

Improving Protection of Syrian Refugees and Mitigating Social Tensions in Lebanon through Effective Durable Solutions

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Working Group for Persons Affected by the Syrian Crisis in Lebanon

The Working Group for Persons Affected by the Syrian Crisis in Lebanon (WG PASC) is a voluntary, inter-organizational, non-binding, and informal network of 29 local CSOs, facilitated by ALEF - act for human rights. The Working Group is open to all local CSOs working with persons affected by the Syrian crisis. It works to enhance the capacity and space for CSOs in Lebanon to influence their government and international actors to adopt policies that more effectively meet the needs of vulnerable refugees and host communities and implement them effectively.

This paper has been produced by the Working Group for Persons Affected by the Syrian Crisis ahead of the Brussels VII Conference on Supporting the Future of Syria and the Region (BXL7). As part of its mandate to advocate for a future anchored in human rights, this paper is designed to shed light on the most important and pressing issues ahead of BXL7.

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Disclaimer

While the team made all efforts possible to cross- check information and reproduce only accurate facts and events, this does not overrule the possibility of inaccuracies or oversights, for which the Working Group for Persons Affected by the Syrian Crisis in Lebanon expresses hereby its regrets.

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Access to Durable Solutions

Twelve years since the start of the conflict in Syria in 2011, the humanitarian crisis resulting from the massive flow of Syrian refugees to Lebanon goes beyond an emergency that can be addressed through relief programs solely. The “crisis” has become “protracted displacement” requiring a radical paradigm shift, through focusing efforts on finding effective durable solutions and starting to develop return and post-return plans which necessitate medium and long-term resource allocations. Of course, that doesn’t mean the suspension of emergency aid. A combination of short-, medium- and longer-term goals is crucial.

Preservation of a Temporary Protection Space in Lebanon

As the refugee crisis in Lebanon has endured for over 12 years, combined with the ramifications of the financial crisis that started in October 2019, the coping methods employed by Lebanese hosts and refugee communities have been stretched thinly. Indeed, the deteriorating inflation in Lebanon has been exacerbating the already soaring food insecurity, poverty, and unemployment, while access to basic services continues to be severely disrupted with no or low impact social protection programs in the country. Coupled with increasingly restrictive measures and regulations, the protection space for Syrian refugees is narrowing down. The lack of legal and civil documentation is putting Syrian refugees at more risk now than ever.

Situation in Lebanon

Since the “Brussels VI Conference for Supporting the Future of Syria and the Region”, the deteriorating economic and political plights continue to have a devastating impact on the most vulnerable families, including refugees in Lebanon – the Syrians among them no less. In fact, vulnerable families in Lebanon are earning very little in comparison to how much they have to pay for essential items.¹ The cost of basic services and goods have skyrocketed by more than 700% in the past three years alone, while most households had their income almost stalemated. The crisis has led to high food insecurity and poverty levels among, not just refugee communities, but the most vulnerable Lebanese families too, with food insecurity affecting 1.46 million Lebanese, the registered 800,000 Syrian refugees² as well as the non-registered tens of thousands. Unemployment has been on a sharp increase as well. Access to basic services, such as electricity, access to healthcare, and access to education, especially for the most vulnerable, has been gravely disrupted, and essential programs for public investment and social security have collapsed.³

1 UN (2022, December 16). UN: Worsening conditions for vulnerable families in Lebanon amid deepening economic crisis. Retrieved from <https://www.unhcr.org/lb/16363-un-worsening-conditions-for-vulnerable-families-in-lebanon-amid-deepening-economic-crisis.html>

2 WFP (2022, December). WFP Lebanon Country Brief – December 2022. Retrieved from https://docs.wfp.org/api/documents/WFP-0000145889/download/?_ga=2.256059787.120749817.1684768747-1808503503.1667334414

3 IMF (2023, March 23). Lebanon: Staff Concluding Statement of the 2023 Article IV Mission. Retrieved from <https://www.imf.org/en/News/Articles/2023/03/23/lebanon-staff-concluding-statement-of-the-2023-article-iv-mission>

Since last year's conference the conditions have continued to push these groups further into vulnerability, the Survival Minimum Expenditure Basket in Lebanon for a Syrian refugee household of five members hit a record-breaking 18,434,201 LBP per month⁴ in March 2023, whereas the most economically vulnerable Syrian refugee households of five members were, up until 23 May 2023, receiving a maximum of 8,000,000 LBP per month only through different types of cash assistance.⁵

Meanwhile, the continued vacuum in the Presidency of the Republic is preventing parliamentary action⁶ and the presence of a caretaker cabinet have all had an adverse impact on decision-making in the country. For instance, the IMF Staff Level Agreement on a comprehensive economic reform package has been on hold since its formulation by the Government of Lebanon (GoL) in April 2022. The paralyzed parliament actually put on hold discussions or approvals of grants and programs supporting the most vulnerable. In the face of numerous crises in Lebanon, such as political deadlock, socioeconomic deterioration, and their effects on funding, services, and access, municipalities and local authorities have encountered significant challenges at the local level. Additionally, the refugee crisis has further strained the capacities and services of municipal authorities in many host communities.⁷

Legal and Civil Documentation

While some flexibilities were put in place in order to expand legal and civil documentation for refugees, the reduced capacities of the public sector combined with the shortage of fiscal stamps and the devaluation of the local currency have all had a negative effect on the enjoyment of civil documentation by refugees. Building the self-reliance of refugees, which encompasses access to basic services, legal employment, and livelihoods, is essential. However, it is important to address the resulting concerns and negative sentiments within the Lebanese community towards the refugee population. Developing such programs with a "Triple Nexus" lens is key to avoid further tension between Lebanese and refugees as a result of refugee assistance programs.

In 2022, the percentage of marriage certificates for Syrian refugees registered with the Foreigners' Registry increased from 30% to 33%. In turn, it has been increasingly difficult for refugees to register births as Lebanese authorities have been requesting residency and identification cards to complete any civil registration⁸. In 2022, the rate of birth registration for Syrian children born in Lebanon saw a slight increase, rising from 31% to 36%⁹. However, the most pressing issue lies in the percentage of Syrian refugees over 15 years old who possess legal residency permits. During the passing year, this figure has only experienced a minimal growth of 1%, going from 16% to 17% compared to the previous year. This stagnant progression reflects a deadlock in addressing the situation since 2019.¹⁰ in a context where legal documentation remains a primary form of protection from arrest, mistreatment, and potential deportation to Syria.

4 Inter-Agency Coordination Lebanon (2023, May 10). Monthly Monitoring of the Survival Minimum Expenditure Basket for Syrian Refugees in Lebanon – SMEB. Retrieved from <https://app.powerbi.com/>

5 UNHCR and WFP (2023, April). Q&A - Cash assistance for food and other basic needs provided to refugees in Lebanon (Syrian refugees and refugees of other nationalities).

6 When the Presidential election is overdue, the Parliament is considered an electoral body exclusively

7 ALEF (2023, January). Peacebuilding and Social Stability Challenges Faced by Municipalities within a Context of Ongoing Crises in Lebanon. Retrieved from <https://alefliban.org/publications/peacebuilding-and-social-stability-challenges-faced-by-municipalities-within-a-context-of-ongoing-crises-in-lebanon/>

8 Information obtained during PASC members' participation in meetings with UNHCR in 2022.

9 UNHCR VASyR 2022.

10 UNHCR VASyR 2022.

As the context in the country continues to deteriorate, relations between the refugees and host communities continue to worsen thus adding to the already precarious safety and security of Syrian refugees. With the recent surge in raids and mass arrests, the situation surrounding the regularized documents of Syrian refugees in Lebanon becomes even more alarming. The percentage of refugees possessing proper documentation remains exceptionally low, posing a greater risk of arrest, mistreatment, and potentially deportation to Syria. The gravity of this issue is evident from the statistics, as between April 1st and May 16th of this year alone, Lebanese authorities deported a minimum of 336 Syrian refugees, including 12 individuals who possessed legal residency.¹¹ One of the consequences of escalating social tensions and the resulting grassroots pressure on decision-makers is the lack of protection for Syrian individuals even those with legal residency, who remain vulnerable to detention or deportation back to Syria. This situation highlights the impact of mounting social tensions on the stance taken towards Syrian refugees, prompting authorities to adopt stricter measures.

While access to legal and civil documentation is a primary form of protection, it also acts as a major form of community tension management. The lack of documentation and an overall discourse that Syrian refugees are “irregular” in the country, acts as a driving factor for increased social tension. The promotion of access to civil and legal documentation has therefore combined objectives to secure legal protection, reduce an overall perspective of irregularity among the Lebanese community, and reducing negative coping mechanisms and self-imposed restrictions by refugees.

Child Protection

Just like the situation with legal residency, the reduction in child labor among Syrian children in 2022 only saw a marginal decline of 1% compared to the previous year. This minimal change indicates a lack of significant progress on this issue since 2020.¹² A growing concern arises from the fact that the percentage of young Syrian girls who are currently married has increased by 2%, (from 20% in 2021 to 22% in 2022).¹³ While there has been progress to decrease child marriage between 2019 and 2020, this increase, no matter how little, reflects a setback of the efforts to combat child marriage, commonly attributed to the negative coping mechanisms many refugee families sought to face the compounding crises in Lebanon.

The economic crisis and the reduced household income for Lebanese, has driven many families to transfer their children from the private school system to the public one. In the school year 2020-2021 alone, 55,000 students moved from private to public institutions¹⁴. At the onset of this year, public school teachers advocating for pay raises to absorb the increase in the cost of living went on strike resulting in an overall halt in schooling for Lebanese students. The public narrative about Syrian children going to school because of available international funds while Lebanese students are out of school led to more popular pressure on the Ministry of Education and Higher Education who decided to suspend afternoon shifts for Syrians as long

11 ACHR (2023, May 19). Lebanon’s Violation Of Human Rights Through The Forced Deportation Of Refugees. Retrieved from <https://www.achrighs.org/en/2023/05/19/13160/>

12 UNHCR VASyR 2022.

13 UNHCR VASyR 2022.

14 World Bank (2021). Foundations for Building Forward Better - An Education Reform Path for Lebanon. Retrieved from <https://documents1.worldbank.org/curated/en/627001624033308257/pdf/Foundations-for-Building-Forward-Better-An-Education-Reform-Path-for-Lebanon.pdf>

as the strike persisted.¹⁵ This has effectively held back refugee and Lebanese children from being able to access education for several months into the year and deepened the inequality between public and private school students whose school year was not disrupted.

Safety and Security

In 2022, 4% of Syrian households reported being subject to discriminatory curfews in areas where they live.¹⁶ Indeed, several municipalities have imposed arbitrary and discriminatory measures against Syrians residing within their jurisdiction. These measures did not just include curfews, but also evictions, raids, arbitrary detention, confiscation of documents, and wage caps.¹⁷ Several newly arrived Syrian asylum seekers were not allowed to enter informal tented settlements (ITS), while many of those already inside Lebanon defaulted on rent payments¹⁸ and found themselves houseless. From child protection angle, only 16% of Syrian households felt that their children's school is safe.¹⁹ The deteriorating safety and security of Syrian refugees in the country can be directly attributed to the increasingly hostile mood against them at both grassroots and governmental levels.

Starting from April of this year, a security campaign started throughout Lebanon. This campaign involves arbitrary raids and arrests targeting Syrian individuals who entered Lebanon through "illegal crossings," with the intention of deporting them to Syrian territories. The decision to deport those who entered Lebanon illegally after April 24, 2019, was issued by the Supreme Defense Council in 2019. Unfortunately, this approach poses a grave risk to the affected refugees, particularly those wanted by security agencies in Syria, draft evaders, or army deserters. The lack of consideration for the sensitivity of their situation and the potential consequence of their detention highlights a disregard for their well-being and uncertain fate.

Community Relations

In the past year, communications by the GoL have repeatedly expressed Lebanon's inability to continue managing the refugee crisis in the country, despite the international community's calls for the country to continue upholding international principles for refugee protection.²⁰ The GoL and several line ministers, Members of Parliament (MPs), and municipalities have been consistently perpetuating anti-refugee sentiments through a series of antagonistic statements. Indeed, Lebanese political figures and public officials continue to accuse refugees of committing more than 80% of crimes (while the actual rate of Syrians in Lebanese prisons is at 28%, a mere 2% increase since 2021²¹). They have also been reiterating that Lebanon does not want any more

15 Arab News (2023, May 22). Teaching suspended for Syrian refugee children in Lebanon's public schools. Retrieved from <https://www.arabnews.com/node/2230036/middle-east>

16 UNHCR VASyR 2022.

17 Syria TV (2022, May 22). A "racist" circular from a Lebanese municipality against Syrian workers. Retrieved from <https://www.syria.tv/%D8%AA%D8%B9%D9%85%D9%8A%D9%85-%D8%B9%D9%86%D8%B5%D8%B1%D9%8A-%D9%85%D9%86-%D8%A8%D9%84%D8%AF%D9%8A%D8%A9-%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A%D8%A9-%D8%B6%D8%AF-%D8%A7%D9%84%D8%B9%D9%85%D8%A7%D9%84-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%8A%D9%86>

18 NRC (2022, February). Syrian refugees face evictions as they take desperate measures to survive the winter. Retrieved from: <https://www.nrc.no/news/2022/february/lebanon-syrian-refugees-face-evictions-as-they-take-desperate-measures-to-survive-the-winter/>

19 UNHCR VASyR 2022.

20 UNHCR (2022, April 30). UNHCR calls on Lebanon to continue upholding principles of refugee protection and asks for sustained support from the international community. Retrieved from <https://www.unhcr.org/lb/15295-unhcr-calls-on-lebanon-to-continue-upholding-principles-of-refugee-protection-and-asks-for-sustained-support-from-the-international-community.html>

21 Ministry of Justice Directorate of Prisons.

international assistance dedicated to refugees and demanding the halt of such aid.²² Although it is not the first time that such statements are released, the political rhetoric continues to worsen. This is particularly worrying as the GoL is a main partner in the design and implementation of the Lebanon Crisis Response Plan (LCRP) and should act as an owner and proponent of the response plan it co-authors and endorses on annual basis.

The threatening government statements and stances have serious implications on the public's perception of the refugee crisis in Lebanon. Undoubtedly, these statements contribute to the rhetoric of blaming Syrian refugees, particularly during a time when poverty rates are rising among the Lebanese population and there is intensified competition for limited resources. It is worth noting that despite this challenging situation, aid distribution has been adjusted to equally support both Lebanese and Syrian refugees, as exemplified by the 2022 LCRP, which provides assistance to 1.5 million Lebanese and 1.5 million Syrian refugees.²³

Voluntary Repatriation to Syria

The most effective and sustainable solution to address the refugee crisis in Lebanon lies in expanding access to resettlement in third countries and other complementary pathways, as well as planning for the voluntary return of refugees to Syria where the conditions for a safe, dignified, and voluntary return are guaranteed. Expanding access to resettlement in third countries and carefully considering the circumstances for safe returns to Syria offers a comprehensive and sustainable approach to address the crisis. It takes into account the varying needs and circumstances of refugees, the preservation of national development potential, and the potential positive impact on the host country's labor market and limited resources, while also acknowledging the challenges faced by specific sectors. Nonetheless, the Lebanese authorities took several measures to further push Syrian refugees back to Syria.

Safety and Security in Syria

Despite small scale clashes, the de-escalation agreement reached through the Astana Process has been relatively successful in preventing large military operations. However, conditions inside Syria are not homogenous. Twelve years of conflict resulted in multiple zones of control and the domination of a complex web of actors and interests, with warlords and militias engaging in various activities to maintain power, including extortion and illicit trade. The safety and security parameters in Syria are also conditioned by the activities of multiple foreign powers and non-state armed groups. Meanwhile, ISIS sleeper cells contribute as well to impede return and reintegration efforts in areas liberated from ISIS through extortion and assassinations. Additionally, airstrikes from multiple foreign powers, particularly Russia, continue to undermine the safety and security of civilian populations.

In government-held areas, the sporadic nature of the current security structures has led to overlapping and multiplicity of security structures. Arbitrary detention, enforced disappearances, executions, confiscation of property, and mistreatment continue to be perpetuated.²⁴ The Government of

22 European External Action Service (2022, May 10). Brussels VI Conference "Supporting the future of Syria and the region". Retrieved from https://www.eeas.europa.eu/eeas/brussels-vi-conference-supporting-future-syria-and-region_en

23 UN News (2022, June 20). Lebanon: \$3.2 billion plan launched to support local families and refugees. Retrieved from <https://news.un.org/en/story/2022/06/1120812>

24 Human Rights Watch (2023). Syria: Events of 2022. Retrieved from <https://www.hrw.org/world-report/2023/country-chapters/syria#23335a>

Syria (GoS) also continues to limit returnees' access to their areas of origin.²⁵ Although, prior to the BXL6 conference, the GoS passed a law criminalizing torture, and President Assad granted a general amnesty, torture and ill-treatment in places of detention are reportedly systematic, especially in facilities run by the Syrian intelligence. The amnesty was implemented haphazardly with the release of a very small number of prisoners.

Along with the Syrian Arab Army, loyalist paramilitary groups and diverse intelligence branches, the territory under the control of the Syrian government could give a sense of stability, however the risk of human rights abuse is heightened as checks and balances are ineffective. These conditions have also paved the way for widespread smuggling and extortion activities affecting the safety and well-being of civilian populations.

The conditions in areas under opposition control in North-west Syria are also complicated and do not offer the stability and safety for civilian populations. Currently, due to internal factional tensions, geopolitical changes, and regional power dynamics, two primary control zones have emerged. One area is under the control of the Syrian Interim Government (SIG) and the Syrian National Army (SNA), while the other is effectively governed by the Syrian Salvation Government and Hay'at Tahrir al Sham (HTS). The area experiences frequent clashes and tensions between these opposing factions, as well as with other smaller armed groups operating in the region. The situation is further complicated by the presence of violent extremist groups, such as HTS, which has been designated as a terrorist group by several countries. Additionally, there have been instances of power struggles and shifting alliances among the various armed groups, further contributing to the volatile security environment. These dynamics create a significant risk for localized conflicts, clashes, and outbreaks of violence in Northwest Syria. The civilian population in the region also faces security challenges, including the threat of indiscriminate attacks, aerial bombardment, and the use of explosive devices. Humanitarian organizations and infrastructure are also at risk, hindering the delivery of much-needed aid and assistance to the affected population. The latter faces some critical developments particularly following the increase of humanitarian needs as a result of the February 2023 earthquakes. The access to humanitarian aid and protection relies almost entirely on cross-border assistance subject to renewal on a six-month basis from the UN Security Council. Geopolitics and politicization of aid have a great impact on the sustainability of the access and the continuation of services to populations in need.

In areas of North-East Syria (NES), the safety and security conditions are also imperiled despite efforts to stabilize the region and bolster institutional governance following the defeat of ISIS in the region. Currently the Syrian Democratic Forces (SDF) along with the Autonomous Administration for North-east Syria (AANES) are exposed to diverse obstacles and challenges weakening their capacity to ensure protection for civilians in the area. The efforts in NES are almost entirely focused on the management of Al-Hol camp, including former and current ISIS affiliates, and ensure sustainable return and reintegration efforts. Tribal and ethnic tensions, along with regional interest (particularly from Turkey), and spread of ISIS sleeper cells have hampered these efforts and increased insecurity. Views from the Global Coalition to Defeat ISIS and UN expert groups concur the ongoing threats of ISIS. ISIS is now ready to carry out more sophisticated assaults across both Iraq and Syria. Despite the ongoing efforts of the SDF,

²⁵ Human Rights Watch (2023). Syria: Events of 2022. Retrieved from <https://www.hrw.org/world-report/2023/country-chapters/syria#23335a>

the number of ISIS attacks has risen in the early months of 2023 as they exploit security gaps and rebuild their combat capabilities. By mid-January 2023, ISIS had already conducted 14 operations in SDF territory, according to the Syrian Observatory for Human Rights. Kurdish police Brigadier General Ali Hassan noted that ISIS has shifted its strategy from individual attacks to collective assaults, particularly targeting prison facilities. The US Defense Department officials' warnings of an ISIS resurgence in 2023 align with analysts' concerns about the neglect of the situation in Syria and Iraq from a strategic standpoint. Achieving tactical victories and effectively countering ISIS requires addressing underlying political issues, such as reducing tensions between partner forces, combating corruption, and strengthening local governance capabilities. Meanwhile, conditions in NES still trigger grave protection threats. Individuals with perceived ISIS affiliation could be subject to arrest, torture and lengthy detention, while individuals ongoing sponsorship and return could be subject to forced military service or potential assassinations from sleeper cells.

In zones dominated by anti-government groups, arbitrary attacks on civilians and their vital infrastructure endured throughout 2022. Civilians, teachers, activists, journalists, and humanitarian workers continued to face arbitrary detention, mass arrest campaigns, and raids by some of these groups for expressing opposing opinions. Confiscation of property has also been documented in these zones, along with a monopolization of fuel and other basic services.²⁶

In 2023, 15.3 million people in Syria are estimated to be in need of humanitarian aid – a record-breaking high for the country since 2011.²⁷ Nevertheless, the GoS has been continuously imposing strict limitations on humanitarian assistance in its areas of control and other parts of the country. While the primary purpose of the cross-border mechanism is to address the humanitarian needs of populations that cannot be reached through other means, the discussion surrounding the cross-border response in Syria has become highly politicized. This has led to the neglect of humanitarian considerations in favor of political calculations. The opening and closure of border crossings were not essentially driven by assessing humanitarian needs; rather, the Security Council was compelled to make significant compromises due to pressure from Russia and China, or the willingness of the Syrian authorities. Meanwhile, sanctions and other measures imposed on Syria also led to some limitations on humanitarian aid as they restrict financial transactions and banking channels, making it difficult for humanitarian organizations to transfer funds to operate in Syria. This limitation hampers the ability to purchase essential supplies, pay staff, and provide services to those in need.

Amid all that, the UN-led peace process, which includes the constitutional committee, has made no significant progress to reaching a political solution.

Meanwhile, the recent League of Arab States decision to re-admit the membership of Syria would potentially have a positive impact on the return of refugees to Syria, but the exact nature of this impact depends on the specifics of the arrangement reached with the GoS and the latter's intention to actually facilitate return. Despite the potential improvements in security

26 Human Rights Watch (2023). Syria: Events of 2022. Retrieved from <https://www.hrw.org/world-report/2023/country-chapters/syria#23335a>

27 OCHA Syria (2023, March). Humanitarian Update. Retrieved from https://reliefweb.int/report/syrian-arab-republic/humanitarian-update-syrian-arab-republic-issue-10-march-2023?_gl=1*170fio*_ga*MTQ1NzI2NDU0MS4xNjc0MTc0NzQ2*_ga_E60ZNX2F68*MTY4MzcyODUzMy40LjAuMTY4MzcyODUzMy42MC4wLjA.

and economic conditions, as highlighted by the Amman Declaration, the well-founded fear of persecution among Syrian refugees may persist, necessitating continued international protection based on a rigorous assessment of the conditions.

Although the conditions and developments in Syria still do not meet the protection threshold identified by UNHCR in 2018,²⁸ the situation in Lebanon, as grave as it is, requires the international community to look creatively at how some areas in Syria present acceptable conditions for safe and voluntary return, as some countries such as Denmark started doing. In general, UNHCR does not declare a country or a region to be safe for the return of refugees, as no country can be considered safe for all. However, UNHCR and the broader international community are required to search for solutions, including working with the GoS, the neighboring countries, donor community and others to establish conditions that would permit refugees to return safely and with dignity to their homes and to make a free and informed choice.²⁹ The physical safety of returnees must be assured by the authorities, monitored by UNHCR, and possibly supported by the international community, wherever return takes place.³⁰

Results of a study³¹ on the return intentions of Syrian refugees suggest that safety is the most powerful driver of return, with security in one's hometown increasing return intentions by 35 percentage points and nationwide security increasing return intentions by 42 percentage points. The fact that safety in one's hometown has nearly as large of an effect as nationwide safety suggests that the majority of variation in people's consideration of security is driven by conditions in their hometown, highlighting the local nature of security concerns in postwar environments. An end to military conscription also plays an important role in shaping people's return intentions and increases the likelihood of return by 18 percentage points.

Returns and Refoulement

During 2022, 9,814 refugees returned to Syria at a time when the protection space in Lebanon was shrinking. There is no reliable data on the conditions of those returnees.³²

Lebanese political figures and public officials have continued to call for returns and push for the repatriation of Syrian refugees, maintaining the position that Lebanon is a transit country only and not a country of asylum. Right after BXL6, the GoL became increasingly vocal in its calls for the international community's cooperation in repatriating refugees, and even announced the launch of a plan for the return of Syrian refugees³³ - a plan that remains, to this day, largely intangible. Nevertheless, the rhetoric remains the same: the "Syrian displaced³⁴" must return to Syria. As such, in September 2022, the Directorate General for General Security (DGGS) announced the resumption of its facilitation of return movements back to Syria and invited interested

28 Refugee Protection Watch (2022). Endless Refuge and Unsafe Homecoming - RPW 2022 Report. Retrieved from <https://paxforpeace.nl/media/download/RPW%20annual%20report%20EN.pdf>

29 UNHCR Policy on Return to Burundi – List of Questions of the Ministry of Foreign Affairs of Germany. Retrieved from <https://www.refworld.org/pdfid/3cd917cb4.pdf>

30 EXCOM Conclusion 18 Para. (h); see also EXCOM Conclusion 40 Para. (l)

31 Alrababah A, Masterson D, Casalis M, Hangartner D, Weinstein J (2023). The Dynamics of Refugee Return: Syrian Refugees and Their Migration Intentions. *British Journal of Political Science* 1–24. <https://doi.org/10.1017/S0007123422000667>

32 UNHCR (2023, February 28). RDSWG meeting.

33 Al Jazeera (2022, July 06). Lebanese plans Syrian refugee repatriation within months: Minister. Retrieved from: <https://www.aljazeera.com/news/2022/7/6/lebanon-plans-syrian-refugee-repatriation-within-months-minister>

34 This is the usual terminology used by GoL when they talk about Syrian Refugees

refugees to voluntarily sign up at one of 17 DGGs centers across the country. In October and November, two return convoys were organized by the DGGs in the presence of the UNHCR. Only 511 individuals crossed the border as part of the first convoy and 190 as part of the second. In 2023, DGGs continue to publicly invite once again refugees to sign up for return and announced that the directorate is planning for a new convoy.³⁵

Beyond facilitating voluntary return movements, the DGGs and the Lebanese Armed Forces have also been engaging in a systematic campaign of deporting Syrians without due process based on the 2019 Higher Defense Council decision. Between the beginning of April and 16 May 2023 alone, at least 22 raids were reported, resulting in the arrest of at least 808 individuals, of which at least 336 were deported,³⁶ some of which were individuals who had defected from the Syrian Armed Forces, as well as women and children. In fact, the GoL continues to practice a policy of refoulement, even at its borders, in violation of international principles. In December 2022, the DGGs had once again changed its conditions for entry to Lebanon from Syria, prohibiting entry for tourism, displaced and employment sponsorship – further restricting options for those attempting to flee a war-torn country³⁷. Even at the crossing itself, pushback by Lebanese border control has been very violent against individuals attempting to cross the border from Syria to Lebanon.

Despite the fact that the return of refugees can be considered as voluntary as returnees self-enrolled for returns and were not forced to do so, the reality on the ground tells a different story. Exerting pressures (push factors) has proven unsuccessful in achieving a genuine and sustainable return that would alleviate the burden of displacement on Lebanon while ensuring the safety, dignity, and well-being of the refugees. On the contrary, these practices often push them towards making risky choices, such as opting for unsafe returns or resorting to illegal immigration. These choices can further contribute to the destabilization of both Lebanon and Syria, especially in the midst of escalating hate speech and the fragile nature of the situation in both countries.

Access to Resettlement to Third Countries

Undoubtedly, it is evident that the conditions in Syria are still far from meeting the necessary requirements for the safe and sustainable return of certain refugees. In Lebanon, the protection space has been stagnant for a significant period, particularly concerning legal and civil documentation. However, even individuals with regularized documentation are not exempt from the risk of being arrested or deported back to Syria. Simultaneously, there has been a drastic reduction in protection concerning child safety, security, and community relations.

Consequently, the only feasible remaining option is the resettlement of Syrian refugees to third countries. Unfortunately, in recent years, resettlement countries have failed to uphold their commitments, neglecting their international obligations, and disregarding the principle of burden-sharing in relation to demographic challenges. This failure has resulted in severe restrictions on Syrian refugees' access to durable solutions, primarily due to the lack of significant policy advancements by resettlement countries. The main underlying cause of this issue is a lack of political willingness to accommodate a larger number of refugees. In fact, the figures from 2022

35 Information received from UNHCR.

36 ACHR (2023, May 19). Lebanon's Violation Of Human Rights Through The Forced Deportation Of Refugees. Retrieved from <https://www.achrighs.org/en/2023/05/19/13160/>

37 Lebanese General Security (2022, December 23). Regulating the entry and residence of Syrians. Retrieved from <https://www.general-security.gov.lb/ar/posts/33>

reveal that only 7,490 Syrians were resettled from Lebanon to third countries through UNHCR, highlighting the limited progress achieved in this regard. This year, the estimated resettlement quota for Syrians across all MENA region countries hosting Syrian refugees is approximately 22,300, which falls significantly short of the projected 777,800 persons.³⁸

Burden and Responsibility Sharing

The international community has repeatedly committed itself to burden and responsibility sharing since the start of the Syrian conflict. In 2016, all UN member states adopted the New York Declaration for Refugees and Migrants, and its annexed Comprehensive Refugee Response Framework, thus committing themselves to sharing responsibility. These commitments include making efforts towards increasing third country resettlement and complementary legal pathways for hosting refugees in numbers that can match UNHCR's Projected Global Resettlement Needs every year.³⁹ Two years later, in 2018, the UN General Assembly once again re-iterated its commitment to responsibility sharing by affirming the Global Compact on Refugees. Among its aims, the compact seeks to implement the principle of international responsibility-sharing by widening access to solutions in third countries among other aims. The Global Compact on Refugees also established the Global Refugee Forum for States and other stakeholders, to be convened periodically, in order to renew commitments related to the compact's objectives.⁴⁰

During and after the 2019 Global Refugee Forum 368 pledges were made to expand third-country solutions for refugees, of which 60 state-actors committed to expanding their access to resettlement. However, between October 2019 and March 2023, only 29.79% of these pledges have been fulfilled.⁴¹

These numbers come against the much bigger capacity of resettlement countries to host more refugees. Indeed, the Ukraine-Russia war in February 2022 and the welcoming of large numbers of Ukrainian refugees by countries around the world has shown that these countries have the capacity but not the willingness to resettle Syrians.

In fact, in 2022, only 7,490 Syrian refugees were resettled from Lebanon to 18 countries: Argentina, Australia, Belgium, Canada, Germany, Finland, France, Ireland, Italy, Norway, Netherlands, New Zealand, Romania, Switzerland, Sweden, Spain, UK, and USA.⁴² On the other hand, of these countries, Belgium alone registered 71,629 Ukrainian refugees for temporary protection, Germany registered 945,219, Finland registered 55,035, France registered 118,994, Ireland registered 83,922, Italy registered 175,107, Norway registered 47,850, Netherlands registered 89,730, Switzerland registered 83,428, Sweden registered 55,288, and Spain registered 177,228 Ukrainian refugees for temporary protection.⁴³ All of these European countries

38 Information received from UNHCR.

39 UNHCR (2017, June 12). Match resettlement commitments with action: UN Refugee Chief. Retrieved from <https://www.unhcr.org/news/match-resettlement-commitments-action-un-refugee-chief>

40 Global Refugee Forum and UNHCR. Global Refugee Forum Factsheet: Burden and Responsibility Sharing. Retrieved from <https://globalcompactrefugees.org/sites/default/files/2020-05/GRF%20Fact%20Sheet%20-%20Burden%20and%20Responsibility-Sharing.pdf>

41 Global Compact on Refugees (2023, February 03). Pledges & Contributions Dashboard. Retrieved from <https://globalcompactrefugees.org/pledges-contributions>

42 Information obtained from UNHCR.

43 UNHCR (2023, June 07). Operational Data Portal: Ukraine Refugee Situation. Retrieved from <https://data2.unhcr.org/en/situations/ukraine>

combined welcomed at least 254 times as many refugees in 2022 as they did for Syrians along with other non-European states. These figures not only portray the huge capacity of resettlement countries to host more Syrians, but they also point towards the weak commitment of resettlement countries towards the Syrian crisis and its spillover in the region.

Why is Commitment Weak?

Lebanon as a refugee-hosting country, and the Syrian crisis overall, have both been effectively deprioritized from the foreign policy agenda of resettlement countries, due to the prioritization of other crises, namely Ukraine and the response to the Türkiye earthquake – based on what civil society organizations have been repeatedly hearing in closed-door meetings with state donors.

Linkages between Resettlement and Social Stability

Resettlement to third countries is not just an alternate durable solution to protection, but is also, in itself, capable of contributing to the preservation of a temporary protection space in Lebanon.

Indeed, community relations, safety and security, and social stability, are core pillars of protection. As 46.1% of Lebanese and Syrians rated the quality of Lebanese-Syrian inter-communal relations as “negative” or “very negative”,⁴⁴ resettlement is actually capable of contributing to remedying the main causes of social tensions between refugees and host community. Competition for jobs, resources and infrastructure have been reported as the top drivers of such tension⁴⁵. GoL officials continue to reiterate that the big influx of refugees to Lebanon burdened the state and its ability to provide for its own citizens. The general public has also been turning to social media to call on the international community to resettle refugees from Lebanon to any other country, in an attempt to alleviate the impact of the multiple crises the country is going through.

44 UNDP & ARK (2023, March). Regular Perception Surveys on Social Tensions Throughout Lebanon: Wave XV – Annex of Governorate Fact Sheets. Retrieved from <https://drive.google.com/file/d/1xIIPvYvf-grObThrOUgpLCA3st0VoCfM/view>

45 UNHCR VASyR 2022.

Twelve years on, many refugees have sought escape by illegally migrating to European countries like Greece, Italy, or Cyprus^{46 47}, especially that they do not have visibility about the resettlement prospects and are no longer able to continue anticipating their access to resettlement elsewhere. Countless of them are even selling their valuables to be capable of affording migrating out of the country – most often through risky sea routes that lead to arrests if not death.⁴⁸ With summer around the corner, Lebanese political figures and public officials have been stating that Lebanon can no longer act as a security guard for other countries and prevent irregular migration with its often deadly consequences. Resettlement becomes more urgent today than ever. At the moment, there is no access to any other durable solution as a true end in sight for the crisis – many refugees are unable to go back due to the situation in Syria and the lack of conditions that ensure a voluntary, safe, and dignified return; but they are also left without proper protection in Lebanon. Resettlement will not only save lives and provide individuals with a safer future, but will also decrease the drivers of social tensions, negative community relations, and unsafety and insecurity, within Lebanon itself.

46 L'Orient Today (2022, June 28). Migrants from Lebanon destined for Italy are transferred to Greece: Video. Retrieved from: <https://today.lorientlejour.com/article/1304134/migrants-from-lebanon-destined-for-italy-are-transferred-to-greece-video.html>

47 L'Orient Today (2022, June 16). Lebanese army arrests more than 34 people trying to illegally flee to Europe by sea. Retrieved from: <https://today.lorientlejour.com/article/1302870/lebanese-army-arrests-more-than-34-people-trying-to-illegally-flee-to-europe-by-sea.html>

48 Al Jazeera (2022, April 23). Migrant boat capsizes off Tripoli, Lebanon. Retrieved from: <https://www.aljazeera.com/amp/news/2022/4/23/migrant-boat-capsizes-off-tripoli-lebanon>

Recommendations

Access to Resettlement to Third Countries

To the EU and Donor States

- Honor past resettlement pledges, the New York Declaration, and the Global Compact on Refugees.
- Recognize the long-term character of forced displacement and promote responsibility sharing among resettlement countries.
- Abide by the internationally-recognized criteria for the selection of individuals for resettlement.
- Increase resettlement places, especially to individuals facing protection threats, in need of medical assistance, and refused entry to Syria by the Syrian government.
- Expand opportunities for safe and complementary pathways for asylum and opportunities for temporary visas and residencies.
- Take urgent measures to establish a more robust and comprehensive resettlement process that ensures the well-being and protection of vulnerable individuals and people with particular risks including LGBTIQ+ individuals, political opposition and victims of torture.

To the GoL

- Enhance diplomatic efforts to encourage resettlement spaces and other humanitarian pathways.
- Develop programs and policies that would increase the chances for humanitarian pathways.

Preservation of a Temporary Protection Space in Lebanon

To the EU and Donor States

- Meet funding obligations and past financial pledges.
- Follow through on the Grand Bargain commitments to localization by providing increased support and flexible funding tools for local and national responders.

- Increase funding to conflict sensitive human rights initiatives that advocate for policies that more effectively meet the needs of both the Lebanese host and the Syrian and Palestinian refugee communities.
- Ensure multiannual, predictable, and flexible humanitarian and development support, that also considers a peacebuilding approach.
- Make more concrete efforts to reduce the perception of aid bias in the aid disbursed to Syrian refugees and that for vulnerable Lebanese groups.
- Dedicate resources to decrease social tensions through a public outreach and strategic communication countering the perception of lack of aid balance and emphasizing the leading role GoL is playing through clearly and publicly standing behind the policies and projects that the GoL is co-chairing and partnering on such as the LCRP, the ERP, and the 3RF.
- Enforce the conditionality of aid to the Government of Lebanon (GoL), making it contingent upon its strict adherence to international law, particularly the treaties ratified by Lebanon, and human rights principles. This includes ensuring the protection of Lebanese citizens' rights and public accountability of the GoL security and civilian institutions, especially in situations involving forced evictions, raids, arbitrary detentions, or any other occurrences of discriminatory measures.
- Provide financial and technical assistance to the GoL to put in place a system of accelerated and simplified refugee determination mechanism in order to determine the caseload of Syrians who qualify as refugees as well as those who should be considered as economic migrants in a way that safeguards the fundamental rights of refugees and ensures that they are not exposed to protection threats, deportation, or return to unsafe conditions. This is essential to alleviate tension between host communities and refugees and mitigate negative perceptions and hate speech.

To the GoL

- Permit UNHCR to resume the registration of refugees based on the 2015 guidelines and engage in a process that distinguishes between refugees and economic migrants.
- Commit to removing obstacles for refugees in reaching UNHCR offices.
- Ensure that the policies, regulations and infrastructure for data protection, and data handling are in place prior to receiving confidential refugee data from UNHCR.

On Legal and Civil Documentation:

- Ensure that revisions of policies and regulations in relation to residency permits for Syrian refugees are transparent and inclusive. These regulations should tend to expand the access to residency for those that could benefit and resolve the expansive gap in accessing legal residency.
- Ensure that the registration of important life events (birth, marriage, divorce, death)

is accessible to all on a non-discriminatory basis, regardless of nationality and legal status.

- Extend the alleviation of the one-year limit for birth registration to ensure that refugee children born in Lebanon receive proper documentation and are not at heightened risk of statelessness. Statelessness among refugee populations would undermine their possibilities for resettlement and return and impose further pressure on the Lebanese state.
- Increase the budget spent on legal awareness and documentation through awareness sessions. It is also important to designate medium to long term projects that follow up with complicated documentation cases (these cases constitute the majority of the documentation cases) in addition to lawyers who can follow up on obtaining the necessary papers from judicial courts regarding cases of divorce, marriage, death, and birth.

On Child Protection:

- Increase access to information on child labor laws and their enforcement, including a modification of Article 22 on child labor to raise the minimum age for work to 15 years old to meet international standards.
- Introduce a monitoring mechanism or oversight body to ensure the application of the child labor law, the identification of child labor cases, and sanctioning businesses engaged in child labor.
- Raise the minimum age required to be married to 18 years old to protect boys and girls from early marriage, through the endorsement of the draft law proposal that sets the minimum age of marriage in Lebanon, and pave the way for the general public, local authorities, and civil society to provide protection services to children victims of child marriage.
- Reinforce systems and policies related to the rights and protection of those vulnerable to violations of SGBV.
- Adopt a collaborative participatory approach to consult with various education stakeholders including UN agencies, civil society organizations, private sector, representatives from regional districts, municipalities, and parents, in developing the national education strategy to increase access to education to both Syrian and Lebanese vulnerable groups and coordinate efforts related to education service deliveries to make sure all children are educated, including access to digital infrastructure and the cost of transportation and school material.
- Monitor private schools' non-fee restrictions, such as discriminatory enrolment practices, on access to education for Syrian refugees.
- Ensure that alternate systems and mediation measures are set so that the freedom of expression of teachers does not interfere with children's right to access education, especially due to discrimination on the basis of nationality.
- Adapt formal and informal detention alternatives for children and juveniles to international standards and ensure their implementation, including community measures, mediation, reintegration programs, and community service.

On Safety and Security:

- Guarantee the protection of communities from violence perpetrated by, both, the Lebanese host and the Syrian refugee communities.
- Ensure that MoIM, municipalities, and security forces coordinate fully together in terms of information sharing and rule of law to avoid any attempt of collective punishment – such as evictions, raids, arbitrary detention, confiscation of documents, wage caps, and curfews – and the violations that can emanate from that, especially discrimination on the basis of nationality.
- Ensure that national laws are followed in every eviction, raid, or detention, and guarantee the respect of due process.
- Ensure the full protection and inclusion of the LGBTIQ+ community. While existing provisions may offer some support, their effectiveness is limited if they coexist with penal codes that perpetuate discrimination against this community.

On Community Relations:

- Support inter-community dialogue to diffuse conflict/disputes that have the potential to lead to safety and security risks.
- Coordinate with UNDP, UNHCR, and civil society to map the tools, approaches, and opportunities for building community relations and response and prevention (roles in identification, referral, and awareness raising) regarding SGBV.
- Adopt a Do-No-Harm approach and equip the Internal Security Forces with the necessary mechanisms, tools, and spaces, to collect testimonies, support, and protect victims of SGBV, whether Lebanese, refugees, children, or members of the LGBTIQ+ communities.

Voluntary Repatriation to Syria and Refoulement

To the EU and Donor States

- Acknowledge that while Syria may still be considered as unsafe for certain individuals, this lack of safety does not extend to all. Therefore, in discussions surrounding durable solutions, the option of voluntary and safe returns should be considered as one of the potential solutions for individuals who can safely and willingly return to their homes.
- Apply diplomatic pressure on the Syrian government, compelling them to adhere to the principles outlined in the Amman Declaration and establish robust guarantees for the safe and voluntary return of refugees. Recognizing the pressing need for durable solutions to the protracted refugee crisis, it is imperative for the Syrian government to take concrete steps towards creating an enabling environment that ensures the protection, rights, and dignity of returning refugees.
- Continue to monitor and advocate for the voluntariness of returns including through tackling protection and rule of law challenges in Lebanon that limit people's ability to make free and informed decisions, while encouraging improved information-sharing with operational actors on return movements.

- Push for an international monitoring mechanism, on the basis of the UNHCR Protection Thresholds issued in February 2018, that closely monitors the conditions for safe, voluntary, and dignified return of Syrian refugees.
- Insist that the GoL provides full clarity and transparency regarding the modalities of the so-called “return plan” announced in June 2022.

To the GoL

- Share the mechanisms, legal components, and the modalities of the so-called “return plan” announced in June 2022 to mainstream transparency and accountability and to give the space to donors, civil society, and the Lebanese justice system, to monitor returns and ensure the protection of the most vulnerable.
- Ensure that it will not be using the Lebanese security apparatus to enforce any return plan, but the Lebanese Justice system in order to provide refugees with all the protection guarantees before returning to Syria voluntarily.
- Uphold the principle of non-refoulement and refrain from taking any unilateral decision to deport any individual who entered the country after leaving it, without due process, especially those with reasonable justification about the risks incurred if they are deported.
- Annul the Higher Defense Council Decision No. 50 of 15/4/2019 and the General Director of the General Security decision No. 48380 of 13/5/2019 ordering the expulsion or forced deportation of Syrian nationals who entered Lebanon through unofficial border crossings after 24 April 2019, without the application of the necessary legal procedural safeguards to prevent refoulement.
- Uphold rule of law and respect due process by giving anyone at risk of deportation to Syria the opportunity to see a lawyer, meet with UNHCR, and present their argument against deportation in a competent court. Courts should prohibit any deportation that amounts to refoulement.
- Provide a regular, public, and transparent accounting of deportations, including reasons for removal, to international organizations and civil society in order to ensure accountability and the respect of rule of law.

