



## Annex - Failure to Meet UNHCR Protection Thresholds Documented by SACD Research

| UNHCR CPSS Protection Threshold  | Regional Framework Protection Thresholds & Indicators   | SACD Findings  |
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| Significant and durable reduction of hostilities.  | N/A   | <b>Rpt1<sup>1</sup> pg 24 - 79 per cent of the respondents expressed their resentment at the absence of the rule of law and the extreme deterioration of the security services.</b>  |
| <b>Conclusion of a formal agreement with the government, host countries, and other actors as required, to receive returnees.</b>   | N/A   | <p><b>Rpt 1 pg 11 - The study showed that 94 per cent of the participants who feel insecure are those who conceded to so-called Personal Legal Status Settlements as part of their overall “reconciliation agreement”.</b></p> <p><b>Rpt1 pg 13 - 72 per cent of the returnees who were arrested were covered by the regime’s alleged pardon<sup>13</sup> decrees and/or entered into Personal Settlements after staying in these areas after reconciliation agreements.</b></p>   |
| <b>The government / actors in control of the return area provide genuine guarantees that returnees will not face harassment, discrimination, arbitrary detention, physical threat or prosecution on account of originating from an area previously or currently under de facto control of another party to the conflict; for having left Syria illegally; for having lodged an asylum claim abroad, or; on account</b> | <p><b>Returning refugees are free from harassment, persecution and discrimination, on account of any (individual or family) diversity characteristic.</b></p> <p><b>•Refugees need to reintegrate without risk of harassment, intimidation, persecution or discrimination, on account of their real or perceived race, ethnicity, religion, political opinion, age,</b></p> | <p><b>Rpt1 KF - Two-thirds of the interviewees stated that they live in constant fear of arrest or harassment from the security services and various militias that run a maze of checkpoints— particularly those in or from areas under “reconciliation agreements”. People are arbitrarily stopped, harassed, threatened and arrested by these groups to extort money on the spot or from their families. Militias rely on a network of informants to identify returnees and those who accepted “reconciliation agreements” for targeting.</b></p> <p><b>Rpt1 KF - Corruption and extortion by the regime and militias permeate every aspect of life for returnees. Interviewees reported</b></p> |

<sup>1</sup> Report 1: “Fear, Repression and Vengeance: Reality Behind Assad’s Promises to Displaced Syrians,” KF=Key findings



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| <p>of any (individual or family) diversity characteristic.</p> | <p>16 gender, marital status, disability, sexual orientation, gender identity, educational and social background, or other diversity characteristics.</p> <ul style="list-style-type: none"><li>•Returning refugees also need to be free from discrimination or retaliation for reasons of having fled their homes and/or sought asylum abroad, or for having lived or stayed in an area under the control of another party to the conflict, or in any area perceived to be favorable to the opposition.</li></ul> | <p>having to pay bribes to carry out the most menial of activities, such as obtaining documents or transporting produce to the market. Almost all industrial and other economic activity in these areas has ceased, so farming is often the sole source of income. The regime is exploiting this situation by enforcing a ban on the transfer of goods and products beyond local areas under “reconciliation agreements”, which forces returnees to sell their produce to the pro-regime monopolists. Two-thirds of the returnees have lost their former source of income and are now unemployed or engaged in manual, temporary work that cannot provide a basic standard of living for their families.</p> <p>Rpt1 pg 12 - 48 per cent of the participants stated that they or their family members were wanted by the regime security branches for reasons related to anti-regime civilian activities, even including anti-regime sentiments.</p> <p>Rpt1 pg 13 - 72 per cent of the returnees who were arrested were covered by the regime’s alleged pardon<sup>13</sup> decrees and/or entered into Personal Settlements after staying in these areas after reconciliation agreements.</p> <p>Rpt1 pg 17 - 55 per cent of returnees were forced to move, compared with 45 per cent of residents who never left.</p> <p>Rpt1 pg 28 - 61 per cent respondents reported suffering at least one form of harassment as like (threatening to be detained, accusation of treason and destroying the country, in addition to verbal and sexual harassment for women in regime check points). These adverse practices seem to target residents and returnees differently.</p> |
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| <p>Every individuals' decision to return is informed and genuinely voluntary, without any coercion.</p> | <p>Every individuals' decision to return is informed and genuinely voluntary, without any form of coercion.</p> <ul style="list-style-type: none"> <li>•Returns of refugees must only take place as a result of their free and individually expressed decision, informed by relevant and reliable knowledge regarding conditions in Syria in general and in the intended areas of return in particular.</li> <li>•There must be no deadline or time limit to the exercise of the right to return.</li> <li>•There must be no misinformation about return conditions, and UNHCR must be allowed and in a position to provide refugees regular information about safety/security in the areas of return and related to the journey.</li> <li>•UNHCR needs to be allowed to monitor returns prior to initiation of any return movements, be it self - organized or facilitated, and monitor the conditions of those</li> </ul> | <p>Rpt 1 pg 32 - 62 per cent for those who returned to regime-held areas, as many of them expressed their disappointment after their return. Some of them described their return as a “stupid decision” and felt deluded for having believed the regime’s propaganda about the situation’s stability. Furthermore, 73 per cent of interviewees in areas the regime took by force would like to leave. This desire to leave reflects the state of resentment towards the abuses and violations to which citizens are frequently subjected in those areas.</p> <p>Rpt 1 pg 33 - (84 per cent) do not advise others to return to regime-held areas</p> <p>Rpt2<sub>2</sub> KF - poor economic and living conditions of the IDP returnees are the main reasons why 25 per cent of them returned to the regime-held areas, and the same conditions prompted 23 per cent of refugees to return.</p> <p>Rpt 2 KF - Two thirds of returnees say they did not meet their expectations by returning to Syria.</p> <p>Rpt 2 KF - 48 per cent of returnees to regime-held areas left once again when they experienced the reality shock in regime-held areas when it comes to security and living conditions.</p> <p>Rpt2 KF – Reasons for return indicate involuntary nature; Poor living conditions, education, or services in areas of displacement, Unstable security situation in displacement areas, problems with ID papers, military conditions, family reunification, harrassment or lack of integration in asylum country.</p> |
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<sup>2</sup> Report 2: “Between Hammer and Anvil: Motives and Experiences of Syrians Forced to Return to Assad-held Areas,” KF=Key Findings



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|  | <p>who have returned.</p> <ul style="list-style-type: none"><li>•So-called go-and-see visits and/or come-and -tell visits need to be permitted and facilitated, whereby refugees are granted safe access to areas of their prospective return – as well as subsequent safe return to the earlier location in the country of asylum – in order to acquaint themselves with the situation prevailing in their intended areas of return and reporting thereon to refugee communities.</li><li>•Any UNHCR support for return is based on respect for the refugees’ individual right to return and cannot be interpreted as an indication of adequate security for all refugee populations; returns must not be invoked as a ground for denying continued stay in host countries to those refugees who remain behind, or for refusing the admission of new refugees.</li></ul> | <p><b>Rpt2 KF - Two thirds of returnees say they did not fulfill their expectations by returning to Syria. 65 percent of returnees stated that they achieved nothing by returning because either they were stuck in the poor living and economic conditions prevailing in the regime areas, or were subjected to harassment, arbitrary arrest or feared forced recruitment to Assad’s military of themselves or a close family member. The combination of the listed factors made 68 percent of returnees advise other IDPs and refugees not to return.</b></p> <p><b>Rpt 2 - Acquaintances and relatives residing in regime-held areas: this is the most frequent source of information making for 61 per cent of the returnees, and this is due to the trustworthiness and credibility of this source, compared to other sources. Reconciliation committees: they made for 16 per cent of sources of information for returnees. Social Media outlets: another limited source of information on which returnees made their decision to return, making for 14 per cent of the sources.</b></p> <p><b>Rpt2 - 68 per cent of the participants are not satisfied with their decision to return and only 32 per cent were satisfied.</b></p> |
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| <p>Acceptance by the government / entity in control of the return area of returnees' free choice of destination and place of residence and right to freedom of movement.</p> | <p>Everyone has the right to return to their former places of residence or of choice, and to enjoy freedom of movement.</p> <ul style="list-style-type: none"><li>•Article 12 of ICCPR holds that everyone “have the right to liberty of movement and freedom to choose his residence” and that restrictions on these rights can only be made if provided by law and if necessary inter alia to protect national security and public order.</li><li>•Similarly, UDHR Art. 13 holds that everyone “has the right to freedom of movement and residence within the borders of each state” and that everyone “has the right to leave any country, including his own, and to return to his country.”</li><li>•UNHCR and partners need to be permitted to undertake protection follow-up and assessments, consultation with the population and independent assessments, through which it is assessed whether or not returning refugees are allowed by authorities, or by local</li></ul> | <p>Rpt2 KF - 40 per cent of returnees could not recover their original homes for reasons of partial or total destruction or because of the security measures that have impeded the return.</p> <p>Rpt 2 - Only 60 per cent of returnees could return to the place of residence they lived in before leaving. 24 per cent could return to the same neighborhood, but not the same house. 18 per cent could not return to their neighborhoods or towns; they returned to other areas</p> |
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|  | <p><b>communities, to settle in a place of their choosing and move around inside Syria, for example to access schools, hospitals and jobs.</b></p> |  |
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| <p>The physical, legal and material safety of refugees and returnees is ensured.</p> | <p>The physical, legal and material safety of refugees and returnees is ensured.</p> <ul style="list-style-type: none"> <li>•The physical, legal and material safety of returning refugees are the responsibility of the State where the returning refugees find themselves.</li> <li>•Physical safety entails effective measures being in place to guarantee protection from violence, including sexual violence, or threats to refugees' physical and mental safety and integrity, both en route and in areas of return.</li> <li>•The areas of return need to be free from conflict-related threats, including military activity or the threat of explosive hazards (e.g. by providing info and/or mine marking). EXCOM Conclusion No. 18 (1980) "called upon governments of countries of origin to provide formal guarantees for the safety of returning refugees."</li> <li>•In addition to more immediate conflict-related threats, there is a need to ensure that returning refugees are not subjected to unlawful detention, disappearances or summary executions.</li> <li>•Retaliatory acts, or acts by criminal</li> </ul> | <p>Rpt1 KF – The most destructive pattern of abuse is the indiscriminate arrests and detention by the security services without a charge. More than a quarter of those interviewed had been detained themselves or had a family member arbitrarily arrested by the security services. Of those respondents, 75 per cent had been arrested within the last 18 months. More than 70 per cent of those arrested had to pay a bribe to be released. Beatings and torture are common practices in detention. Several interviewees' relatives were taken to unknown locations, after which they were never heard from again.</p> <p>Rpt1 pg 10 - 65 per cent of the respondents in this study (68 per cent of men and 59 per cent of the women interviewed) acknowledged that they do not feel safe in the regime-held areas. Older residents reported feeling less safe than their younger counterparts: 82 per cent of those over 60 feel unsafe, compared to 58 per cent of those aged 18 to 25. Reconciliation agreements appear to make residents feel less safe: 74 per cent of respondents in areas the regime restored through reconciliation agreements feel unsafe, compared to 64 per cent in areas without such agreements (see Figure 3). Main fears: Arbitrary arrests, Forced conscription into regime forces, Chaotic security situation caused by the presence of regime forces and various militias.</p> <p>Rpt1 pg 24 - 79 per cent of the respondents expressed their resentment at the absence of the rule of law and the extreme deterioration of the security services.</p> |
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|  | <p><b>networks, such as traffickers, must not be undertaken with impunity, and must be subject to investigation and prosecution.</b></p> <ul style="list-style-type: none"><li>•While it can be useful to distinguish between different areas within Syria that are considered safe from conflict-related threats it needs to be noted what is safe for one person, may not be safe for another.</li><li>•Legal safety of returning refugees entails safeguarding non-discrimination in terms of access to essential services, administrative procedures and national protection.</li><li>•The legal safety requirement is closely inter-linked with other thresholds as it relates to reestablishment of nationality, the recognition of civil documentation – including, but not limited to, documentation issued abroad, recovery of housing, land and property, access to courts and remedies for rights violations, and amnesty from criminal prosecution as per Threshold 11.</li><li>•Material safety entails allowing returning refugees and internally displaced persons to exercise their</li></ul> |  |
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|   | <p>social, economic and cultural rights, including same access to food, water, housing, material support, and assistive tools/devices for persons with disabilities, income generating opportunities, housing, land and property restitution mechanisms, health care and education, as those who did not leave.</p> <ul style="list-style-type: none"> <li>•In order for returns to constitute a sustainable solution, the returning refugees must have the same access to services as the population who was not displaced.</li> </ul> |  |
| <p>The principle of family unity is upheld, including a right to enter and remain for dependents who are not Syrian citizens.</p> | <p>The principle of family unity is upheld, including a right to enter and remain for dependents who are not Syrian citizens.</p> <ul style="list-style-type: none"> <li>•Involuntary separation of refugee family members must be prevented throughout all stages of displacement and the voluntary repatriation and reintegration process.</li> <li>•It is necessary for concerned authorities to provide information needed for tracing of separated family members and undertake to support and facilitate</li> </ul>               | <p>Rpt 2 KF - 33 per cent were unable to achieve their goal of family reunion through that return, which led to their terming of the return experience as "a wrong and disappointing decision.</p> <p>Rpt2 - One third of the participants in the study, 33 per cent, could not reunite with their families after they returned for several reason, such as the inability of other family members to return because they are wanted by security services or for compulsory military service.</p> |



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|  | <p>tracing efforts.</p> <ul style="list-style-type: none"> <li>•Spouses and children – including minor and adult children – of returnees, as well as other dependents, who are themselves not citizens of Syria must be allowed to enter the country and lawfully remain there in accordance with national law. This should also apply to widowed non-Syrian spouses as well as children of deceased refugees who may wish to enter and remain lawfully in Syria to preserve family links.</li> </ul>  |  |
| <p>Activities by any entity that impede the informed, voluntary, safe and dignified return of refugees and displaced persons to their places of origin or of choice are prevented and addressed.</p> | <p>Activities by any entity that impede the informed, voluntary, safe and dignified return of refugees and displaced persons to their places of origin or of choice are prevented and addressed.</p> <ul style="list-style-type: none"> <li>•A firm commitment to securing full respect for the human rights and fundamental freedoms of all persons in Syria needs to be achieved and several confidence building measures need to be undertaken, including:             <ul style="list-style-type: none"> <li>•Repealing legislation and administrative instructions and practices with discriminatory intent or effect;</li> <li>•Preventing and suppressing incitement of any form of political, religious or ethnic hostility or hatred;</li> <li>•Preventing and suppressing acts of retribution or revenge;</li> </ul> </li> </ul> | <p>Rpt 1 pg 32 - 62 per cent for those who returned to regime-held areas, as many of them expressed their disappointment after their return. Some of them described their return as a “stupid decision” and felt deluded for having believed the regime’s propaganda about the situation’s stability. Furthermore, 73 per cent of interviewees in areas the regime took by force would like to leave. This desire to leave reflects the state of resentment towards the abuses and violations to which citizens are frequently subjected in those areas.</p> |



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|  | <ul style="list-style-type: none"><li>•Protecting persons with distinct sexual orientation and gender identity, including through immediate and unhindered accesses to such population groups by international organizations and human rights monitors;</li><li>•Protecting ethnic and religious minorities including through immediate and unhindered access to these populations by international organizations and human rights monitors; and</li><li>•Prosecuting any personal or official acts that incites hostility or hatred or that constitutes a serious violation of the rights of returning refugees.</li></ul> |  |
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| <p>Returnees fully benefit from an amnesty in Syria, except for those that are charged with a serious violation of international humanitarian law, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile. The amnesty includes those who evaded compulsory military service or reservist service, have deserted from the armed forces, have joined a non-state armed group, and who left Syria illegally and/or lodged an asylum claim abroad.</p> | <p>An amnesty is enjoyed by anyone charged with a crime other than a) a serious International Humanitarian Law violation or crime against humanity, or b) a common crime unrelated to the conflict.</p> <ul style="list-style-type: none"> <li>•An amnesty needs to be issued for all returning refugees charged with a crime, other than a serious violation of international humanitarian law or a crime against humanity as defined in international law since 15 July 2012 or a common crime unrelated to the conflict.</li> <li>•Criminal sanctions must not be resorted to for political or other inappropriate reasons.</li> <li>•Any unpaid taxes or administrative fees that refugees have accrued during displacement since 2011 need to be waived.</li> <li>•[Relevant recent developments]: On 9 October 2018, Legislative Decree No. 18/2018 was issued, providing an amnesty in cases of military desertion and draft evasion though anyone benefitting from the amnesty may still be enlisted for military service. The amnesty waives penalties for desertion</li> </ul> | <p>Rpt1 - Some 68 per cent of those interviewed are themselves or have a relative who is wanted for arrest by either the security services or Assad's military. Forced conscription into Assad's forces is rampant, especially in areas integrated under "reconciliation agreements", where up to 75 per cent of those interviewed or their family members were wanted for recruitment. Conscripted fighters are almost inevitably sent to the most dangerous frontlines; many, especially young men, have been killed either in battle or in murky circumstances. Many of those wanted by the security branches for being perceived as "anti-Assad" are forced into the military and sent to the frontlines straight from detention and are never seen again.</p> <p>Rpt 1 pg 11 - 70 per cent of interviewees expressed fear due to the fact that they or a family member is wanted for compulsory or reserve military service (fear of being recruited). Half of the respondents attributed their feelings of insecurity to the fact that they or a family member are in danger of being arrested because they were against the regime (fear of being arrested).</p> <p>Rpt1 pg 12 - 68 per cent of total respondents were wanted for recruitment in compulsory military service, and in the areas the regime retook by force this percentage was a bit higher (i.e. 75 per cent in those areas).</p> <p>Rpt1 pg 13 - Over half (62 per cent) of the respondents or one of their relatives have been subject to arbitrary detention by the regime's security services.</p> <p>Rpt1 pg 13 - 72 per cent of the returnees who were arrested</p> |
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|  | <p>and evasion, for those who surrender to their conscription departments within four months (i.e. by 9 February 2019) for those who have remained in Syria and within six months (i.e. by 9 April 2019) for those who are outside the country. Threshold 12 –Returning refugees are not discriminated against with respect to military service.</p> <p>Returning refugees must not be discriminated against with respect to conscription into military service or reservist duties.</p> <p>•In addition to other grounds for exemption under national law, individual circumstances related to previous displacement needs to be positively considered for purposes of exemption from military or other obligatory national service.</p> | <p>were covered by the regime’s alleged pardon<sup>13</sup> decrees and/or entered into Personal Settlements after staying in these areas after reconciliation agreements.</p> <p>Rpt1 pg 18 - Regime authorities forced 64 per cent of all those who were forced to leave their home, or left in areas that were later retaken by the regime, to pay for non-existent services for all periods when these areas were out of its control, or when the returnees were out of the area (Figure 11). The government has done this across the board: people must pay for water, electric, telephone, municipal fees, real estate taxes and other services that they did not use (because they did not live in the home) before cut services are restored or before they can proceed with formal paperwork. In some cases, these fees may exceed the average monthly or annual salary of the returnee. Nearly three-quarters (74 per cent) of returnees to Homs were required to make such payments, as were 17 per cent in rural Damascus and 33 per cent in both Aleppo and Dara (Figure 12).</p> <p>Rpt1 pg 24 - 79 per cent of the respondents expressed their resentment at the absence of the rule of law and the extreme deterioration of the security services.</p> <p>Rpt2 - 01 per cent of the total respondents returned because of amnesties, and this low percentage reflects the returnees’ mistrust of the amnesty decrees.</p> <p>Rpt2 - only 37 per cent of returnees or one of their relatives had been wanted by security services and had dared to return because they could not endure life in areas of</p> |
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|   |  | <p><b>displacement or asylum.</b></p>  |
| <p><b>GoS commits to recognizing changes in returnees' personal/civil status occurred, during the conflict, including in displacement and abroad (e.g. births, deaths, marriages, adoptions, divorces, custody – including the extension of Syrian nationality to returnee children born abroad and residence status with the possibility of it leading to naturalization for non-Syrian spouses). All returnees have</b></p> | <p><b>Changes in legal or civil status (birth, death, marriage, divorce, adoption, custody etc.) that occurred during the conflict, including in displacement, are recognized and documentation issued by a competent authority indicating such changes are validated or valid documents are re-issued.</b></p> <ul style="list-style-type: none"> <li>•Validation or recognition of documentation issued to refugees to certify changes in legal or civil status, including births, deaths, marriages, divorces, adoptions and custody</li> </ul> | <p><b>Rpt 1 pg 24 - In areas that were retaken militarily, the regime refuses to recognize any contracts or documents issued when the area was out of its control. Numerous testimonies collected in this study describe the legal and economic problems and social rifts this has caused.</b></p> |



**access to affordable civil registration and documentation and validation of education certificates obtained abroad. Documentation issued by a competent authority indicating such changes is validated or re-issued.**

**decisions that occurred in host countries needs to be ensured, possibly through collaboration with countries of asylum.**

- [Relevant recent developments]: The 2017 amendment of the Syrian Civil Affairs Law (Law No. 4) introduces several positive provisions, including the clarification that civil status documentation obtained by Syrians abroad will be treated as valid in Syria (Article 17).

- Changes in legal or civil status of refugees that occurred in any country while in displacement needs to be recognized, including birth, death, marriage, divorce, adoption and custody decisions.

- Legal or civil status documentation provided to refugees by the competent authorities in countries of asylum needs to be recognized in full.

- Appropriate evidentiary value needs to be granted to civil documentation as well as notification of vital events issued by hospitals, clinics, etc. issued to refugees by non-state entities (inside or outside Syria) since 2011, in establishing



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|  | <p><b>relevant facts such as age, identity, nationality and family composition.</b></p> <ul style="list-style-type: none"><li>•<b>Registration of corresponding civil status events and documents certifying legal or civil status needs to be provided to returnees at no cost, and otherwise applicable fines due to delayed applications and registration of vital events are to be waived.</b></li></ul> <p><b>Legislative measures are undertaken to allow for issuance of documents necessary to establish identity, family composition and nationality.</b></p> <ul style="list-style-type: none"><li>•<b>Legislative or administrative measures need to be undertaken to allow for the issuance of national civil documentation and other legal documents necessary to establish returnees' identity, family composition and nationality at no cost, and will not apply fines or other sanctions for failure to register.</b></li><li>•<b>Documentation must be issued on an equal basis for men and women.</b></li><li>•<b>Refugees must be allowed to correct erroneous/incorrect information contained in civil documents (date of</b></li></ul> |  |
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|   | <p>birth, place of birth, date of marriage, etc.) issued during the conflict, without penalty or sanction.</p>  |   |
| <p>The Government sets up efficient, accessible, and affordable mechanisms to address housing, land and property (HLP) issues and to provide for property restitution and compensation in line with international law. Particular attention needs to be paid to the rights of returnee women heads of households and the rights of secondary occupants of refugees' property.</p> | <p>Access is provided to effective legal processes — which adhere to human rights principles— to restore/compensate housing, land and property, with special attention given to the rights of female heads of households and the rights of secondary occupants of refugees' property.</p> <ul style="list-style-type: none"> <li>•Refugees have the right to have access to effective legal processes which function toward restoring to them any housing, land and property of which they were unknowingly, unwillingly, 20 arbitrarily or unlawfully deprived (de jure or de facto) by any individual or entity since 2011, and to be compensated for any housing, land and property that was destroyed or is otherwise impossible to restore.</li> <li>•Persons both inside and outside Syria, whose property rights may be affected by new laws must be given sufficient time to file claims and/or challenge decisions in order to protect their property rights.</li> </ul> | <p>Rpt1 - Most interviewees from areas covered by the regime's "urban development laws" consider themselves to be affected by the discriminatory laws and decrees governing the destroyed areas. They are systematically denied the right to their property in an openly retaliatory manner, especially in areas where the regime has seized control by force. Returnees to these areas are particularly affected, as regime officials know that one of the key reasons they returned was to officially document their property to ensure it is not lost.</p> <p>Rpt1 pg 16 - More than two-thirds (70 per cent) of the respondents reported that their residence was interrupted for various reasons related to the conflict (see Figure 7). This percentage was higher (93 per cent) among respondents in the areas restored through the regime's military campaign and without reconciliation agreements.</p> <p>Rpt1 pg 17 - 55 per cent of returnees were forced to move, compared with 45 per cent of residents who never left.</p> <p>Rpt 1 pg 21 - The study shows that people are risking their safety by returning to regime-controlled areas to officially claim their properties and ensure that they do not lose them. Several interviewees in Ghouta noted that citizens who are at risk of arrest may send older relatives to visit government offices on their behalf, which increases the vulnerability of these relatives. Residents who have</p> |



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|  | <ul style="list-style-type: none"> <li>•The right to restitution is not conditional on a refugee returning to Syria or the area where the housing, land and property is situated.</li> <li>•There is a need to establish and support equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims.</li> <li>•In case existing procedures, institutions and mechanisms can effectively address these issues, adequate financial, human and other resources need to be allocated.</li> <li>•Besides deciding on (competing) ownership/user claims, the aforementioned procedures, institutions and mechanisms should also have jurisdiction to award compensation for damage to housing, land and property as a result of the conflict. It needs to be recognized that a significant number of refugees may not be able to present official documentation attesting their ownership or user rights over housing, land and property and this must be taken into consideration in respect to the standard of proof that will be</li> </ul> | <p>attempted to return home or simply check on their properties have found little evidence of the supposedly rich legal framework backing the government’s reconstruction efforts. Blocked from returning to rehabilitate, let alone visit, their former homes, displaced Syrians now living in other areas of the country are uncertain about what the future holds.</p> <p>Rp1 pg 20 - militias occupy homes and prevent their owners from returning to them, steal their contents, and steal machines from local workshops. They also extort money from citizens who are rebuilding their destroyed homes by threatening to prevent them from building. In addition, respondents mentioned that pro-regime militants press real estate owners for selling their properties for less than 20 per cent of their market value; they exploit owners returning from opposition areas and the relatives of opposition fighters.</p> <p>Rpt 2 KF - 40 per cent of returnees could not recover their original homes for reasons of partial or total destruction or because of the security measures that have impeded the return.</p> <p>Rpt2 - Only 60 per cent of returnees could return to the place of residence they lived in before leaving. 24 per cent could return to the same neighborhood, but not the same house. 18 per cent could not return to their neighborhoods or towns; they returned to other areas</p> |
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|  | <p><b>adopted by the aforementioned procedures, institutions and mechanisms.</b></p> <ul style="list-style-type: none"><li>•Any housing, land or property transaction that was made under duress, or which was otherwise coerced or forced, either directly or indirectly, or which was carried out contrary to international human rights standards needs to be rendered null and void.</li><li>•Any inheritance, sale, lease or other purchase which was lawfully concluded, without duress or unlawful or arbitrary deprivation needs to be recognized.</li><li>•[Relevant recent developments]:<br/>Regarding urban redevelopment laws, Law 42 / 2018 amended Law 10 / 2018, inter alia by extending the deadline for proving ownership from 30 days to one year, providing clarification that rights-holders whose property rights are registered in the cadaster need not present a claim (though it remains unclear how situations of destroyed cadastral records will be addressed) and giving claimants who do not file a claim within the deadline the right to submit claims to a Dispute Resolution</li></ul> |  |
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|  | <b>Committee or to the regular courts for litigation.</b> |   |
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| <b>Returnees enjoy free access to law enforcement bodies, courts of law, competent administrative authorities and other relevant entities.</b> | <b>N/A</b>  | <p><b>Rpt1 pg 24 - 79 per cent of the respondents expressed their resentment at the absence of the rule of law and the extreme deterioration of the security services.</b></p> <p><b>Rpt 1 pg 24 - 97 per cent of participants expressed their disappointment with the spread of corruption at different levels in all aspects of civilian life. The regime's security forces, and the military checkpoints have become more like official fee collection centres that share citizens' limited resources and impose the payment of bribes under false pretences, such as security procedure requirements.</b></p> <p><b>Rpt 1 pg 29 - 71 per cent reported that their civic rights had been violated. Returnees to regime-held areas have been particularly let down by the regime's failure to honour laws that it claimed were designed to protect Syrian citizens.</b></p> |