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Q&A- WHY ARE RETURNS OF REFUGEES FROM LEBANON TO SYRIA PREMATURE?

Since 2011, millions of people have fled Syria seeking refuge either in different parts of the country or in neighboring countries, including Lebanon. They escaped years of unbearable violence that saw entire cities, towns and livelihoods destroyed and hundreds of thousands of civilians killed and injured.

Lebanon hosts 938,531 Syrian refugees registered with the UN Refugee Agency (UNHCR) and 31,000 Palestinian refugees from Syria registered with the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA). In addition to those, the Lebanese government claims that around 550,000 live in Lebanon unregistered.

In July 2018, the Lebanese government announced that they will facilitate the return of refugees to Syria under an agreement with the Syrian government. In March 2019, General Security announced that 172,046 refugees returned to Syria since December 2017 due to easing administrative restrictions and facilitating and organizing returns.

In this document, Amnesty International explains the humanitarian situation of Syrian refugees in Lebanon and why the organized return of refugees back to Syria is not voluntary and premature.

WHY ARE THERE SO MANY REFUGEES FROM SYRIA IN LEBANON?

All sides to the conflict in Syria have committed a vast range of violations of international humanitarian law and gross human rights abuses. The Syrian government arrested and continues to detain tens of thousands of people, including peaceful activists, lawyers, journalists and humanitarian workers. They have subjected tens of thousands to enforced disappearance, torture and other-ill treatment causing deaths in detention as well as carrying out campaigns of extrajudicial executions of detainees. Amnesty International concluded that these violations amount to crimes against humanity. Additionally, the Syrian government and allied forces continue to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks killing and injuring civilians and direct attacks on civilians and civilian objects including homes, hospitals and medical facilities.

Many have also fled violations and abuses, some amounting to war crimes, that armed opposition groups carried out against civilians living in both government-controlled areas and opposition-controlled areas. These violations include indiscriminate attacks, blocking or restricting access to humanitarian aid, abduction and torture of activists, humanitarian aid workers, journalists, and lawyers, and summary killings of Syrian government armed forces and security forces, and of pro-government *shabiha* militias, as well as persons alleged to be “infiltrators,” IS fighters and fighters from other rival groups that oppose the Syrian government.

WHAT IS THE SITUATION OF REFUGEES FROM SYRIA IN LEBANON?

As of 2019, Lebanon hosted 938,531 Syrian refugees registered with the UN Refugee Agency (UNHCR) and 31,000 Palestinian refugees from Syria registered with the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA). In addition to those, the Lebanese government claims that around 550,000 live in Lebanon unregistered. Lebanon’s population is at least four million, including 175,000 long-term Palestinian refugees. On 31 October 2014, Lebanon closed its borders to refugees from Syria. In May 2015, UNCHR stopped registration as requested by the Lebanese government.

The refugee population has without doubt put a strain on Lebanon’s essential services and infrastructure. Amnesty International has called for years on the international community to share the responsibility both in resources and in resettling refugees. But the international community has failed to provide sufficient funding to the Regional Refugee and Resilience Plan, and this has created a gap in providing aid and the needed services to the refugee population.

At the same time, the Lebanese government has put in place restrictive policies, which have a negative impact on the rights of refugees. These include the restriction of employment to three sectors only: agriculture, construction and cleaning; and the constant raids of camps to mass-detain male refugees, in most cases for lacking residency papers or on unsubstantiated terror-related charges. The vast majority of refugees detained are released; but these raids have created

an environment of fear and intimidation. For example, on 30 June 2017 the Lebanese Armed Forces conducted raids on two informal tented settlements accommodating Syrian refugees in Aarsal. At least 350 men were arrested during the raids. Most were subsequently released but there were reports that some detainees were tortured and otherwise ill-treated by soldiers and four men died while in custody. Amnesty International's forensic analysis of photographs showing the bodies of three of the four deceased men, revealed signs of beatings and trauma to the head, legs and arms suggesting they may have been tortured. The authorities did not publish any findings from their investigations into these deaths.

In the past two years, prominent Lebanese political figures from a variety of political parties have publicly called for the immediate return of all refugees to Syria, blaming the refugee population for the deterioration of the security and economic situation. As a result of this hostile environment, many refugees face several challenges, compounded by the reduction in the humanitarian support they receive.

According to UNHCR's *Vulnerability Assessment of Syrian refugees in Lebanon* published in December 2018, 69% of Syrian refugee households live below the poverty line and the vast majority are facing increased barriers to obtaining valid residency visa, living in safe shelters, and accessing the job market and services such as education and health care. Around 73% of refugees live in Lebanon without valid residency visas, either because they cannot afford to pay the \$200 fee or because of serious delays in processing applications by local authorities. Refugees without regular migration status face the risk of detention and harassment and are limited in accessing essential services such as education and health care and in registering births and marriages.

Many refugees have been evicted from apartments or can't afford to pay rent. As a result, refugees have been increasingly living in makeshift accommodation such as agricultural rooms, engine rooms, pump rooms, active construction sites, garages and farms. According to UNHCR's study, 61% of Syrian refugees between the ages of 15 and 24 are not employed, are not enrolled in any educational programs, and are not attending any training. The most common reasons for not attending school are the inability to afford the cost of transportation and the inability to afford the cost of educational materials. The cost of medical service, medication, and transportation is also the biggest barrier to accessing health services.

WHY ARE REFUGEES GOING BACK TO SYRIA NOW?

Refugees in Lebanon are living in a difficult environment, ensuing from dire humanitarian conditions due to the lack of sufficient funding, coupled with unjust government policies and increased political tension.

In the past eight years, barriers to accessing services and aid have been prevalent and, in some cases, they have become increasingly difficult to overcome. The dire humanitarian conditions have become common factors pushing refugees to seek better living conditions outside Lebanon. Refugees who decided to go back to Syria told us that they want to return because services are free, and living is cheaper even if it involves risking their lives.

HOW ARE REFUGEES RETURNING TO SYRIA? ARE RETURNS TRULY VOLUNTARY?

In July 2018, the Lebanese government announced that refugees could go back to Syria under an agreement with the Syrian government and tasked General Security to facilitate these returns. According to General Security, refugees apply for return at the registration offices run by them across Lebanon or at the offices of political parties. General Security then proceeds in compiling all the names of registered refugees and organizes transportation in buses to the Syrian border. However, names of refugees received from political parties are not added to the list until General Security verifies that applicants have "voluntarily" chosen to return to Syria. Per the bilateral agreement, the Lebanese General Security sends lists of names of registered refugees to the Syrian government for pre-approval before their return to Syria.

Every four to six weeks, on a Thursday, refugees whose names were approved by the Syrian government gather at the registration offices to board the buses provided by General Security. The buses depart to several informal border crossings, including al-Masnaa border crossing, Al-Zamrani (Aarsal), Jdeidat Yabouss, al-Daboussia and al-A'boudia.

For the return of refugees to their country of origin to be truly voluntary, it must be based on their free and informed consent. The Lebanese government is not physically forcing refugees to register their names or board buses departing to the border. Before the departure of buses, refugees have the option to opt-out of returning. However, the dire conditions in Lebanon, in particular the difficulties obtaining valid residence visas and the resulting barriers in accessing essential services, raise doubts about the ability of Syrian refugees to provide truly free consent.

International law prohibits "constructive" *refoulement*, which occurs when states use indirect means to coerce individuals to return to a place where they would be at real risk of serious human rights violations. Amnesty International believes that, in many cases, the Lebanese government's unfair policies represent a fundamental factor in the decision to leave the

country. In these cases, the refugee's consent to repatriation cannot be considered free. Lebanon would therefore be in breach of its obligation not to return refugees to a place where they would be at risk of persecution or other serious human rights violations.

IS THE SYRIAN GOVERNMENT ALLOWING REFUGEES TO RETURN?

The returns of refugees are prohibited without Syrian government's prior-approval. According to General Security, the Syrian government rejected the return of some refugees who are wanted for security reasons. According to international human rights law, refugees have the right to return to their country and the Syrian government has an obligation to accept anyone wishing to return to Syria.

WHAT IS THE HUMAN RIGHTS SITUATION IN SYRIA?

With the exception of the escalation in attacks in Idlib, air strikes, shelling and armed clashes have wended down as the Syrian government achieved military gains. However, this does not mean the human rights situation in Syria is conducive for return. Here are some reasons why:

- Civilians returning to their place of origin are requested to go through a "security clearance" involving interrogation by Syrian security forces responsible for widespread and systematic human rights violations and abuses constituting crimes against humanity, including the use of torture, extrajudicial executions and enforced disappearances;
- The government is unable and unwilling to compensate people whose homes were destroyed or damaged;
- United Nations agencies, international humanitarian organizations and their implementing partners continue to require authorization from the Syrian government often delaying or preventing the distribution of humanitarian aid to people in need across government-controlled areas;
- The government continues to restrict UN agencies and international humanitarian organizations from providing protection services and fails to establish a mechanism that would secure housing, land, property rights, access to national documentation and legal assistance.

WHAT SHOULD THE LEBANESE GOVERNMENT DO NOW?

As discussed above, Amnesty International believes that many Syrian refugees who agree to leave Lebanon are not in a position to make a free choice but have lost hope in seeing their conditions improve in Lebanon. Additionally, the conditions in Syria are still inadequate to ensure that the rights of returnees will be respected and protected. As a result, the process of returns should stop.

Before a program of voluntary returns to Syria can start again, the Lebanese government must ensure that Syrians who wish to go back are able to form and provide their free and informed consent to the return. In order for their consent to be free, the Lebanese government must eliminate any coercive factors, such as the inability to obtain regular residence papers and the imposition of curfews. For the refugees' consent to be informed, they must have access to sufficient, objective and updated information about the human rights situation in their place of origin, including whether they would be able to access national documentation and property rights and policies around forced conscription.

The Lebanese government should provide sufficient time to international NGOs and UNHCR to access Syrians who decide to go back to provide them with needed information and assist them in obtaining legal assistance to secure the needed documentation such as birth certificates, hospital records, death certificates, etc.

WHAT SHOULD THE INTERNATIONAL COMMUNITY DO?

The government of Russia should use its influence to ensure that the Syrian government provides international humanitarian organizations and UN agencies unfettered access to refugees and displaced people returning to their places of origin or elsewhere, to ensure they receive the protection and assistance they need, especially access to legal aid. The Syrian government should also provide unfettered access to humanitarian organizations to provide needs-based humanitarian assistance.

States, especially the ones funding UN agencies, should ensure that international co-operation and assistance programmes for reconstruction and development actively promote, protect and are guided by relevant human rights obligations and standards including, but not limited to, the right to housing, and restitution of property or compensation.

Any development assistance should prioritise the most marginalised and disadvantaged whilst contributing to the realisation of minimum essential levels of economic, social and cultural rights for all, respecting non-discrimination and advancing equality.

In addition to development assistance, it is essential to create and finance programmes aimed at: ensuring justice and reparation for victims of human rights violations and their families; the effective participation of affected communities in national development plans; and the establishment of independent bodies that can ensure transparency and access to comprehensive information on the purpose, provenance, amount and terms of development assistance and how it is used, monitored and accounted for.