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Refugees Migrating from Lebanon... **Violations Along the Way**



●●● Introduction

The United Nations high commissioner for Refugees (UNHCR) defines refugees as “people who are unable or unwilling to return to their country of origin, owing to a well-founded fear of persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and they are therefore in need of international protection.” Confusing refugees with migrants or referring to refugees as a sub-category of migrants can significantly affect the lives and safety of people fleeing persecution or conflict.¹

Syrian refugees are constantly looking for solutions to leave Lebanon, and have launched campaigns on social media since 2016 calling on the international community to get them out of Lebanon, due to Lebanese authorities continuously adopting arbitrary decisions against them, conducting and/or failing to stop hate speech, arbitrary arrests, arbitrary deportations, as well as ongoing threats to return refugees to their country, and conducting arbitrary deportations in coordination with Syrian authorities, causing great cause for concern among refugees. Refugee voices remain unheard despite the repeated calls for protection or resettlement to third countries that preserve their dignity and give them a safer and more stable environment than Lebanon.

Syrian refugees have not been spared from leaving Lebanon, as the human rights situation in the country is unstable, and where staying is misery and leaving is a challenge. In light of the crises that have afflicted Lebanon for nearly the last two years, cases of migration from Lebanon to different countries have become noticeable, with Cyprus being one of the most prominent destinations, followed by Italy, Germany and then Greece, after a sharp drop in the value of the Lebanese pound and the deterioration of the living and security conditions.

Over the past six months, Access Center for Human Rights (ACHR) has monitored the conditions of migrants across land, sea, and air borders, from Lebanon towards various European countries, and documented a number of human rights violations against travelers during their trips. Cases of arbitrary arrest and kidnapping were monitored during the year 2021 until 20 November of the same year, in which Syrian refugees were subjected to ill-treatment, as well as arbitrary deportation, with ACHR recording 49 cases of arbitrary deportation, including 33 cases of those who tried travelling to Cyprus illegally by sea, but the Cypriot authorities returned them to Lebanon who in turn arbitrarily deported them to Syria under difficult conditions.

Lebanon has signed and/or ratified several human rights treaties, including: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,² and its Optional Protocol,³ International Covenant on Civil and Political Rights,⁴ International Covenant on Economic, Social and Cultural Rights,⁵ Convention for the Protection of All Persons from Enforced Disappearance,⁶ Convention on the Elimination of All Forms of Discrimination against Women,⁷ Convention on the Elimination of All Forms of Racial Discrimination,⁸ The Convention on the Rights of the Child⁹ and its Additional Protocols,¹⁰ and the Convention on the Rights of Persons with Disabilities.¹¹ Lebanon is also bound by the provisions of customary international law, regardless of its failure to sign and/or accede to some treaties, including the 1951 Refugee Convention, where some of its provisions reflect international customs, the most important of which is the principle of non-refoulement.

●●● Report Methodology

The interviews mentioned in this report were live interviews conducted by the field team, via secure and/or in-person means of communication. Most of the names were replaced with pseudonyms to preserve the confidentiality of information and the privacy of the refugees.

A survey was designed for persons stranded in Belarus and was distributed electronically; the information was verified by requesting personal documents. The survey included questions related to the details of the trip, the possible violations upon return to Syria, the reasons for leaving the last country of residence, the routes taken, and the risks faced. It varied between open and closed questions, as well as multiple-choice questions, all while considering the simplicity, accuracy, and clarity of the survey. The time taken to fill out the questionnaire ranged between 5-7 minutes and was conducted over a period of six days between 3 and 8 December 2021. Several data analysis methods were applied using ACHR's database, with follow up from the Documentation and Research Unit team.

¹ UNHCR, Homepage, Asylum and Migration. Last access: 14 December 2021.
<https://bit.ly/31Wan1U>

² Accession date: 5 October 2000.

³ Accession date: 22 December 2008.

⁴ Accession date: 3 November 1972.

⁵ Accession date: 3 November 1972.

⁶ Signature date: 6 February 2007.

⁷ Accession date: 16 April 1997.

⁸ Accession date: 12 November 1971.

⁹ Ratification date: 14 May 1991.

¹⁰ Signature of the Optional Protocol on the involvement of children in armed conflict, 11 February 2002, and ratification of the Optional Protocol on the sale of children in prostitution and child pornography 8 November 2004.

¹¹ Signature date: 14 June 2007.

The Current Reality of Syrian Refugees in Lebanon



In light of the difficult economic and security conditions in Lebanon, it remains challenging for Syrian refugees to obtain legal residency papers, with approximately 80 percent of Syrian refugees in Lebanon not having legal residency during 2020.¹² As of 31 October 2021, the number of Syrian refugees registered with the High Commissioner for Refugees in Lebanon reached 844,056 person,¹³ while the UNHCR estimates that the total number of Syrian refugees in the country is approximately 1.5 million.¹⁴ According to a UN study assessing the vulnerability of Syrian refugees in Lebanon during the year 2020, 9 out of 10 refugees live in extreme poverty due to the economic crisis, meaning that 89 percent of refugee families live below the poverty line.¹⁵ The average income for a family with working members in 2021 was 34 USD.¹⁶ Lebanon also suffers from a severe shortage of basic materials and services such as electricity and water, in addition to the frequent fuel crises and the monopoly of products to be sold in the black market.

As for the reality of health care in Lebanon, since 2020, the country has witnessed a decline in the existence of health services, the monopoly of medical materials by importers and distributors, and five to nine times increase in prices. This was reflected through the noticeable decrease in refugees requesting health care due to their inability to access it,¹⁷ a result of the high cost of services and medical consultations. Other factors, including the cost of transportation and lack of identification papers.¹⁸ Although UNHCR supports the medical care of refugees by covering the costs of some medical consultations and tests in 125 centers in Lebanon,¹⁹ yet the concurrent crises are reflected in the health sector in Lebanon as a whole.

The COVID-19 crisis has also directly affected Syrian refugees' access to formal educational institutions. By April 2020, the education of more than one million children in Lebanon had been disrupted, exacerbating previous challenges related to the education of Syrian refugees, such as weak infrastructure in Lebanon, and lack of financial resources among families. The financial situation of families has led to an increase in child labor, which doubled as of 2019.²⁰

In addition to the deteriorating economic factors, Access Center for Human Rights (ACHR) recorded 233 violations against Syrian refugees in Lebanon, 42 of which were mass cases, between 1 January 2021 and 20 November 2021, including cases of arbitrary arrest and detention, torture and ill-treatment, confiscation of identity documents, arbitrary deportation, and forced eviction.²¹ These violations come within the framework of a series of incapacitating decisions that form indirect pressure on Syrian refugees for "voluntary" return.

The "return" from Lebanon to Syria for holders of residency and official documents may be individual and spontaneous – through the border crossing between the two countries – or organized – through return operations conducted by the General Directorate of Lebanese General Security.²² While in the case of many Syrian refugees who do not have valid legal residency papers, the return is through illegal crossings.

¹² Inter-Agency Coordination, UNHCR, UNICEF, Global Nutrition Programme, Vulnerability Assessment of Syrian Refugees in Lebanon, 18 December 2020. <https://bit.ly/3ennsVI>

¹³ UNHCR, Operational Data Portal, Refugee Cases, Regional Refugee Response in Syria - Lebanon. Last Access: 14 December 2021. <https://bit.ly/3EXFHLO>

¹⁴ UNHCR. Homepage. 2021. Lebanon. <https://bit.ly/3nhpPx8>

¹⁵ Vulnerability Assessment of Syrian Refugees in Lebanon. <https://bit.ly/3ennsVI>

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ UNHCR, Health Care Programme, Fact Sheet, May 2021. <https://bit.ly/3ybvN6X>

²⁰ Vulnerability Assessment of Syrian Refugees in Lebanon. <https://bit.ly/3pHFwxN>

²¹ The 2021 database of Access Center for Human Rights, for monitoring and documenting the human rights situation of Syrian refugees in Lebanon.

²² SAWA for Development and Relief. "What is the return, the conditions and concerns of the Syrian refugees". February 2019. <https://bit.ly/3CfS97t%20>

The Safety of Voluntary Return

Refugees returning to Syria – especially those who believe that they might be subjected to any form of cruel or degrading treatment, torture, or arbitrary detention in Syria – may be the victims of such risks, as reported by various human rights institutions.²³ Access Center for Human Rights has made numerous reports, statements and appeals regarding cases of refugees who returned to Syria and were subjected to numerous violations upon their arrival to the country.²⁴

Despite the harsh conditions that Lebanon is going through, the number of official and voluntary returnees from Lebanon to Syria remains minor, with only 1,744 people returning during the year 2021 until 31 May 2021.²⁵ Individual returns were monitored through illegal crossings, where some refugees resort to this option either because they do not have the necessary legal documents such as a valid residency in Lebanon or because of security concerns in Syria.

Human Rights Watch recently documented, in its report “Our Lives Are Like Death: The Return of Syrian Refugees from Lebanon and Jordan”, serious violations committed by the Syrian authorities against Syrian refugees returning to Syria, including 21 cases of arbitrary arrest and detention, 13 cases of torture, three cases of kidnapping, and five cases of extra-judicial killings, 17 cases of enforced disappearance, and one case of alleged sexual violence.²⁶ These violations are part of a series of practices against returnees, as the authorities claim their previous participation in protests, their affiliation with or sympathy for the opposition.

In addition, there are many young male refugees who refuse to engage in armed activities, as the Syrian government imposes military conscription for those over 18 years of age, to perform their mandatory military service upon return to Syria. Especially since the beginning of the war, Syrian authorities have kept military forces without discharging them for an indefinite period, with the exception of an administrative order recently issued by Syrian President Bashar al-Assad to discharge individuals who have served for at least seven years.²⁷

Compulsory conscription in some cases may include those who have previously performed military service, and this is called “reserve service”, those who obtained medical exceptions exempting them from service, those who are over the service age, or even those who have previously paid exemption fees from military service.²⁸

Moreover, the Syrian economy has been witnessing a free-fall stage since 2020, and its effects are still tangible, with the deterioration and the increasing difficulty of living conditions, as a result of the deterioration of the Syrian pound in light of new economic sanctions such as those related to the US Caesar Act.²⁹ In addition to the economic factors, the manifestations of the war are still reflected through the destroyed infrastructure, rendering entire regions unfit for living,³⁰ one of the main reasons why refugees do not want to return to homes or shelter outside their areas of origin.

²³ For more information:

Syrian Network for Human Rights, The Syrian Regime Prevents Hundreds of Syrians from Returning from Lebanon to Their Homeland, 9 September 2020. <https://bit.ly/3eH6n7T>
European Institute of Peace, Refugee Return in Syria: Dangers, Security Risks and Information Scarcity, July 2019. <https://bit.ly/3t1tdw0>

Amnesty International, Syria: Former refugees tortured, raped, disappeared after returning home, 7 September 2021. <https://bit.ly/3oV2RNu>
ACHR, Within The Preparatory Work For The Universal Periodic Review Session On Syria, 1 December 2021. <https://www.achrighs.org/en/2021/12/01/12458/>

²⁴ Access Center for Human Rights, in the framework of the comprehensive international review of the human rights file for Syria, 1 December 2021. <https://www.ach-rights.org/2021/12/01/12452/>

²⁵ UNHCR, “The Voluntary Return of Syrian Refugees,” Operational Data Portal: Refugee Situation, 31 May 2021. <https://bit.ly/3xbv2E>

²⁶ UNHCR, “The Voluntary Return of Syrian Refugees,” Operational Data Portal: Refugee Situation, 31 May 2021. <https://bit.ly/3xbv2E>

²⁷ Human Rights Watch. Life is like death. October 2021. <https://bit.ly/3wNclHj>

²⁸ SANA, “President al-Assad issues an administrative order to end the retention and recall of reserve officers, non-commissioned officers and reserve personnel,” 12 October 2021. <https://bit.ly/3ytYQTb>

²⁹ Refugee Protection Watch, Trapped between Lebanon and Syria, October 2020, p. 17. <https://bit.ly/3gQfdTg>

Ali Madouni, Hisham Al-Daraji, Caesar’s Law to Protect Civilians in Syria: Objectives and Implications, Prizren Journal of Social Sciences 4 (3), 2020. <https://bit.ly/3IUPlmFg>

³⁰ UNHCR, International Protection Considerations for Persons Fleeing the Syrian Arab Republic, March 2021, p. 48-50. <https://bit.ly/3GIQvOs>

Attempts to Seek Asylum in a Third Country

The most prominent irregular migration routes recently monitored by Access Center for Human Rights are:

- By sea from Lebanon to the Republic of Cyprus.
- By land from Lebanon then Idlib – Syria, then Turkey to Greece towards other European countries.
- By air from Lebanon then Libya to Italy.
- By air from Lebanon then Belarus, then Poland, to Germany.
- By air from Lebanon to Erbil – Iraq, then Turkey, then Greece towards other European countries.

Taking sea routes to reach European countries is not a new emerging phenomenon. In 2015 alone, about half a million Syrian refugees came to the European continent,³¹ the majority took the Aegean Sea from Turkey to Greece, and then to European countries such as Germany and Sweden. With the worsening of the economic and political crises in Lebanon, several Syrian refugees began to travel abroad through illegal routes in search of a better living reality, either by sea, air, or land.



Disclaimer: The individuals interviewed for the purpose of writing this report were referred to under pseudonyms to preserve their privacy and to protect them from potential security risks or threats.

Maritime Ports for Asylum Seekers

The Road from Lebanon to Cyprus

Access Center for Human Rights (ACHR) has documented several cases of migration from Lebanon to Cyprus by boats that usually carry dozens of Syrians and sometimes Lebanese and Palestinians, with the number of passengers often exceeding 50 people.

From the beginning of 2021 until 20 November of the same year, Access Center for Human Rights (ACHR) recorded 49 cases of arbitrary deportation of Syrian refugees, including 33 cases of people who attempted illegal migration to Cyprus, where they were handed over by the Cyprus Coast Guard to the Lebanese authorities, who in turn deported them to Syria.

The Syrian authorities referred at least three of the deportees to court on terrorism charges, while the fate of two refugees who were deported in September 2021 remains unknown, ACHR learned that they are Syrian army deserters, posing a well-founded risk for them in case of return but this however did not prevent Lebanese authorities from deporting them to Syria.

³¹ UNHCR, One million refugees and migrants fled to Europe in 2015, 23 December 2015. <https://bit.ly/3DiliQN>



The story of Kawthar and Hassan

• Forced Return Separating a Mother from her Children: The Story of Kawthar and Hassan

Syrian refugee “Hassan,” and his wife “Kawthar,” who was pregnant with a child and their two sons aged three and four years, travelled by boat from the city of Tripoli in northern Lebanon towards the Republic of Cyprus on 18 June 2021. “Kawthar” was in labor as she was taken to a hospital in Larnaca where she gave birth to a boy. Meanwhile, the boat of Syrian migrants who had arrived in Cyprus was returned to Lebanon and her husband “Hassan” and their two children were onboard. “Hassan” was arrested, and the group was interrogated by the Lebanese General Security for two days. After his release, “Hassan” and the two children returned to their old residence with one of his relatives, while “Kawthar” remained away from her two children and thus the family was separated.³²

Access Center for Human Rights (ACHR), KISA Cyprus, EuroMed Rights (EMR) and the Lebanese Center for Human Rights (CLDH) intervened to assist in the family’s reunification, but the Cypriot authorities rejected any attempt to negotiate, and “Kawthar” was given the option to either return to Lebanon or stay in Cyprus without her family. On the other hand, Lebanon refused her entry, so she remained in Cyprus alone, and without a clear future for the family.



The story of Bilal

• Deportation to Syria or Family Separation - Bilal's story

“Bilal” and his family arrived on the Cypriot shores on 23 August 2021, when he suffered a heart attack on the boat. The boat was stopped by the Cypriot authorities upon arrival to its borders and “Bilal” was transferred to a hospital in Larnaca by a military medical helicopter for treatment.

Meanwhile, the Cypriot authorities refused his family’s reunification request, and subsequently returned them to Lebanon. “Bilal” wanted to return to Lebanon and reunite with his family, but the Lebanese authorities refused his entry, and he feared being deported directly to Syria, despite telling the UNHCR and the Cypriot authorities that he could not return to Syria as he was wanted for reserve military service.

Bilal's options are limited, either he returns to Lebanon and then get deported to Syria and carries out his military service, or he stays in Cyprus away from his family, who has now returned to their former residence under inhumane and distressed conditions.

³² For more information on this case: Access Center for Human Rights, “No pushbacks, yes to reunification,” 5 October 2021. <https://www.achrighs.org/en/2021/10/05/12400/>

Land Paths for Asylum Seekers ●●●

The Road from Idlib to Turkey and then Greece

According to the direct follow-up of Access Center for Human Rights (ACHR) with Syrian refugees who resorted to irregular routes, routes from Idlib are usually coordinated through smugglers who cooperate with the Syrian authorities. The route is preferred by some for its ease compared to other routes, as one person stated that he did not need to obtain a new passport, which also requires a valid residence and bureaucratic procedures at the Lebanese General Security.



The story of Samer

• An Attempt to Escape: The Road from Lebanon to Greece

"Samer" entered Lebanon legally in 2012 and resided Baalbek area, where he worked as a taxi driver. Due to the deteriorating economic and security conditions in Lebanon, especially in the Baalbek region, he was subjected to violations by drivers of the region and was required to pay 50,000 Lebanese pounds per day to work on the public road. This, in addition to being subjected to several racist situations in the town of Deir al-Ahmar, including repeated incidents of beatings by members of the municipality, prompted him to take the decision to migrate.

"Samer" chose to leave Lebanon to Idlib and then continue his way to Turkey and Europe. He chose this route as he did not have a valid passport, which requires a valid residence permit and other procedures at the Lebanese General Security that include paying a fine for overstaying his expired residency.

In September 2021, Samer went to a gathering point for smuggling, and was transferred with hundreds of Syrians who wished to cross into Idlib, including children, women, and elderly. After arriving to the city of Homs in Syria, they were handed over to other smugglers and divided into groups. Samer's group consisted of 12 people, who were all young males. They were intercepted by a military security force patrol on their way, who arrested and interrogated them, and requested 100 USD from each person in exchange for their release. "Samer" and three other individuals managed to escape from the military forces and coordinated with another smuggler to be transferred to Aleppo. The eight other people who refused to pay the requested amount were detained.

"Samer" was able to reach Aleppo and stayed there until he obtained approval from the eastern countryside of Aleppo to move forward, after which he was handed over from one smuggler to another, all the way to Idlib. After this trip, he was forced to stay for one night at the Syrian-Turkish border without food or water.

"Samer" was unable to successfully cross to Turkey from the first try, where he was caught by the Turkish border guards and heavily beaten with a stick and batons, detained, and handed over to the opposition factions in Northern Syria, who in turn also detained him and searched his phone. It took him nearly 10 tries before he was able to cross to Turkey, and subsequently arriving to Greece.



Air Paths for Asylum Seekers ●●●

The Road to Lebanon, then Libya, to Italy

Based on direct follow-up with people who take irregular migration routes by air to Europe, this route is usually done through an office in Lebanon to secure a visa to Libya, in cooperation with the Syrian Airlines. ACHR recorded cases in which Syrians were kidnapped by non-state armed groups for a period of more than 20 days, while traveling from Benghazi to Tripoli - Libya, and then released for a ransom, either paid by their families or their acquaintances in Lebanon or Syria. As for those who continued the sea route to Italy through smugglers, ACHR recorded a case of a person from the city of Daraa who drowned and two cases of kidnapping of two other people whose fate is still unknown.



The story of Hazem

• Multiple Violations between Libya and Italy: Hazem's Suffering

As soon as "Hazem" arrived at Benghazi airport in June 2021, his passport was seized by militias affiliated with Haftar's forces, and he was forced to pay a sum of money in exchange for the passport's return. Then he traveled to Tripoli – Libya to take the sea route to Italy in coordination with smugglers. "Hazem" said that they were transported through several cities in poor conditions and then put into a small nine-meter boat carrying about 60 passengers.

The boat set off towards Italy and they sailed for 22 hours, however they were caught by an Italian camera drone, and a few hours later the Libyan Coast Guard arrived, intercepted, and arrested them and later returned them to Tripoli – Libya to be handed over to the illegal immigration center.

According to "Hazem"'s testimony, they were forced inside the detention center to take off their clothes and stay in underwear only, while their official papers, money, and phones were confiscated. One of the security officers took "Hazem"'s phone and asked him to remove its password, under pressure and threat of weapons. "Hazem" said that during his stay in the center, the detainees were subjected to severe beatings and humiliating treatment, and they were prevented from standing while food was being distributed and prevented from asking for water or any other personal necessities. "Hazem" saw people in prison suffering from very severe malnutrition and compared them to "skeletons due to severe hunger and deprivation". After his release from the detention center, "Hazem" continued his journey towards the Italian island of Lampedusa and was able to reach Sweden from there.



The Road of Belarus, then Poland to Germany

Access Center for Human Rights (ACHR) interviewed 128 refugees in Belarus, through a survey that contains questions regarding their journey and details of their current conditions. The survey included Syrian refugees who were residing in Lebanon, Syria, Jordan, Egypt, or Iraq before traveling to Belarus. The majority of travelers via the Belarus road exit from Beirut International Airport and some from Erbil International Airport or Damascus International Airport through reservation offices in Belarus and arrive from this road to Minsk.

Disclaimer: The questionnaire included multiple-choice questions where the respondents were allowed to choose more than one answer, and therefore the overlapping percentages are due to the participants choosing several options.

According to the survey data, 43 people out of a sample of 128 people were residing in Lebanon before they traveled to Belarus. The ages of nearly half of the participants were between 25 and 34 years. Nearly 68 percent of the travelers participating in the survey reported that the motive to leave Lebanon is for security reasons related to their personal security and the safety of their families, with economic reasons coming in second place, where approximately 56 percent of the participants mentioned it as a motive to emigrate.

As for legal residency in Lebanon, approximately 44 percent of the participants who were residing in Lebanon do not hold valid residencies. The second largest segment of the sample holds personal sponsorship residency, which is approximately 28 percent.

It is worth noting that nearly 70 percent of people who were residing in Lebanon received an "entry ban" to the Lebanese territory upon their exit from Beirut airport, due to overstaying their residency or visa.

Most of the travelers expressed their fear of arbitrary deportation from Belarus, especially since the largest group did not have the necessary funds to continue the journey. As for the option of returning to Syria, it is fraught with risks and direct threats to the lives of some people, where most of them reported that their greatest fear lies in the compulsory military service. Other threats include arbitrary arrest and direct threats to those wanted for security reasons.

Nearly 77 percent of the participants who were residing in Lebanon reported that they were subjected to arbitrary detention, while about 56 percent expressed their exposure to violence, including physical and verbal violence, in addition to cases of financial extortion, as they reported that these violations were practiced by the Belarusian army and the Polish army.

One of the people who managed to reach Germany reported during an interview with ACHR, that he and 300 other people were detained for five days in implementation of administrative procedures, and were not allowed to leave the airport, despite some people having valid and non-fake hotel reservations. In Minsk, some people stayed in hotels or rented rooms near the city borders until they secured a smuggler to get them to the Polish border, while some were held in temporary detention centers.

The journey between Minsk and the Polish and German borders remains especially dangerous, as it requires walking for over 15 hours in difficult weather and includes scarce availability of food and water. On 18 November 2021, a one-year-old Syrian child died at the Polish border, he is not the first to die during these routes, as the number of deaths for travelers across the Belarusian-Polish border reached at least six people between late September 2021 and mid-November 2021.

The people who managed to reach Germany reported that the German army seized their identification papers and phones and placed them in a camp containing more than 300 people when they reached the German borders.

³⁴ The Polish Emergency Medical Team PCPM, "Po godzinie 2:26 otrzymaliśmy zgłoszenie, że przynajmniej jedna osoba, która przebywa teraz w lesie, potrzebuje pomocy medycznej. Na miejscu okazało się, że poszkodowanych jest troje ludzi. W lesie byli od 1,5 miesiąca! #RatownicyPCPM #granica" Twitter. Last Access: 21 November 2021. <https://bit.ly/3DGUNVv>

³⁵ Arcadios Grocho, "Syrian killed near border with Belarus. We know the reasons," RMF, 15 November 2021. <https://bit.ly/3oRrbh>



The Road from Lebanon, then Iraq, then Turkey, to Greece

According to interviews conducted by ACHR, people go from Beirut to Erbil – Iraq via travel agencies, and from there they coordinate with smugglers to Turkey at a significant cost with the aim of reaching Greece. In some cases, they are caught at the Turkish border while crossing and are sent back to Lebanon.



The story of Muhannad

• The Legal Paths Mixed with the Illegal Paths - Muhannad

In August 2021, “Muhannad” traveled from Beirut airport to Erbil with a six-day visa and was given a “permanent entry ban” to Lebanon at the airport. Upon arriving in Erbil, he made a deal with a smuggler to take him to Turkey across the border with Iran. “Muhannad” went to Sulaymaniyah with approximately 35 people and arrived at the Iranian border after one night of walking. They were intercepted by Turkish border guards while trying to cross the Turkish border and were detained, subjected to torture and severe beatings with the use of sharp instruments resulting fractures and severe injuries. They were then returned to the Iranian border where they were intercepted by a non-state armed group and detained in exchange for a sum of money that was later paid for by the smuggler.



Relevant Laws and International Agreements



The economic crisis in Lebanon and the deteriorating living conditions for Syrian refugees pushes vulnerable individuals to risk their lives and the lives of their children in search of a life, better than the one they have in Lebanon. Subsequently, those travelling through these routes may be subjected to different violations, including forced return and deportation.


The 1951 Refugee Convention, the European Union law, and the European Human Rights law all clearly state the “non-refoulement” principle, and the right of individuals to request asylum, have their applications reviewed individually, and their right to appeal the decision regarding their asylum request or protection. Thus, Cyprus is violating the principle of non-refoulement and its commitments to the aforementioned agreements and laws, by not allowing asylum seekers to apply for asylum, and not providing individual reviews of the applications and requests, as well as by returning the boats which in turn is leading to forced returns of asylum seekers to Syria. Cyprus is also violating Article 3 of the European Human Rights law. Similarly, Turkey is violating its commitments under these agreements by returning migrants to Lebanon without considering their legal status and potential security risks, which include arrest, torture, and deportation to Syria.

On the other hand, Lebanon is violating Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified on 5 October 2000 by deporting individuals to Syria, despite the presence of security risks for some, and thus some deportees were put at risk.

This treaty, also ratified by Cyprus and Turkey, on 9 October 1985 and on 25 January 1988 respectively, calls on member states to refrain from practicing any form of torture that may cause physical or mental pain, and accordingly both Cyprus and Turkey may have violated their commitments under this treaty through the violations against the migrants in some cases.



Conclusion and Recommendations



The governments' non-application of basic concepts related to voluntary returns and the absence of the international community in urging states to abide by the principle of non-refoulement, causes substantial confusion in the future of refugees. The Lebanese government is carrying out deportations and forced returns without giving the individuals the right to appear before a judge or appeal the deportation order, or even request humanitarian protection. Thus, Access Center for Human Rights (ACHR) recommends civil society organizations to spread awareness and legal knowledge on the concept of "voluntary return", encouraging them to take individual decisions on return, as well as directly targeting refugees along with international actors, when explaining the conditions inside Syria.

Access Center for Human Rights calls on the member states of the 1951 Refugee Convention, and states bound by the "non-refoulement" principle, to respect their commitments under international and European treaties with regards to the right to request asylum and humanitarian protection, and the principle of non-refoulement.

ACHR also calls on the international community to act fast and urgently in opening resettlement and complementary pathways opportunities for Syrian refugees in Lebanon and provide funding to improve the livelihoods and rights of refugees and host communities, including by re-designing the hierarchy of assistance through providing the funds and resources directly to organizations who are also directly working with refugees.

ACHR recommends the UN Refugee Agency to support an independent mechanism to monitor the effective access to asylum procedures in the European Union, and the respect of basic rights and the non-refoulement principle for member states at the European Union.

We call on the European Commission to review the compatibility of the bilateral readmission agreement signed between EU member states and other states with obligations arising from EU and international human rights law. In the case of violations, the European Commission must also take effective measures to ensure legal accountability, with results of the investigations made available to the public, and with legal consultancies provided to the potential victims and access to justice ensured.



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