Lebanese Center for Human Rights' Input

Introduction

This submission outlines how Lebanon's involvement in EU externalization policies has led to serious rights violations, including pushbacks and unlawful returns to Syria. CLDH calls for transparency, oversight, and an end to EU-backed practices that breach international law and the non-refoulement principle.

Examples of Externalization Measures

1- Prevention of Departure / Maritime Interception and Pushbacks

Lebanese security forces—primarily the Navy and General Security—have reportedly intercepted boats carrying migrants, mainly Syrian and Palestinian refugees, attempting to cross the Mediterranean toward Cyprus or Greece. In recent cases, a small number of Lebanese nationals were also involved, often using falsified Syrian identification documents, which they typically obtain by paying for Syrian IDs.

Legal Basis:

These interceptions are not consistently supported by a clear legal framework. They are often carried out under informal arrangements with EU countries or within the context of broader security cooperation.

Actors Involved:
Lebanese Armed Forces (LAF), General Security, and EU border agencies.
Implementation remains inconsistent due to Lebanon's limited maritime capacity and the absence of standardized operational procedures.

2- Joint Border Controls / Readmission Arrangements Practice:

Returns frequently occur without judicial oversight or procedural guarantees, raising serious due process concerns.

Lebanon and Syria have no formal readmission agreement. Returns—especially of Syrians—are carried out under Lebanon's Law on the Entry, Stay, and Exit of Foreigners, which grants the General Security Office (GSO) wide discretion over deportation procedures, particularly for irregular entrants. Even when courts issue extradition-related rulings, the return process remains administrative and is executed solely by the GSO. The

judiciary may handle convictions, but it does not enforce deportations. As a result, returns are not strictly judicial but administrative in nature, even when parallel legal proceedings exist—raising concerns overdue process and legal oversight.

Transparency and Monitoring of Externalization Measures in Lebanon

- Is information on externalization measures made available under freedom of information laws?

No, Lebanon doesn't have a robust freedom of information regime. Although a right to access information law was passed in 2017, its implementation remains weak, and requests for documents related to migration cooperation are rarely fulfilled.

- Monitoring Mechanisms:

Formal monitoring systems for externalization measures in Lebanon are either extremely limited or entirely absent. There is no independent oversight body specifically mandated to supervise the implementation of these measures. While international organizations such as UNHCR and IOM, along with local NGOs (e.g., LRC), carry out some level of monitoring, their access is frequently restricted—particularly in sensitive areas like detention centers and border zones.

- Human Rights Impact Assessments:

Lebanon does not conduct systematic human rights impact assessments before or during the implementation of externalization policies. This lack of oversight is especially troubling, given the well-documented risks of forced return, arbitrary detention, and mistreatment by security forces.

- Are there complaint mechanisms in place?

Under Article 3 of the Convention Against Torture, Lebanon must not return individuals to countries where they risk torture and must ensure access to effective legal remedies. However, deportations—often carried out swiftly by the General Security Office (GSO)—frequently deny individuals the chance to seek legal counsel or challenge their return. Some are deported within hours of arrest. There have also been cases where the GSO ignored court orders halting deportations, violating both the right to an effective remedy and judicial authority. Despite legal obligations, weak safeguards and enforcement render these protections largely ineffective in practice.

Legal analysis:

I. Lebanon: An Active Participant in Externalization Policies

A. International Conventions Supporting the Externalization Process

1. **International Agreements with International Organizations**
    - **European Union (EU)**

      Lebanon ratified the EU–Lebanon Association Agreement (2002), which, albeit in general terms, references the necessity to "combat and control illegal immigration." This agreement established a framework for cooperation that includes, among other aspects, migration management. Further reinforcing this commitment, Lebanon signed two EU–Lebanon Action Plans—first in 2006 and renegotiated in 2012—which emphasize the principle of readmission of Lebanese nationals and outline the intention to negotiate a future EU–Lebanon readmission agreement. These frameworks are part of broader efforts by the EU to engage third countries like Lebanon in managing migration flows, thereby externalizing certain migration control responsibilities.

    - **United Nations High Commissioner for Refugees (UNHCR)**

      Lebanon concluded in 2003 a memorandum of understanding (MOU) with UNHCR delegating asylum processing to UNHCR, specifying that it is "in no case a country of asylum" and delegating to UNHCR the responsibility for processing asylum claims.

2. **Bilateral Agreements with States**
    - **Lebanon-Cyprus Migration Control Framework**

In the context of externalization migration policies, Lebanon and Cyprus have developed a series of legal and operational frameworks aimed at controlling irregular migration and asylum flows. The 2002 Readmission Agreement, ratified in 2003 through Lebanese Law No. 531 dated 20 October 2003, provides that each state must accept the return, upon request, of any person found not to meet the conditions of entry or stay—whether a national of the requesting state or a third-country national who transited through it. This agreement also stipulates that the requesting state bears the transportation costs and establishes a mixed commission of six experts (three from each side) to oversee its implementation. In

parallel, a 2002 Protocol on Cooperation in Combating Organized Crime—explicitly covering irregular migration and human trafficking—was signed to enhance police and judicial collaboration, focusing on information exchange regarding smuggling networks and implementing bilateral readmissions. Most recently, in September 2023, a leaked confidential letter from the Cypriot Minister of Interior disclosed an unprecedented plan for joint maritime control, whereby Cyprus would provide Lebanon with six vessels, train Lebanese military personnel, and fund the salaries of soldiers directly involved in intercepting boats carrying irregular migrants towards Cyprus. This arrangement envisions joint patrols launched from Lebanese shores, effectively granting Cyprus a direct role in interceptions and subsequent forced returns from Lebanese Mediterranean waters. These agreements and practices form part of a broader strategy of migration management externalization, shifting responsibility for controlling migration flows from the EU's periphery to non-EU states like Lebanon.

- **Lebanon-Other States agreements on migration control**

  Readmission agreements (with Romania, Bulgaria, Switzerland, the United Kingdom, Greece, among others) concerning the return of migrants and shared migration management responsibilities

B. Practical Implementation of Externalization Policies

1. **Interceptions at Sea and Cooperation on Returns**

   Since 2021, Cyprus has intensified maritime interceptions of boats departing Lebanon, mainly carrying Syrian refugees. These pushbacks, often citing the 2002 Readmission Agreement—despite it not authorizing at-sea returns—deny migrants access to asylum and forcibly confine them before returning them to Lebanese waters. Human Rights Watch describes this as coordinated action between Cyprus and Lebanon to prevent refugee arrivals in Europe and return them to Lebanon or Syria. Lebanese armed forces have reportedly participated in sea interceptions and enforced returns on land. Lebanon has also carried out collective returns of other nationalities, such as Iraqis and Sudanese, without conducting proper

asylum assessments, raising serious concerns about violations of non-refoulement and international protection obligations.

2. **Forced Returns and Human Rights Violations**

Upon return to Lebanese territory, many of the migrants intercepted and pushed back by Cyprus face immediate arrest by Lebanese authorities, particularly the army, and are forcibly expelled to Syria without due process. HRW has documented numerous cases in which rejected individuals were swiftly handed over to Syrian authorities, raising serious concerns of refoulement. Multiple human rights organizations, including HRW, Amnesty International, KISA (Cyprus), and CLDH**,** have criticized these practices as illegal and violent expulsions, framing them as politically motivated harassment and racially discriminatory treatment of refugees. Together, these developments exemplify an entrenched externalization strategy where the responsibility for migration control is shifted from Europe to Lebanon, at the expense of basic human rights and refugee protection standards.

II. Legal Implications

A. Violations of International Law

1. **Violation of the Principle of Non-Refoulement**

The collective expulsions of Syrians via Cyprus and Lebanon violate the absolute principle of non-refoulement, as enshrined in Article 33 of the 1951 Geneva Convention Relating to the Status of Refugees and under international human rights law. Although Lebanon has not ratified the 1951 Convention, the principle of non-refoulement is now widely recognized as a peremptory norm of customary international law (jus cogens), which is binding on all States, including Lebanon. This principle strictly prohibits the return of any individual to a country where they face a real risk of persecution, torture, or inhuman or degrading treatment. The coordinated practices of Lebanon and Cyprus—consisting of maritime interceptions, collective pushbacks, and summary expulsions to Syria—thus constitute grave violations of refugee law and international human rights standards, exposing both States to legal responsibility under international law.

2. **Violation of UNCAT's dispositions**

In addition to violating the principle of non-refoulement under refugee law and customary international law, the collective expulsions of Syrians via Cyprus and Lebanon also breach the United Nations Convention Against Torture (UNCAT), to which both States are parties. Article 3 of UNCAT strictly prohibits the expulsion, return, or extradition of a person to another State where there are substantial grounds to believe that they would be in danger of being subjected to torture. Given the well-documented risk of persecution, torture, and inhuman or degrading treatment faced by Syrians upon return to Syria, the practices of pushbacks and forced returns carried out by Cyprus and Lebanon amount to violations of their obligations under UNCAT. These actions expose both States to international legal responsibility for breaching the prohibition of refoulement in the context of torture and ill-treatment.

B. Judicial Condemnations: ECHR

Cyprus was the focus of a case brought before the European Court of Human Rights, namely the case of *M.A. and Z.R. v. Cyprus*.

The State of Cyprus relied on the bilateral agreement concluded in 2002 to justify the collective expulsion of the applicants. However, the Court, by presenting numerous international reports, was able to demonstrate the seriousness of the situation in Lebanon for Syrian refugees, as their return to Lebanon would expose them to deportation to Syria, thereby constituting a direct threat to their lives.

What is striking in the Court's analysis is that it considered that, despite the sovereign right of States to conclude bilateral agreements, such as the one concluded between Lebanon and Cyprus, their implementation must conform to international human rights law, including the European Convention on Human Rights. In this way, the Court affirmed a form of primacy of human rights principles in international law, with particular emphasis on the right to seek asylum and the principle of non-refoulement.

In other words, the Court held that the existence of such an agreement does not justify the violations committed by Cyprus, as the latter, when fulfilling its international obligations, must respect and uphold the principles of international human rights law, which cannot be derogated from under any circumstances. The Court emphasized that bilateral agreements cannot be used to circumvent the rights and safeguards enshrined in the European Convention on Human Rights.

Given the ongoing and well-documented human rights violations committed by Lebanese authorities—particularly in the context of migration control—CLDH stresses the need for strengthening the transparency and accountability of EU support to Lebanon. This includes reviewing all assistance, especially support related to maritime border enforcement, to ensure it does not facilitate illegal practices such as interceptions at sea (pushbacks) or forced returns, which violate international maritime law, the right to seek asylum, and the right to leave any country, as guaranteed under Article 12 of the Universal Declaration of Human Rights.

Recommendations

CLDH urges international actors, including the EU and UN agencies, to:

1. Suspend support for maritime operations that contribute to refoulement and illegal pushbacks from Lebanese waters.
2. Establish independent oversight mechanisms to monitor migration cooperation agreements between Lebanon and EU Member States.
3. Ensure transparent disclosure of any migration-related funding, equipment transfers, or joint patrol agreements.
4. Reinforce the mandate and access of UNHCR and legal aid providers at points of interception and return.
5. Promote the repeal or suspension of bilateral readmission agreements that lead to unlawful expulsions or violate the right to seek asylum.