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Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.



Violation of non-refoulement and worsening conditions of Syrian refugees in Lebanon

Associazione Comunità Papa Giovanni XXIII (APG23) would like to raise its concern to the international community about the Lebanese government's intensification of direct and indirect refoulement strategies adopted with Syrian refugees, on the claim that the Syrian Arab Republic is now a safe country of return.¹

APG23's volunteers of Operazione Colomba, its Nonviolent Peace Corps, have been living alongside Syrian families in a refugee camp in Lebanon since 2014. Thanks to the testimonies collected, we can affirm that the situation has never been so dramatic as it is today, with families caught between the fear of arrest or military service if they return to Syria, the impossibility of surviving in Lebanon and the risks of attempting dangerous migration routes to Europe by sea.

Lebanon is a small country of approximately 6 million people. Since 2012, it has seen a growing influx of Syrians fleeing the violence turning into war in Syria. Lebanon adopted an open-border policy between 2011 and 2014, which allowed more than 1.5 million Syrians to enter the country, and it has now the highest per capita number of refugees of any country in the world.

The Lebanese government's efforts to provide shelter for these people fleeing the war, even if it has not signed the 1951 Refugee Convention, have been remarkable and this should be worldwide recognized. However, since 2014, Lebanon's attitude towards Syrians changed, as they were no more recognized as refugees. Now, the rights of Syrians in Lebanon are not anymore protected under international law and as such Syrians have no freedom of movement, as well as no right to education, employment and healthcare.² Additionally, in May 2015 the government officially requested UNHCR to stop registering refugees.

Although there are no guarantees of safety in Syria, actions by the Lebanese Army and Internal Security Forces include an exponential increase of forced deportations,³ the destruction of Syrian informal homes and camps, mass evictions,⁴ the crackdown on unauthorized workers and Syrian-owned businesses, as well as the limitation of Syrian children's ability to acquire legal residency based on their parents' residency under a Lebanese sponsor.⁵

Such actions violate the human rights of Syrians in Lebanon, with forced deportations violating the principle of non-refoulement enshrined in Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of which Lebanon is a signatory.

Our daily presence in the field can testify that Syrian refugees who are accused of having entered the country illegally undergo an immediate deportation process, whilst those whose sponsors have expired are given only 48 hours to legitimize their papers. Once deported to Syria, communication with deportees becomes impossible, and all traces are lost.

¹ Independent international organizations and human rights observers agree on classifying Syria as a country where it is not safe to voluntarily return. Also the UN High Commissioner for Refugees (UNHCR) as well as the International Committee of the Red Cross (ICRC) do not consider Syria as a safe country of return.

² See "Political Brief on the Return of Syrian refugees", American University Beirut, August 2018, <https://www.aub.edu.lb/Documents/Politics-and-the-Plight-of-Syrian-Refugees-in-Lebanon.pdf>.

³ <https://www.legal-agenda.com/uploads/Position%20Paper%20on%20the%20decision%20to%20summarily%20deport%20Syrian%20nationals%20who%20entered%20Lebanon%20irregularly.pdf>.

⁴ See report from Carnegie Middle East Center, 08/07/19, <https://carnegie-mec.org/diwan/79456?lang=en>.

⁵ See report from Human Rights Watch, 05/07/2019, <https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished>.

According to the 2017 VASYR (Vulnerability Assessment of Syrian Refugees) in Lebanon, 76% of Syrian refugee families live below the poverty line, 53% of Syrian refugee families live in substandard shelter conditions, and 74% Syrian refugees aged 15 and above do not have legal residency.⁶

According to a March 2019 survey by the UNHCR in Egypt, Iraq, Lebanon and Jordan, only 5.9% of Syrian refugees intended to return to Syria in the next year.⁷ The majority of Syrian refugees do not consider Syria's regime-controlled areas safe for return, they fear the lack of basic services, livelihood and shelter, as well as discretionary violence, arrests, torture and forced enlistment.

On 15 April 2019 the Lebanese Higher Defence Council authorized a series of unpublished decisions pertaining to Syrian nationals in Lebanon.⁸ These decisions resulted in mounting pressure on Syrian refugees to return to Syria, deteriorating the levels of safety and protection of Syrian refugees whose lives are at risk if deported to Syria.

These decisions caused a deterioration of the living conditions that is pushing Syrians to return to Syria. Forced deportations of Syrians violate the principle of non-refoulement, whilst demolitions, increased raids, arrests, curfews and anti-Syrian refugee rhetoric is pushing tensions to a breaking point. Finally, the lack of international donors means that many NGO's are struggling to conduct aid work with limited budgets: the 2019 UN appeal for \$2.24 billion aid for Syrian refugees in Lebanon has reached only 16% by July this year.⁹

All these factors have pushed the living conditions of Syrians in Lebanon to deteriorate rapidly, with reported outbreaks of diseases, Syrian persons living under the poverty line, the increase of conditions for child marriage, sexual abuse and child labour to become more prevalent as Syrians are pushed into greater poverty.

Despite such measures, many Syrians still believe that what they could face in Syria is far worse. If deportation orders of Syrian nationals to Syria are not stopped and the principle of non-refoulement for Syrians fearing for their life and safety is not respected, the risk of a resurgence of emigration by sea might get a foothold, as well as cause the worsening of social tensions between Syrian refugees and local Lebanese populations.

For all these reasons, we urgently call on the international community, the United Nations, as well as the Human Rights Council, to ensure that the Lebanese government acts in accordance with international law and respects the principle of non-refoulement, immediately stopping the forced deportation of Syrians to Syria until political conditions can guarantee a safe and dignified return for refugees to their homeland.

We demand that the Lebanese government re-evaluate its position regarding Syrian refugees and allow them to remain legally on Lebanese territory. Anti-refugee sentiments will only fuel hatred and social turmoil, while it is imperative to face the undeniable complexities of return, especially since among refugees there are large numbers of asylum seekers who would still not be safe returning to Syria, as well as women widows, children, elderly, unemployed, disabled. In addition, considering the gravity of the situation, we reiterate that the Lebanese government must be supported in providing aid, as well as legal and medical assistance to Syrian refugees in Lebanon.

⁶ This assessment was requested and published by the World Food Program, UN Children's Fund and the UNHCR. Vulnerable Assessment of Syrian Refugees in Lebanon (VASYR) 2017, <https://reliefweb.int/report/lebanon/vasyr-2017-vulnerability-assessment-syrian-refugees-lebanon>.

⁷ Facts and Figures on the Syrian Refugee Crisis, Issam Fares Institute for Public Policy, July 2019, https://www.aub.edu.lb/ifi/Documents/publications/books/2018-2019/20190701_101_fact_book_vol_2.pdf

⁸ Official Press Release issued by the Supreme Defence Council, dated 15/4/2019. Access on Legal Agenda, <https://www.legal-agenda.com/uploads/Position%20Paper%20on%20the%20decision%20to%20summarily%20deport%20Syrian%20nationals%20who%20entered%20Lebanon%20irregularly.pdf>.

⁹ See figures on the funding received by the Syria Refugee Response and Resilience Plan 2019 by July 2019, <https://fts.unocha.org/countries/124/summary/2019>.

On the other hand, Operazione Colomba believes that a real and fair solution could be reached supporting the Appeal for Peace created by Syrian refugees in Lebanon. This appeal mainly asks for the creation of humanitarian areas in Syria, where people who choose neutrality instead of conflict, are provided with international protection and where armed stakeholders cannot enter, as it is the case for example of the Peace Community of San Jose de Apartado in Colombia (http://www.corteidh.or.cr/docs/medidas/apartado_se_05.pdf).

This solution would allow refugees to go back safely to their country and would improve respect and monitoring of human rights in Syria (here are the links to the proposals, <https://www.operazionecolomba.it/wethesyrians>, <http://www.operazionecolomba.it/docs/noisiriani-EN.pdf>).
