rights advice.

4- Civil society coalitions and networks

- Initiate strategic communication between civil society organizations and international decision-makers and establishing formal mechanisms for effective cooperation and communication.
- Train civil society organizations on advocacy mechanisms and developing work policies to enable them to exert **pressure** on the Lebanese authorities and the international community concerned with Syrian issues.



وصول



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