

# Voluntary Return of Refugees from Lebanon May Actually be Forced

25 October 2022

*Situation Assessment Paper*



Voices for  
Displaced Syrians



PASC  
WORKING GROUP

This past July, the Lebanese Minister of the Displaced in the caretaker government, Issam Sharaf El-Din, announced his refusal of the the non-return of Syrian refugees to Syria, stating that “after the war ended it became safe” for them to return. This was part of his proposal regarding the Lebanese State’s plan to return and repatriate 15,000 Syrian refugees per month.<sup>1</sup>

Minister Sharaf El-Din suggested to the President of the Lebanese Republic, Michel Aoun, that the proposed plan be accompanied by "a plan to form a tripartite committee with the Syrian state and the UNHCR - before the UNHCR denied through unofficial ways the validity of coordination between the Lebanese government and the UNHCR - and a four-way committee with Turkey, Iraq, and Jordan to achieve this return."<sup>2</sup> According to his statements, it is expected that the first phase of this plan will start in early October<sup>3</sup> as part of the “voluntary return” of Syrian refugees whose names were registered at the General Directorate of the Lebanese General Security and sent to the Ministry of Local Administration in the government of the Syrian regime.

At the same time, the Lebanese Prime Minister of the current caretaker government, Najib Mikati, believes that dealing with the issue of asylum for Syrians in Lebanon requires a "different approach" before the situation "escalates in a way that gets out of control"<sup>4</sup> – seeing as the country has been facing, one of the most severe economic and financial crises for three years now. Syrian refugees in Lebanon have difficulty securing their basic needs due to (a) deteriorating economic and living conditions in the country, (b) scarcity of assistance, and (c) delayed response to their demands by UNHCR in Lebanon..<sup>5</sup> Syrian refugees in Lebanon have been subject to numerous push factors during the past few years such as being denied legal papers (16% have legal residency as per VASyR 2021), being evicted (20% changed locations due to evictions), being arbitrarily by some municipalities (in June 2022), and being subjected to hate speech by some Lebanese politicians. Consequently, these push-factors might cloud their judgments and decisions regarding returns.

According to Access Center for Human Rights (ACHR)<sup>6</sup>, the number of Syrian refugees forcibly returned by the Lebanese General Security to their homeland has reached 141 since the beginning of 2022. This number is expected to increase if the current Lebanese government carries out its plan to return Syrian refugees to Syria.

<sup>1</sup>Lebanese Minister of the Displaced, Issam Sharaf El-Din, official Lebanese National News Agency, July 4, 2022, <https://cutt.us/Pn8An>.

<sup>2</sup>ibid.

<sup>3</sup>Statement by the Lebanese Minister of the Displaced, Issam Sharaf El-Din, Al-Hurra TV, September 20, 2022, <https://cutt.us/avZPr>.

<sup>4</sup>Letter from the caretaker Prime Minister of Lebanon, Najib Mikati, addressed to the Secretary-General of the United Nations, Antonio Guterres, 8 September 2022, <https://cutt.us/UNo9K>.

<sup>5</sup>VASyR

<sup>6</sup><https://bit.ly/3FfAJgJ>

According to a report published by the International Commission of Inquiry and circulated by the Independent National Assembly of Syria (on September 12, 2022), the plan to return Syrian refugees to their homeland is characterized by instability.<sup>7</sup> The report also states that armed violence is still widespread in Syria, and that this contributes to security concerns regarding the plan to return Syrian refugees to their homeland.<sup>8</sup>

According to Human Rights Watch, nearly 150,000 refugees returning to Syria have been arbitrarily detained and arrested between March 2011 and March 2021.<sup>9</sup> This adds to security concerns regarding the “voluntary and safe return” of Syrian refugees to their homeland.

As shown in the latest Human Rights Watch (HRW) Report of October 2021, Syria is in many aspects still not a safe country to return to.<sup>10</sup> This refers in particular to persecution and human rights abuses of returnees by the Syrian government and allied militias.

In addition to the latest HRW Report, previous human rights reports issued by HRW<sup>11</sup> and Amnesty International<sup>12</sup> have indicated that Syria does not meet the minimum requirements of being a safe country for returnees in view of lacking key protection conditions.

## LEGAL CONCERNS

The Lebanese government set forth a plan to return Syrian refugees to Syria; this plan, however, has several legal concerns:

- The abovementioned plan is reportedly based on returning 15,000 Syrian refugees to Syria per month as part of a joint effort between the General Directorate of Lebanese General Security and the Ministry of Local Administration in the Syrian government. This mass influx of refugees back to Syria could put refugees at risk of being arbitrarily arrested, tortured or subject to other forms of cruel and/or degrading treatment.

<sup>7</sup>Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Security Council, 12 September 2022, <https://cutt.us/5wftM>.

<sup>8</sup>Ibid.

<sup>9</sup>Our Lives Are Like Death report, HRW, October 2021, <https://cutt.us/4kz1L>

<sup>10</sup>ibid.

<sup>11</sup>Forced Return of Syrians by Lebanon Unsafe and Unlawful, Human Rights Watch, July 6, 2022, <https://cutt.us/ncu3i>.

<sup>12</sup>"You're going to your death" Report, Amnesty International, 7 September 2021, <https://cutt.us/yHTa0>

- This plan could undermine Lebanon's commitment to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly in 1984<sup>13</sup>, to which it is a party<sup>14</sup>. It is reported that Syrian refugees are being pressured to sign statements claiming they are returning voluntarily to Syria<sup>15</sup>. This contradicts with the principle of non-refoulement, which is stipulated in Article 3 of the Convention<sup>16</sup>.
- Although conditions in Syria might not be conducive to voluntary, free, and dignified returns, such conditions could arise if the situation in Syria changes in such a way that it could be possible to coordinate voluntary returns on a larger scale. If this holds true, then UNHCR might (or might not) be part of this plan. One thing to look into would whether it would have a clear role in monitoring and planning returns, or in determining ways in which to overcome obstacles of return.<sup>17</sup>
- There is no guarantee that Syrian refugees will be able to return to the same areas they fled from in Syria.
- The plan contradicts Article 14(1) of the Universal Declaration of Human Rights, which states that “everyone has the right to seek and to enjoy in other countries asylum from persecution.”<sup>18</sup>
- The plan lacks planning and coordination related to obtaining civil documents that prove real estate rights of refugees. It also lacks the presence of mechanisms to ensure compensation for or recovery of said rights. Both are obstacles to voluntary return.

<sup>13</sup>United Nations, Treaty Series, vol. 1465, p.85

<sup>14</sup>UN Treaty Body Database, n.d., "Ratification Status for Lebanon" <https://bit.ly/3rbNrVZ>.

<sup>15</sup>Global Detention Project, "Country Detention Report Immigration on Detention in Lebanon: Deprivation of Liberty at the Frontiers of Global Conflict", February 2018, <https://bit.ly/3IUeq9q>.

<sup>16</sup>United Nations, Treaty Series, vol. 1465, p.85. Article 3

<sup>17</sup>These are the terms of the "Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria," UNHCR, February 2018, <https://cutt.us/a66ND>.

<sup>18</sup>UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.ref-world.org/docid/3ae6b3712c.html>

## Recommendations

### **The Alliance of Organizations calls on Lebanon to respect its international obligations by:**

- Fulfilling its international obligations concerning the principle of non-refoulement by not forcibly returning Syrian refugees to Syria.
- Not issuing administrative decrees and regulations that pressure Syrian refugees to leave Lebanon.
- Ensuring fair trials for persons to be deported, in accordance with international human rights law instruments.
- Securing a case-by-case assessment of returns.
- Working jointly with civil society on the protection of refugees by providing political and legal assistance.

### **Donor governments and international organizations should help by:**

- Assisting host countries such as Lebanon by mobilizing support and funding for humanitarian assistance programs.
- Reducing the channeling of funding through the Lebanese government

### **UNHCR is called upon to help by:**

- Strengthening its role in monitoring voluntary returns, in cooperating with civil society organizations to monitor violations by the Lebanese authorities Demanding access to the Government of Lebanon's lists of refugees who will be returned to Syria, in order to accurately and independently assess how voluntary their returns are.
- Preparing children for their return and ensuring their continuous well-being in Syria.