



Syrian Association for
CITIZENS' DIGNITY

UNHCR's Approach to Return in Syria: Dubious Pilot Projects Prioritized Over Concerns of Displaced Syrians

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Introduction

On 14th of June 2022, the Syrian Association for Citizens' Dignity (SACD), alongside several other Syrian and international organisations, as well as various UN agencies, participated in the meeting alongside SACD. participated in a meeting to discuss the new Regional Operational Framework (ROF) of UNHCR, the document which governs UNHCR engagement on return to Syria.

Despite the fact that this review meeting was postponed three times and was expected to occur in February, it was fruitful and characterized by in-depth and intensive discussions.

The Regional Return Context and Scenario Workshop was being held as part of the ROF update process to allow for a larger engagement with Regional Durable Solutions Working Group (RDSWG) members on important changes in context since the original document was drafted, as well as return predictions. Supposedly, this review process should result in the creation of a new ROF detailing the approach to return and the minimum conditions that must be met before return process may begin in any meaningful way.

The discussion was divided into segments that discussed the UNHCR's Comprehensive Protection Solutions Strategy and ROF review process and timeframe, the humanitarian situation in Syria, especially the protection situation, and the humanitarian situation in host countries. The debate then addressed the planning and preparedness options and constraints relating to protection, HLP, basic assistance, and food, livelihood, civil society engagement, and coordination.

For most organizations and the displaced in general, the most problematic issue was that the previous ROF 2019 changed the language used in CPSS 2018 and obscured the real position of the UNHCR regarding the return thresholds stated in the original CPSS, These protection thresholds are supposed to reflect the description of the minimum conditions under which people could consider returning. This point was thoroughly discussed during the meeting.

On the other hand, we also addressed the new return track, known as ABRS (Area Based Return Solutions), which was established by a working group of UN agencies and Syria-based NGOs and discussed only with the Syrian regime, without any input from the displaced. This track discusses pilot projects for return in specific areas of Syria, ignoring the fact that Syria is not at all safe for return. There is no logical basis to push forward such a partial solution that will serve only the Syrian regime and its allies in their effort to normalise the status quo, while being a real hindrance of refugees and the small number of returnees who continue to risk their lives based on false statements and wrong assumptions about the situation inside Syria.

Thirdly, we shed light on the suffering of refugees in various host countries, such as Turkey, Denmark, and Lebanon, and the UNHCR's role in aiding and assisting.

Now, approximately four months after that meeting, we have observed no progress whatsoever on the ROF track, in contrast to the ABRS track, which seems to be gathering pace during the same time period. Particularly troubling is the dynamic we observed during the same period, which include announcements from the Syrian regime and UNHCR officials which imply the increasing coordination regarding the initiative. The upcoming visit to Syria of the head of UNHCR, Filippo Grandi's, will be a real test of UNHCR's commitment to its supposed mission of assisting and protecting displaced Syrians and not engaging in incentivizing premature return or dubious ad-hoc initiatives that may endanger their lives.

In this briefing we detail the key points SACD made during the ROF review meeting in June, to illustrate our deep concerns with UNHCR's approach as it stands.

Overview of the CPSS and ROF review process and timeline

In February 2018, UNHCR developed the Comprehensive Protection and Solutions Strategy (CPSS) for Syria based on a set of protection thresholds which it said must be met before a safe and dignified return of refugees and IDPs is possible. Its own position stated in the strategy document is that "present conditions in Syria are not conducive for voluntary repatriation in safety and dignity." In March 2019, UNHCR drafted a 'Regional Operational Framework' document that included indicators for the thresholds but significantly altered the thresholds themselves; including deleting some altogether, altering wording or expanding others, and folding some into other thresholds. The document was only released publicly six months later. The changes create confusion about what exactly the protection thresholds are.

Deleted thresholds cover a reduction in active conflict, the need for an agreement between governments and the agency, returnees access to justice and law enforcement, and mine and UXO removal. There has not been any corresponding change in facts on the ground that would suggest such as change was appropriate. SACD's research shows that the deleted thresholds and wording relates to thresholds that are not being met and where violations and protection concerns exist for surveyed returnees.

SACD believes the changes are unjustified and reduce the levels of basic security and protection that must be in place before returns are promoted. UNHCR state that the

thresholds and strategy will continue to be revised and fear that further degradation of the thresholds could occur and will lead to premature and unsafe returns.

When the findings of SACD research are placed in the context of the UNHCR's own criteria – protection thresholds – we see that the vast majority are far from being met, painting a dire picture for any refugees or IDPs forced to return before the minimum conditions are in place. In particular, the thresholds “the physical, legal and material safety of refugees and returnees is ensured” and “every individual’s decision to return is informed and genuinely voluntary, without any coercion” were far from being met, as the SACD's own research clearly demonstrates. UNHCR must be reporting publicly on this reality, both to the displaced Syrians so they can make informed decisions about return, but also to international policymakers and donors.

It is important to note that while UNHCR reports on the number of people returning to the country, it cannot monitor what happens to them once they arrive. This raises a question of what these “returns” numbers are actually telling us. While it is easy to get data about the people returning to the country, it is near impossible to track the number of people still being smuggled out of the country across Lebanese and Turkish borders, since borders are officially closed and no information can be tracked about movement of people across them.

If Syrian social media which focuses on migration is taken as illustrative, the vast majority of reports are still focusing on information regarding how to get out of the country rather than on how to get back in, confirming that, for the majority of Syrians, Syria is not yet a place in which they can safely live but are searching for ways to escape it. Our research has firmly documented that nearly 60 per cent of the returnees (and 73 per cent of those living in areas the regime seized by force) reported that they would seriously consider leaving if an opportunity presented itself.

With this in mind, and for the discussions on planning to be meaningful:

- SACD calls for the immediate reinstatement of the February 2018 thresholds in the revised Regional Operational Framework and full transparency and reporting to affected displaced Syrians on the degree to which they have been met
- UNHCR must be clear about the limits of their access and monitoring capabilities and highlight the gaps in knowledge and risks inherent in this lack of access and monitoring. UNHCR must call for access and make it a pre-condition of any future returns discussion or work. UNHCR must only use contextually relevant information to monitor conditions and should monitor implementation of legislation and announcements in addition to the announcements themselves. UNHCR must work with organizations like SACD

to produce and distribute research and monitoring information to Syrian refugees about security concerns and conditions until such time as they are able to do so themselves.

- SACD calls on full transparency on the so called Area Based Return Support planning, which amounts to a parallel track on return work which largely brings into question the utility of the discussions on the new Regional Operational Framework.
- Timely and granular information on the protection thresholds, conditions in areas of return, and the experience of returning refugees and IDPs must be made available to CSOs and refugees through publicly-facing platforms that they can access in their own time when considering returns decisions. Until such time as this can be provided returns cannot be considered to be informed or voluntary.
- Immediately revert to the 2018 language under Phase 1 of the strategy, highlighting that returns should not be encouraged and that facilitation should not occur until the conditions exist under which safe, dignified and voluntary returns can take place and cease programming that could encourage or facilitate premature and unsafe returns.

Update on the humanitarian situation inside Syria including the protection situation

The reality in Syria is such that despite the dire conditions Syrians are suffering in displacement, whether internally or in some of the host countries, they are still unwilling to return except for small numbers of those who are forced to do so for various reasons. This is primarily due to the fact that the conditions which caused the displacements are still in place and active and the regime continues to repress the areas it controls.

When the findings of SACD research are placed in the context of the UNHCR's own criteria – protection thresholds – we see that the vast majority are far from being met, painting a dire picture for any refugees or IDPs forced to return before the minimum conditions are in place. In particular, the thresholds “the physical, legal and material safety of refugees and returnees is ensured” and “every individual's decision to return is informed and genuinely voluntary, without any coercion” are far from being met, as the SACD's own research clearly demonstrates. UNHCR must be reporting publicly on this reality, both to the displaced Syrians so they can make informed decisions about return, but also to international policymakers and donors.

To illustrate:

Threshold 1: Significant and durable reduction of hostilities.

The “Normalization of Horror” report issued by the Syrian Association for Citizens' Dignity in 2021 found that Syrian people forced to return to regime control from displacement or through “reconciliation” do not feel safe, with significantly higher levels of fear in their daily lives. Their feeling of insecurity is being informed by events that were directly witnessed or experienced. Some 50 per cent of people in the Assad-controlled areas don't feel safe, including those who never left; 67 per cent of returnees from outside Syria don't feel safe, and those in the reconciliation areas fear worst with 94 per cent saying they don't feel safe. Most cite the security authorities' grip and rampant insecurity and crime as their reasons for not feeling safe. That said, there are no safe areas, with some of the more practical safety parameters showing that security is poor everywhere, resulting from security policies by the same authority.

The latest report from the Syrian Network for Human Rights documents in May 2022 the deaths of 78 civilians, including 14 children and 11 women (adult female). Among the victims were eight individuals who died due to torture, in addition to one massacre committed by the parties to the conflict and the controlling forces in Syria.

The report documents at least 147 cases of arbitrary arrest/detention in May 2022 at the hands of the parties to the conflict and the controlling forces in Syria, including 13 children and four women (adult female), with the largest percentage of these carried out by Syrian regime forces in the governorates of Damascus Suburbs, Daraa, then Aleppo. This is just in May.

Hostilities do not mean only military actions such as shelling, bombings, and battles, but also continued detention and torture of tens of thousands of innocent people detained by the regime, ongoing arrests, enforced disappearances, field liquidations and other crimes directed at the civilian population. For example, according to SNHR, in 2021, the Syrian regime and its Iranian and Russian allies killed 326 people, in addition to the liquidation and killing operations carried out by the Syrian Democratic Forces, and other military forces that targeted the Syrian people, which killed 75 people. In 2021 the Syrian regime arbitrarily arrested and forcibly disappeared 1032 people, including 23 women and 19 children.

How is this a significant reduction in hostilities?

Threshold 2: 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 of any (individual or family) diversity characteristic.

Two-thirds of the interviewees for our “Normalization of Horror” report 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”, which unfortunately coincide with many areas identified in the ARBS framework and other pilot projects. 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.

Corruption and extortion by the regime and militias permeate every aspect of life for returnees. Interviewees reported having to pay bribes to carry out the most menial of activities, such as obtaining documents or transporting produce to the market.

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.

72 per cent of the returnees who were arrested were covered by the regime’s alleged pardon decrees and/or entered into Personal Settlements after staying in these areas after reconciliation agreements.

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.

A Human Rights report issued in October 2021 “Our Lives Are Like Death” Syrian Refugees Return from Lebanon, and Jordan, noted that refugees who have returned, and have not faced threats to their life or physical integrity, is living in fear that the regime will target civilians it believes belong to the opposition, or sympathize with it, or expressed their opposition to it [the regime]. Human Rights Watch’s interviews with returning refugees confirmed the notion expressed by a prominent expert on Syria that “almost everyone who returns will be subjected to some form of interrogation, whether during a cup of tea with the security services or a full torture session, they want to know the reasons that prompted them.” In the absence of reliable information networks on which Syrian refugees can make informed return decisions, and with humanitarian agencies not enjoying sufficient access and therefore unable to monitor voluntary return and reintegration in Syria, Human Rights Watch calls on All countries hosting Syrian refugees must adopt the position that Syria is not safe for return. International donor governments should use their leverage to counter practices such as summary said that more than 165 people from Eastern Ghouta have been arrested

since the regime took control of the area with "Russian-Turkish understandings," whose fate is unknown so far.

The SNHR said that most of them were arrested from shelters for the displaced and the displaced in the Al-Duweir area and from schools in the Adra area. This comes after the regime's security services handed over to the mayors of the southern sector of Eastern Ghouta the papers of 38 detainees who died under torture in its prisons after their arrest after the regime took control of Eastern Ghouta in March 2018, including nine members of one family.

Again, this is just a quick overview of the reality in terms of two basic protection thresholds illustrated by readily available information. It is UNHCR's responsibility, according to its own CPSS to gather such information, monitor and report on these protection thresholds regularly and to all concerned parties, including displaced Syrians and host countries.

Update on the humanitarian situation in Host Countries

In the meeting a number of presentations were made about the challenges we, displaced Syrians are facing in various host countries, including Turkey, Lebanon and others. These range from withdrawals of protection in countries such as Denmark or in some cases Sweden, to the increasing pressure that amounts in some cases to a form of forced return, to the incitement of dehumanisation and hate speech in some parts of the public and political discourse in countries like Turkey and Lebanon. Yet, as demonstrated earlier by UNHCR's own number, not more than 0.7% of Syrian refugees have decided to return voluntarily so far, despite the hardship they are facing. And this is not because they do not want to return, but because of the conditions on the ground, and this primarily means the absence of safe environment.

Most displaced Syrians want to return home if the circumstances are right. Some 73 per cent of 1100 displaced Syrian surveyed for our report "We Are Syria" declared that they would return to Syria if the right conditions existed. The overwhelming majority (80 per cent) were adamant that the security situation has to change for this to be possible. If this percentage is applied to the total number of displaced persons, this suggests more than 9 million people are prepared to exercise their right to a safe, voluntary and dignified return to their homes in Syria. Internally displaced Syrians are the segment of the displaced population that is most interested in returning to their homes under the right conditions: 92 per cent of the IDPs participating in this study expressed this view. 62 per cent of refugees wish to return if the conditions for return they aspire to are fulfilled.

Three-quarters of displaced Syrians want to see a comprehensive political solution guaranteeing their rights before feeling safe to return. While the survey highlighted a

range of specific concerns and conditions that Syria's displaced would want to see in place before they could safely return, (73 per cent) of respondents said that a formal agreement needed to be in place before they would trust those changes. This was true across those surveyed from all territories of control. The passage of time without a political settlement is making return seem less possible for most of the displaced. This must be taken into account by agencies working on various pilot projects that directly ignore one of the most important pre-conditions as identified by Syrians themselves.

Security concerns are the biggest barrier to return. 90 per cent of participants cited feeling unsafe as one of the main reasons for their original displacement, while 33 per cent of the respondents mentioned that the 'social situation' was a factor in leaving home; 28 per cent of the study participants identified the 'economy' as one of the reasons for leaving. The vast majority of interviewees want to see significant improvements in security before they return. Different aspects of security dominated the five main conditions identified as minimum requirements for a safe, voluntary and dignified return.

Under the umbrella of security concerns, the top conditions for return were:

Security-related reasons were the largest cause of displacement throughout the years of the conflict. Security reasons were the most prominent cause of departures in 2012 (98 per cent); this percentage fell only slightly to 94 per cent in 2018.

Security sector reform: The number one priority for the large majority of study participants (73 per cent) relates to the need to reform the security sector and curb its powers over civilian life; 82 per cent of these respondents called for the complete dismantling of the current security services and reforming them in ways that would "guarantee that their performance would be focused on an internal security function ensuring the security of citizens and protecting the people in accordance with the laws; without any privileges, violations or encroachment on the rest of the government agencies and the government's role in the structure of society".

Compulsory military conscription: 84 per cent of the study participants who wish to return want to see compulsory military recruitment either cancelled or suspended for at least 5 years.

Detainees: The fate of detainees was a priority for 64 per cent of the displaced. Of this number, 82 per cent demanded "the full and unconditional release of all detainees who were detained for dissent or being accused of anti-regime activities or sentiment, revealing the fate of the forcibly disappeared persons, releasing them or handing over the bodies of the those who died in prison to their families", which indicates the priority that a wide range of Syrians from all groups place on this issue.

Social connections was an important condition for return, but its priority varied significantly between refugees and IDPs. Social connections and family ties have always been extremely important to Syrians. They are still seen as essential, despite the harsh conditions in which they live: more than 71 per cent of the study participants chose the option of “the return of displaced relatives and acquaintances” as a condition for return. While 84 per cent of the IDPs interviewed for the study chose “the return of both displaced relatives and acquaintances” as a condition for return, only 59 per cent of refugees made this a condition; 34 per cent reported that “this point is not within their conditions for return”. This reflects the impact of displacement on refugees—particularly the weakening of the family structure amidst the progressively diminishing social ties for many of them.

Regional return trends and intention and discussion of current planning parameters

Again, according to our research and surveys which have tracked the attitudes of displaced Syrians everywhere, including inside Syria, Turkey, Lebanon, Jordan, Egypt, Europe, the us and elsewhere, over the last four years, most displaced Syrians want to return home if the circumstances are right. The overwhelming majority (80 per cent) were adamant that the security situation has to change for this to be possible.

In terms of UNHCR’s planning activities, we have several comments and questions:

- According to our information, the planning which is being undertaken in tracks parallel to this one - which include the Area Based Returns Support Roadmap and various ideas on pilot projects that would compartmentalise the return process - is highly problematic as it proceeds with the current reality described in the previous sessions as the baseline for return, without a political agreement which would provide for international guarantees for establishment of a clearly defined safe, clam and neutral environment and minimum conditions that must be implemented before any safe, dignified and voluntary return is possible. Such planning threatens to render the any future political solution – whose backbone is in the safe and dignified return of over 13 million displaced Syrians, more than half of the country’s population – meaningless. We call on UNHCR and all involved in this process to revert to the existing framework provided by UNHCR’s CPSS and ensure full transparency and meaningful consultation with displaced Syrians in any planning activities concerning return.
- According to the draft Humanitarian Response Plan (HRP) 2022-2023, levels of return are expected to remain low. The plan states that “*continued low levels of IDP returns (250,000 IDP returnees) are expected in 2022. The question here*

is, on what basis are they making these estimations of 250000 returns when UNHCR's own numbers speak of declining numbers of returns of between 20 and 30000 in the last three years? There hasn't been a single year where 250,000 IDPs went back to their original homes.

- Returns within Dar'a after the recent displacement are not "real" returns to be considered in this context. This was a very specific situation that caused temporary displacement, it cannot be used to analyse a trend.
- In both the 2018 CPSS and the 2019 ROF, UNHCR outlined three criteria that need to be met inside Syria before UNHCR could move from "phase 1" (the current phase according to UNHCR as of June 2022) to "phase 2", the phase in which UNHCR could start "facilitating" large-scale voluntary return:
 - Legal frameworks, guaranteeing rights of returnees and unhindered access to them as well as return areas, must be in place.
 - There is clear evidence that a list of 22 protection thresholds are being met in the place of return.
 - Refugees actively request support from UNHCR to return, "in large numbers".

We have to highlight the point number 2 as a one of the root-cause errors in understanding reality (or ignoring reality): Protection thresholds cannot be met or implemented at local levels, the fact that there are de-facto authorities across three main areas in Syria makes it really difficult to imagine how a small part of each of these areas might have better security and legal and living conditions than its surroundings.

- ABRS approach will lead to more pressure on refugees in hosting countries, including the increase in hate speech and dehumanisation targeting refugees, as this has been employed by political parties in countries like Lebanon and Turkey for political gains, while in reality refugees will not be able to return.
- The Roadmap for ABRS agreed on during the April 2022 workshop seems to be giving the Syrian regime (the same regime that is responsible for the displacement of millions of Syrians) a central role to dictate how return assistance should be implemented.

This is simply staggering. Just several months ago reports by SACD and CSIS on weaponisation of aid by the regime were published, with clear findings on how the Syrian regime interference ranges from directly influencing the aid distribution, deciding who will (and who will not) be the beneficiaries of various projects; to appointing people close to the regime to crucial positions of influence in these organisations to control and monitor their work; to directly

appropriating aid to the regime's military and militias, sometimes in larger percentages than what reaches the intended beneficiaries. The acceptance of such interference permeates all aid organisations, international and Syrian; there is now a dangerous symbiosis between these organisations and the regime's institutions. We have received firm assurances from donor governments that a regional monitoring mechanism would be put in place to oversee the aid sector to ensure that such practices cease. There is no evidence that they have.

Very importantly, refugees and internally displaced persons (IDPs) lack access to appropriate independent information about the real conditions in their places of origin. While 87% stated that they had the information they needed for returns decisions, only some 20% said they knew about critical returns procedures that most of them then found to be barriers to return, suggesting the displaced overestimate the quality and depth of information they have available to them for returns decision-making.

In this context, we find the messaging of the UNHCR directed at displaced Syrians deeply problematic. Sometimes even the highest UNHCR officials visiting Syria speak of "people returning and the security situation becoming more stable" or indicating that the Syrian regime should provide security for returnees. This messaging, which omits even a mention of the security threats facing the people in the regime-held areas, is in direct conflict with the reality on the ground and it may put people in danger, especially with the increasingly difficult situation in which Syrian refugees in Lebanon, Turkey and elsewhere find themselves.

If a displaced Syrian, currently facing difficult living conditions in displacement or pressure from the rising anti-refugees sentiment in countries like Lebanon or Turkey, reads this from an agency that is supposed to be the provider of the most accurate and salient information on the conditions for return it is reasonable to expect they will conclude that it must be safe to return. Perhaps difficult, but safe.

The willful exclusion, in these messages, of any reference to the ongoing arbitrary arrests, enforced disappearances and harassment of Syrians in Assad-held areas cannot be interpreted as anything but a blatant failure of the UNHCR's mandate to "communicate accurate and timely information to potential returnees about conditions, insecurity, and access limitations, leading to ill-informed returns decisions which therefore cannot be considered to be voluntary."

Also, the numbers circulated by UNHCR do not indicate in any way that the UNHCR has no way of checking what happened to the vast majority of the returnees it has recorded. The number of missions it cites must be put in the context of the fact that, according to its own planning document from March 2019, they are possible only in a very limited number of sub-districts under Assad's control: "Access of humanitarian actors, including to areas of return, remains selective and restricted in certain parts of

the country, and generally highly regulated, thereby limiting inter alia, the ability to assess conditions and safety in these areas.”

The “follow up over the phone” supposedly reveals that families who have recently returned from Lebanon and Jordan have concerns that do not mention their safety and security at all. This is in direct contradiction with the findings of our research where the majority of those interviewed, over 70% have indicated that they do not feel safe due to arbitrary arrests, forced recruitment and harassment. Nothing best illustrates this from the fact that in the Dara’a governorate, where, according to the UN’s Humanitarian Needs Assessment Programme (HNAP) the largest number of returnees is recorded, there are literally demonstrations and clashes with the regime security forces over a campaign of arbitrary arrests and forced recruitment of returnees. This has been well documented by the UN Commission of Inquiry and reported on publicly on almost daily basis.

But, this information does not seem to be of relevance for the UNHCR to report. Instead, it keeps ignoring the overwhelming data on the harsh reality facing returnees and informs its potential donors that its strategy will be shifting from “emergency humanitarian response towards return and reintegration and expanded its services to the Syrian returnees.” The impact of this is real and deeply worrying as refugees interviewed by the UNHCR itself increasingly cite “improvements in the security situation, family reunification, and having livelihood opportunities in Syria as the top reasons influencing their decision to return.” As our reports document, nothing could be further from the truth and UNHCR is failing to inform the people it is supposed to protect in order for them to make an informed decision on return. Once they do and face the reality of harassment, persecution, difficult living conditions, absence of basic services and economic opportunity, more than 68% regret the decision to return regardless of the difficult situation in displacement and advise other IDPs and refugees not to return.