

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the human rights of migrants**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 43/14, 41/15 and 43/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **xenophobic attacks on Syrian refugees and migrants in the town of Bcharre, Bcharre District, and in Zouq Bhannine area, El Minieh Dinnieh district, which have resulted in injuries and further displacement, leaving many Syrian migrants and refugees without adequate shelter, while authorities have not taken the necessary measures to guarantee their security and their right to adequate housing.**

According to the information received:

*Attacks on Syrian homes in Bcharre town on 23 November 2020*

Bcharre is a predominantly Maronite Christian town in the Bcharre District of the North Governorate of Lebanon. Until November 2020, it provided shelter to some 995 Syrians – a mix of refugees, migrants in regular and irregular situation.

In the afternoon of 23 November 2020, a Lebanese man was murdered in Bcharre, allegedly in a personal dispute with a Syrian refugee. Shortly afterwards, a number of local men and boys gathered in the streets armed with guns, knives or wooden bats. Forming several groups ranging between 20 and 70 and covering their faces with shirts or scarves, these persons carried out retaliatory violent attacks and verbal abuse against Syrian families and individuals across Bcharre, leaving thirteen persons with injuries requiring medical interventions; and a pregnant woman who miscarried due to falling down while trying to flee the attackers. Damage was caused to places of accommodation and property, including fire set to several buildings and motorbikes. The attackers told their victims to leave Bcharre, giving them until the morning of 24 November 2020. According to one estimate, between 200 and 300 Syrians fled Bcharre during the night of 23 to 24 November, while others remained in hiding, fearing for their lives.

Some of the Syrians displaced from the events in Bcharre sought shelter in the neighbouring village of Bkerkacha, however on the same evening they were approached by some residents, including municipal officials, who asked them to leave.

*Response by law enforcement and local authorities to the attacks on Syrians in Bcharre town*

Law enforcement and security forces did not intervene in the attacks, although the Internal Security Forces (police) and the Lebanese Armed Forces arrived in Bcharre at some point in the evening of 23 November or in the morning of 24 November. Order was restored on 24 November, however tensions remained high in the following days and a Syrian man was attacked on the evening of 27 November by a group of unidentified persons.

Following an emergency meeting held on 24 November, Bcharre municipality issued a statement, affirming that “Bcharre was and still is a refuge for the persecuted and oppressed, and never made any distinction between race or religion”. However, it also condemned the possession of weapons by Syrians, calling on all security agencies “to carry out a wide search of their places of residence, verify their identities, and not delay this matter due to its great danger”. The municipality also warned all Syrians who were present in the town “illegally” to leave it immediately. On the evening of 24 November, members of the Lebanese Armed Forces were conducting searches for Syrians in Bcharre, asking them to leave for security reasons. On some occasions, they even escorted Syrians to a bus station on the outskirts of town. While official reports indicated that during these searches the security forces were checking for weapons, the refugees claimed that the military did not actually search for weapons, nor did they ask any questions about legal residency.

On 4 December, a meeting was convened by the Commissioner of Bcharre district, with the participation of representatives of the Ministry of Interior and Municipalities, and the Ministry of Social Affairs, local officials and security services, among others. Following the meeting, a statement announced a number of restrictions and requirements, among them requiring mobile shop owners to record the personal identification documents and places of residence of Syrians to whom they sell mobile numbers, and to share that information with the relevant municipality. It also required that the municipalities in the district conduct a “comprehensive and accurate survey” of the number of Syrians within their boundaries, and communicate that information to the district to be circulated to the members of the Security Committee within a maximum of ten days, using a form provided by the Lebanese General Directorate of General Security.

On the following days, members of the municipal police were requesting Syrians still in hiding to leave Bcharre, giving a deadline of 31 December 2020. Even families registered with UNHCR and having local sponsors were initially told that only the head of household had permission to remain. Later they were allowed to stay longer on the insistence of local landlords and employers.

Around 120 refugee and migrant families are said to have returned to their places of residence in Bcharre, namely those whose stay is sponsored by Lebanese residents. However, several families who do not have local sponsors are required to renew their legal residency permits as a condition for their return to Bcharre.

*Attacks on Syrian homes in informal settlement in Zouq Bhannine area, El Minieh Dinnieh district, on 26 December*

On 26 December 2020, a group of Lebanese men and male youth shot bullets into the air and set fire to tents of Syrian refugees in an informal settlement in Zouq Bhannine area, El Minieh Dinnieh district in North Lebanon, following a dispute with some Syrians. All 401 inhabitants of the settlement, comprising 86 families – many of them women and children, fled the settlement on the same night and were forced to search for shelter in disparate locations. Dozens of them suffered burn injuries, which required medical attention. An investigation was opened and two Lebanese and six Syrian persons were arrested in relation to the incident.

The local Sunni Muslim-majority population responded with solidarity and local, foreign and international donors provided humanitarian assistance in the form of food, clothing, cash, and medicine. A Syrian diaspora NGO – Molham Association, has offered to cover the rent of all displaced families for a period of one year. However, at the time of sending this communication, long-term shelter was not yet provided to the affected displaced Syrians. Although the municipality has stated that the Syrian refugees are welcome, it has not taken any action to rebuild the informal settlement, which did not meet regulations, nor to designate an alternative site.

While we do not wish to prejudge the accuracy of these allegations, we express our utmost concerns regarding the attacks on Syrian refugees and migrants in Bcharre and Zouq Bhannine and their xenophobic undertones, which resulted in bodily injuries for dozens of Syrians; and in the further displacement of hundreds, including women and children, leaving them without adequate shelter.

We are particularly concerned by the lack of engagement by the local authorities and the relevant law enforcement and security agencies to ensure adequate protection to the Syrian refugees and migrants in the town of Bcharre, denying them the right to security of person.

To the contrary, the local authorities have issued an order to conduct searches on places of residence of the Syrian migrants and refugees remaining in the town. Law enforcement and security agencies have not only assisted in conducting such searches, but in fact were asking Syrians to leave Bcharre town and in some cases they have escorted some of the remaining Syrians out of the town. These actions effectively amount to forced evictions and arbitrary displacement, denying the right to adequate housing of the affected Syrian families and individuals. In addition, such targeted searches would have been conducted in a discriminatory manner and would have amounted to a violation of the Syrians' freedom to choose one's residence and their right to not be subjected to arbitrary or unlawful interference with their privacy and family life, which is also in contravention with Lebanon's obligations under international human rights law.

We are in addition concerned that the responsible local and national authorities have not yet taken action to provide adequate shelter to the Syrians displaced by events in Bcharre and Zouq Bhannine area.

We wish to express our concern that political leaders in Lebanon may have failed to condemn violence against the Syrian families and individuals in the above-mentioned incidents. We are particularly concerned that in some instances political leaders have engaged in inflammatory speech, which may lead to further victimization of or hamper redress due to the affected Syrian refugees and migrants.

We are aware that Lebanon has borne the burden of the overwhelming humanitarian crisis in the wake of the conflict in the neighbouring Syrian Arab Republic. We have taken note with appreciation of Lebanon's efforts, from government to local-community level, to provide protection to over 1 million Syrian refugees and others fleeing the consequences of conflict, making it the country with the highest per capita proportion of refugees in the world. We are also aware of the increased risk of inter-communal tensions as people are competing for scarce resources in the context of a deteriorating socio-economic situation in the country. In this regard, we wish to stress the crucial role of political leaders in promoting a culture of peace, tolerance and mutual respect, as well as their responsibility to refrain from spreading fear and hostility against migrants and refugees or any other group, which may incite violence and discrimination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comments you may have on the above-mentioned allegations.
2. Please clarify the role of security and law enforcement agencies present in Bcharre town on 23 and 24 November. In particular, please provide information on the legal basis for searches conducted in homes of Syrian families and individuals on 24 November and thereafter. Please also clarify how their actions contributed to ensuring the security and safety of the Syrian families and individuals.
3. Please provide information on the outcome of any investigations opened into the attacks on Syrian families and individuals in Bcharre town and in Zouq Bhannine area; and action taken to hold the perpetrators accountable.
4. Please clarify the legal basis for the request of local authorities for law enforcement and security agencies to request Syrians to leave Bcharre town and what measures have been taken to ensure that these people have access to essential services in their new places of residence.
5. Please provide information on any condemnations by your Excellency's Government and/or local authorities of the attacks on Syrians in Bcharre and Zouq Bhannine.
6. Please provide information on any measures taken, drawing lessons from the mentioned incidents, to prevent discrimination and violence against refugees and migrants.
7. Please provide information on plans and measures taken to ensure long-term and sustainable accommodation for Syrian refugees who lost their shelters following the above-described events in Bcharre and Zouq Bhannine.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the human rights of migrants

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the applicable international human rights norms and standards, in particular to Article 25.1 of the Universal Declaration of Human Rights, as well as Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Lebanon on 3 November 1972, which recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. ”.

In its General Comment No. 4 on the right to adequate housing interpreting article 11.1 of ICESCR, the UN Committee on Economic, Social and Cultural Rights (CESCR) clarified that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity." (Para. 7).

In its General Comment No. 7, defining forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection", the CESCR confirmed that forced evictions are prima facie incompatible with the requirements of the ICESCR.

In view of the limited resources available to support Syrian refugees, the CESCR has urged Lebanon to "accelerate the provision of documentation to refugees so that they can seek work and access basic services without fear of being arrested" and called for "a rights-based approach in its provision of support to refugees, including by eliminating legal and regulatory provisions that discriminate against them in the enjoyment of economic, social and cultural rights." (E/C.12/LBN/CO/2, 2016). We would like to refer your Excellency's Government to the Guidelines for the implementation of the right to adequate housing (2020), of which Guideline No. 10 affirms the obligation of States to "Ensure the right to adequate housing for migrants and internally displaced persons".

We also wish to draw the attention of your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Lebanon on 3 November 1972, which guarantees: the right to life (article 6); the right to liberty and security of person (article 9); the right to liberty of movement and freedom to choose one's residence to everyone lawfully within the territory of a State (article 12); and that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence (article 17). According to article 20 of ICCPR, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

In its General Comment No. 35 on article 9 (CCPR/C/GC/35), the Human Rights Committee clarifies that the State's responsibility to guarantee the security of person to everyone entails the responsibility "more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury. For example, States parties must respond appropriately to patterns of violence against categories of victims[...].”.

In its General Comment No. 36 on the right to life interpreting the ICCPR, the Human Rights Committee clarified that “The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include [...] homelessness. The measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health-care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions, such as [...]social housing programmes.”

We also recall that in its 2018 Concluding Observations (CCPR/C/LBN/CO/3), the Human Rights Committee called on Lebanon to ensure the effective protection of refugees against forced evictions and to expand the residency fee waiver to include refugees not currently covered.

Article 21 of the 1951 Convention relating to the Status of Refugees states that: “As regards housing, the Contracting States, insofar as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.”

We would also like to bring to the attention of your Excellency’s Government objectives 15 (access to basic services for migrants) and 17 (elimination of all forms of discrimination and promotion of evidence-based public discourse to shape perceptions of migration) of the Global Compact for Safe, Orderly and Regular Migration adopted on Resolution A/RES/73/195 by the General Assembly on 19 December 2018. In this regard, we would like to underline the commitment undertaken under objective 17 that establishes that “We commit to eliminate all forms of discrimination, condemn and counter expressions, acts and manifestations of racism, racial discrimination, violence, xenophobia and related intolerance against all migrants in conformity with international human rights law. We further commit to promote an open and evidence-based public discourse on migration and migrants in partnership with all parts of society, that generates a more realistic, humane and constructive perception in this regard.”

We wish to draw the attention of your Excellency’s Government to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), in particular we would like to refer to Principle 5 that establishes that “All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons” and Principle 6, which acknowledges that “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence”.