

Policy Paper:

Concerns and challenges regarding
UNCHR's approach in Syria and Lebanon
and recommendations for
its future positioning.

The Access Centre for Human Rights (ACHR) supports the Nations High Commissioner for Refugees Office December 2024 position paper on ‘Returns to The Syrian Arab Republic¹’ but raises **concerns about the agency’s inability to consistently uphold humanitarian and protection mandates in Syria and Lebanon**. At this pivotal moment, marked by significant changes and a window for genuine political change in Syria, **UNHCR should reassess its policies and strategies to better deliver aid in line with humanitarian principles, free from political influence**.

UNHCR’s previous position and role in Lebanon has exacerbated the protection concerns impacting Syrian refugees.

In Lebanon, since 2015, UNHCR suspended the registration of newly arriving Syrian refugees under significant pressure of the Government of Lebanon (GoL). This has since had significant and far-reaching impacts on Syrian refugees and their protection status, leaving many unregistered, and therefore unable to access their internationally recognized rights that refugee status affords them. Because Lebanon is not a signatory of the 1951 Refugee convention and because legal protection for refugees is not guaranteed in national laws, refugees are primarily dependant on the efforts of international organizations, particularly UNHCR. **Lack of access to this status has heightened Syrian’s protection vulnerabilities, restricted access to documentation and basic services, and undermined UNHCR’s ability to monitor protection concerns** – especially during the recent widespread Israeli attacks on Lebanon – and has created significant trust gaps between Syrians and the agency. Syrians have long cited challenges with UNHCR in Lebanon, including their unresponsiveness on hotlines and security concerns over data sharing with the Lebanese government. **These pre-existing frustrations and fears have made Syrian refugees less likely to use and rely on available channels of communication to report protection concerns which likely compounds existing UNHCR data gaps.**

UNHCR’s previous position in Syria undermined their protection mandate.

In Syria, UNHCR’s position has fed into political narratives that undermined the protection realities facing Syrians. The former Syrian regime exploited regional political developments to achieve distinct economic, political and propaganda goals by portraying itself as a credible actor able and willing to cooperate with international organizations and meet the needs of its civilians- especially those returning to Syria. While continuing to be the primary source of security threats and gross human rights violations, it simultaneously signalled to states that the areas under its control are “safe” and ready to receive large numbers of refugees from regional countries, Europe, and UN agencies. A particularly troubling action by UNHCR was the High Commissioner Filippo Grandi’s meetings with Bashar al-Assad, first in March 2023, one month after the Turkey-Syria Earthquake and again following the mass repatriation during the Israeli attacks on Lebanon in October 2024. These engagements risked legitimizing a regime widely accused of crimes against humanity, aligning with the regime’s propaganda efforts. **Such actions have undermined refugees’ trust in UNHCR as a neutral and principled humanitarian actor**. UNHCR’s comments during a meeting with Lebanese politicians **fed into these political aims by discounting that primary actor responsible for security risks and stating that there was a marked behavioural shift on the part of the former Assad regime vis-à-vis returnees.**

For instance, in one statement, UNHCR Assistant High Commissioner for Protection, Ruvendrini Menikdiwela stated “As in the past, UNHCR stands ready to support refugees who voluntarily choose to return to Syria, so their return is safe, dignified, and sustainable.”² In another statement, the same UNHCR official stated, “The Commission has noticed a positive change in the way the Syrian government deals with the issue of displaced persons, and there is momentum that can be built upon to work on the issue of early recovery to facilitate the return of displaced persons.”³

UNHCR and the politics of safety: “forced” or “voluntary”?

These statements and others like it **assuming the safety of “returnees” to be an established fact stand in direct contradiction to UNHCR’s own conclusions and numerous reports and analyses of multiple UN bodies and human rights organizations who have continued to raise safety concerns and document violations perpetrated by the former Syrian regime.** This included gross violations, such as torture, enforced disappearance and forced conscription. Further, another example of UNCHR’s political positioning was its close coordination with the Syrian Arab Red Crescent (SARC), an organization whom Human Rights Watch (HRW) stated was closely affiliated with GoS, and maintained relations with “government or sanctioned government officials and in other cases to military units responsible for war crimes and human rights violations”.⁴ This partnership, especially during time of displacements from Lebanon during widescale Israeli bombardment, **undermined the credibility of protection reporting and raised additional protection concerns for Syrians.**

UNHCR’s adoption of the terms “forced” or “voluntary” returnees wholly misunderstood the circumstances leading Syrians to return to Syria. In line with the Refugee Convention and international law and well-recognized principles they espouse, refugee returns should be safe, dignified and voluntary in nature. ‘**voluntary return**’ is defined as “the assisted or independent return to the country of origin, transit or another country based on the voluntary decision of the returnee” whereas ‘**forced return**’ involves “force, compulsion, or coercion”.⁵ The violent circumstances of widescale Israeli bombardment leading to mass displacement of civilians in Lebanon, leading hundreds of thousands of civilians to flee to Syria, the assumption of “voluntariness” of those fleeing to Syria was highly questionable. Further, this occurred in conjunction with a systematic policy of forced deportation and the use of various tools of coercion by the GoL to pressure Syrian refugees to return to Syria including adopting discriminatory policies such as prohibiting Syrian refugees from accessing reception centres for the displaced.

It is too premature to make conclusions about genuine and durable safety in Syria.

In this current context, however, of the political changes in Syria, namely the fall of the Assad regime, significant returns and the circumstances around returns can indeed be classified as “voluntary”. That said, returns are still shaped by push factors posed by the policies of countries and the conditions of “safety” and “dignity” are still unclear. For instance, GoL and its various security authorities continue to adopt and espouse anti-refugee language and policies that continue to push and pressure Syrian refugees to return to Syria. **Without a deep and comprehensive understanding of the many complex push factors that shape decision-making to return to Syria, and without a comprehensive assessment of current security concerns and other challenges within Syria, a conclusion on conditions about genuine and durable safety are too premature.**

Compounding factors other than the former Syrian regime's security issues, continue to undermine the safety of those returning and pose challenges to them reaching their original place of residence. **As such and given the possibility of new security and protection concerns emerging the situation should be monitored closely and considered in such assessments of safety.**⁶

A significant UNHCR policy shift will signal a break with past policies and seek to re-establish trust in Syria.

While the new position paper shared UNHCR sets out some promising points, UNHCR should consider **significant policy changes that underline its principled approach in both Lebanon and in Syria.** UNHCR should work towards the establishment of a comprehensive protection monitoring system that spans both Lebanon and Syria to reliably, independently and holistically assess protection-related violations that are being committed by all actors to the conflict. This should include secure channels for returnees to anonymously report violations and include referral systems and other follow up mechanisms across Lebanon and Syria. **Only with this type of monitoring system can data gaps that currently exist be filled and protection challenges and concerns be understood and services provided accordingly.**

Syrians will remember UNCHR's reportedly politicized positioning in both Lebanon and Syria and **trust gaps will prevail if there are no significant changes and clear signalling of these changes to re-establish trust.** To reset its relationship with the Syrian people, UNCHR should reassert its continuing role in Syria and its commitment to the Syrian people's needs, launch an internal review into its previous political position in Syria with the former Syrian regime and its impact on fulfilling its protection mandate and seek to adjust policies to strengthen its protection mandate.

This should come alongside enhancing media efforts through clear public statements that state a clear position on dignified, safe and voluntary return and the conditions that should be fulfilled. **Any UNHCR reassessment of the current situation should be based off of set and clear criteria that takes into account potential changes in the country writ large.** As such, UNHCR should resist attempts of depicting various ad hoc parts or areas of the country as dignified, safe and voluntary for returns.

UNHCR and other UN bodies operating inside Syria should **establish partnerships with trusted, independent and neutral partners that can support UNCHR in its full mandate including monitoring and providing assistance for new protection concerns that may emerge.** UN agencies, including UNCHR, were previously mandated to work with the Syrian Arab Red Crescent (SARC) and other local actors to implement projects and deliver aid and corruption was endemic with research showing that the UN used private security companies with "strong ties to the Mukhabarat and/or the Assad family, and many of their owners are sanctioned".⁷ In consenting to these demands, the UN had effectively accepted prioritizing its own access over its primary mandate of providing protection. Given significant developments in Syria, UNCHR should review its partners and engage with specialized human rights, accountability and justice organizations, to establish genuine localized responses in their programming alongside and in equal partnership with those organizations.

UNHCR should adopt a principled and neutral position in Lebanon. In doing so, it should advocate for the lifting of restrictions on Syrians' re-entry to Lebanon and call on all States to allow civilians fleeing Syria to access to their territories, to guarantee the right to seek asylum. UNCHR should also continue to reiterate that the principle non-refoulement should be upheld and any attempts to forcibly return Syrian nationals to Syria at this premature time should be publicly denounced in Lebanon or elsewhere. In doing so, it should publicly push back against the current issuance of negative decisions for Syrian applicants for international protection.

Given significant changes and a window for genuine political change in Syria, **UNCHR should reassert its position in Syria and Lebanon, in line with humanitarian principles and aim to work towards supporting a broader protection mandate that will ultimately strengthen its work and trust with Syrians.**

1- <https://www.refworld.org/policy/countrypos/unhcr/2024/en/149254>

2- <https://www.unhcr.org/lb/18777-unhcr-assistant-high-commissioner-for-protection-urges-support-for-lebanon-and-syrian-refugees.html>

3-<https://bit.ly/42qls86>

4-<https://www.hrw.org/report/2019/06/28/rigging-system/government-policies-co-opt-aid-and-reconstruction-funding-syria>

5- https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

6- Challenges include the protracted armed conflict and violence, the collapsing economy, weak state of services, the disintegration of the rule of law and the level of destruction and lack of housing land and property documentation.

7-Karam Shaar, blog post: <https://www.karamshaar.com/blog/dear-united-nations%3A-seriously%3F>



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