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OFFICE OF THE HIGH COMMISSIONER

“We did not fear death but the life there”

The Dire Human Rights Situation Facing Syrian Returnees

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Contents

1.	Executive Summary	1
2.	Introduction	4

3.	Methodology	6
4.	Legal Framework	7
4.1.	International Legal Framework.....	7
4.2.	National Legal Framework	8
5.	Key findings	9
5.1.	Syria thirteen years after, through the eyes of returnees: the grim effects of protracted conflict, deepening insecurity and economic collapse amid persistent violations of economic and social rights	9
5.2.	Violations of returnees' rights and compounding factors.....	12
5.2.1.	The impact of the 'reconciliation process' on the right to return to one own's country	12
5.2.2.	Freedom of movement within Syria.....	15
5.2.3.	Housing, land, and property rights	17
5.2.4.	Access to civil documentation.....	21
5.2.5.	Freedoms of expression, peaceful assembly and association, and civic space	23
5.2.6.	Arbitrary arrest and detention, torture and ill-treatment	25
5.2.7.	Sexual and Gender-Based Violence.....	27
6.	Conclusions	29
7.	Recommendations	30
7.1.	To the Government of Syria:	30
7.2.	To non-state armed groups:	32
7.3.	To third States, in particular those neighboring Syria:	32
8.	Annex I.....	33

1. EXECUTIVE SUMMARY

This report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) describes patterns of human rights violations and abuses and violations of international humanitarian law that Syrians face after their return to the Syrian Arab Republic from abroad. The report analyses the conditions that Syrian returnees (particularly those returning from neighbouring countries) experience or may experience once back to their

original areas or other host communities inside Syria, with an emphasis on the human rights violations and abuses, as well as the challenges, Syrian women suffer after their return to Syria.

The findings contained in this report - which are primarily based on interviews and meetings conducted by OHCHR, in person and remotely, with primary and secondary sources as well as extensive additional research and documents review - depict an extremely bleak picture of the situation returnees face once back in Syria. The specific findings are representative of the patterns and trends of violations experienced or that may be experienced by those who return based on the monitoring conducted by OHCHR as well as based on publicly available UN documents. The methodology used aimed at addressing various challenges, including the lack of access to the territory of Syria.

Despite the prolonged armed conflict and the grim security, economic, and humanitarian situation, in the past few years Syrians who had previously left the country continued to return to various parts of Syria. While many Syrians have returned due to a combination of factors, including the deteriorating economic conditions experienced abroad, pressure has increased, including over the past few months, particularly from authorities in neighbouring countries, for Syrian refugees to return. In some of the host countries, Syrian refugees have been subjected to measures such as arrest and deportation to Syria.

The protracted armed conflict and violence in the Syrian Arab Republic, combined with the plummeting economy, the collapse of public services and the progressive disintegration of the rule of law and public life are amongst some of the compounding factors that undermine the fulfilment of basic human rights for many Syrians, including a number of core civil, political, economic and social rights.

In this context, Syrian returnees face multiple challenges and many of them are subjected to gross human rights violations and abuses upon their return to Syria.

As a result of the patterns of violations and abuses documented, the vast majority of the returnees interviewed or whose cases have been documented, particularly those who had the means to flee, decided to leave Syria for a second time, opting to return to countries such as Lebanon and Türkiye. These difficult decisions have been taken even with the knowledge that they would face extremely precarious economic conditions once back from abroad, often combined with social stigma, abuses and discrimination by local authorities.

In light of the most recent political developments at the regional level, including the process of normalizing relations with the Syrian Government by a number of countries in the region, there are grounds to believe that the pressure on Syrians abroad to return is likely to intensify in the coming months. However, as the root causes of the conflict remain fundamentally unaddressed, the report clearly indicates that those who return are likely to be particularly exposed to a range of human rights violations and abuses and violations of the international humanitarian law.

The right of refugees to return to their country of origin is a fundamental right, and it should be exercisable freely and voluntarily and at a time of their choosing, security conditions enabling. Ensuring that those who return can do so in safe, dignified, and sustainable conditions

is essential to ensure protection of their human rights, including protection from refoulement. Given the testimonies of returnees and former returnees, the information collected and analysed on this subject as well as the findings of the regular monitoring of the human rights situation inside Syria conducted by the OHCHR Syria Office, there are reasonable grounds to believe that the overall conditions in Syria still do not permit safe, dignified and sustainable returns of Syrian refugees to their home country. As a result, any envisaged return, should be voluntary and based on case-by-case assessment of the conditions for a safe, dignified and sustainable return.

2. INTRODUCTION

1. This report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) describes patterns of human rights violations and abuses as well as violations of international humanitarian law that Syrians have been facing following their return to the Syrian Arab Republic (Syria) after they had previously fled the country. The report analyses the conditions that Syrian returnees¹ (particularly those returning from neighbouring countries) experience once back to their original areas or other hosting communities inside Syria, with an emphasis on the human rights violations and abuses, as well as the challenges, that confront Syrian women.

2. At the time of publishing this report, 13 years have passed since the beginning of the crisis and consequent conflict in Syria. As a result of the armed conflict, the United Nations High Commissioner for Refugees (UNHCR) estimates that approximately [6.7 million](#) Syrians have left the country. As of 31 October 2023, approximately [5.2 million](#) of them are registered as refugees in neighbouring countries in the Middle East and North Africa region; the majority are based in Türkiye, Lebanon and Jordan.

3. From 2015 up until mid-2020, pro-government forces have gradually regained vast portions of territory in Syria, as a result of military operations often followed by “reconciliation agreements” with different non-state armed groups, sponsored and monitored by several parties to the conflict. Despite a relative decrease in large-scale military operations and civilian casualties since then, conflict and violence continue, with widespread violations of international humanitarian and human rights law documented across the country, with some of those perpetrated on a systematic scale.²

4. More than a decade of conflict and related humanitarian crisis have contributed to the progressive collapse of the [Syrian economy](#), whose decline has been further aggravated by the

¹ There is no universally accepted legal definition of return. Broadly speaking, “return” is used to refer to the various ways that non-nationals—whether independently, with assistance, or by force—return or are returned to their country of origin or another country to which they have previous ties. In the absence of a universal definition, and for the purposes of this report, “return” can be understood as: An umbrella term to refer to the various forms, methods and processes by which people return or are compelled to return to their country of origin or habitual residence, or to a third country. This includes, inter alia, independent departure, assisted, voluntary or spontaneous return, deportation, expulsion, removal, extradition, pushback, handover, transfer or any other return arrangement. The use of the term ‘return’ provides no determination as to the degree of voluntariness or compulsion in the decision to return, nor of the lawfulness or arbitrariness of the return (see, e.g. A/HRC/37/34). For the purpose of the present report, ‘Syrian returnees’ are those Syrians, in particular refugees and internally displaced persons, who, after leaving their places of origin in Syria because of the conflict and violence, returned, either voluntarily or not, to Syria either to their places of origin (or to another location inside Syria) from abroad or returned to their places of origin from other areas within the territory of Syria in which they were internally displaced. While the present report mainly focuses on the situation of those returnees returning to Syria from abroad, it should be noted how the same patterns of human rights violations and protection concerns identified in the report based on the monitoring conducted by OHCHR apply also to those returning to their places of origin from other areas within the territory of Syria in which they were internally displaced.

² S/2022/635; S/2022/775; S/2022/956; S/2023/127; S/2023/284; S/2023/464; S/2023/621. See also, A/HRC/46/54; A/HRC/46/55; A/HRC/48/70; A/HRC/49/77; A/HRC/51/45; A/HRC/52/59; A/HRC/53/CRP.5; A/HRC/54/58.

indirect effects of the unilateral sanctions imposed on the Government of Syria,³ as well as by the ramifications of global and regional crises, including the economic crisis of neighbouring Lebanon, the COVID-19 pandemic, and, more recently, the effects of the conflict in Ukraine. In December 2022, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that [15.3 million people](#) among a total population of 22.1 million inside Syria would require humanitarian assistance in 2023,⁴ representing the highest figure since the start of the conflict. According to such assessment, 85 percent of all households and 90 percent of female-headed households were unable to meet their basic needs in 2022.

5. The earthquakes that hit the south of Türkiye and the north-west part of Syria in February 2023 have further exacerbated the humanitarian suffering of Syrians, in a context where hundreds of thousands of people had already been living in extremely precarious conditions, particularly internally displaced persons (IDPs) residing in makeshift structures and tents. It has been estimated that, inside Syria, at least 5,954 people⁵ have lost their lives as a result of the earthquakes.

6. Communities impacted by the earthquakes in northern Syria had already been confronted for years with a dire reality: being exposed to recurrent rounds of hostilities and violence while experiencing extremely limited access to essential services. The damage to homes and properties increased the number of internally displaced Syrians, putting more pressure on IDP camps and settlements. In addition, while affected communities had to cope with the dramatic consequences of the earthquake, in the weeks following the disaster, hostilities between parties to the conflict have continued. OHCHR has documented how violations of international humanitarian law and human rights violations and abuses have continued unabated, including in areas impacted by the earthquake, aggravating the suffering of victims and survivors.⁶

7. Despite the grim security, economic, and humanitarian situation, in the past few years Syrians who had previously left the country continued to return to various parts of Syria. Since 2016, UNHCR has verified or monitored the return of [over 388,679 Syrians](#) from neighbouring countries to Syria as of 30 November 2023.

8. While many Syrians have returned due to a combination of different factors including the deteriorating economic conditions experienced abroad,⁷ pressure has increased over the past few months, particularly from authorities in neighboring countries, for other Syrian refugees to return. This was accompanied by an intensification of hostile speech and rhetoric against refugees, which culminated with some measures such as raids, mass arrests and deportations. In May 2022, Türkiye announced the “resettlement” of one million Syrian refugees living on its territory back to Syria, amidst reports of increasing restrictions imposed,

³ A/HRC/39/54/Add.2. See also, <https://www.ohchr.org/en/documents/country-reports/ahrc5423add1-visit-syrian-arab-republic-report-special-rapporteur>.

⁴ Among these 4,5 million are women, 3,8 million are men, 3,8 are boys and 3,2 million are girls. These overall estimated 15.3 million people should be compared with 14.6 million people in 2022 and 11.06 million people in 2020.

⁵ According to figures provided by the World Health Organization as of June 2023.

⁶ S/2023/284, paras. 25-34.

⁷ <https://reporting.unhcr.org/syria-regional-survey-syrian-refugees%E2%80%99-perceptions-and-intentions-return-syria>.

and forced deportations carried out, against Syrian refugees. In April 2023, following months of increasing tensions and animosity towards Syrian refugees, the Lebanese security forces conducted more than 70 raids targeting Syrian refugee communities in camps and residential areas across the country, resulting in the arrest of around 1,455 Syrians, and the deportation of at least 712 of them.

9. Based on interviews conducted by OHCHR with Syrian returnees and former returnees,⁸ the present report provides an overview of the human rights violations and abuses that Syrians, particularly women, face once they return. The patterns of violations and abuses identified in the report relate to different rights that are closely inter-linked. It also identifies some of the challenges they experience in accessing their economic, social, and cultural rights, as well as compounding factors such as the impact of the armed conflict and the economic crisis.

3. METHODOLOGY

10. The OHCHR Syria Country Office is based in Beirut, Lebanon, and has no physical access inside Syria. Notwithstanding such challenge, the Office conducts its human rights monitoring work through a combined use of primary and secondary sources to satisfy the standard of proof of reasonable grounds to believe for its findings. These include interviews conducted remotely with victims and witnesses inside Syria or in person with Syrians in neighboring countries, as well as the review of information provided by a reliable network of independent sources, including civil society organizations, activists, journalists and human rights defenders operating inside and outside Syria.

11. The findings of this report are primarily based on 44 representative interviews and meetings conducted by OHCHR with primary and secondary sources.⁹ Among these, interviews were conducted with 22 returnees and former returnees, including 10 women and 12 men. These are comprised of 19 in-person interviews conducted in Türkiye and Lebanon with former returnees and three remote interviews with returnees inside Syria. The interviews were conducted between October 2022 and June 2023.

12. Interviews were conducted with returnees and former returnees of different social and economic backgrounds who had returned to the governorates of Damascus, Rif Dimashq, ar-Raqqa, Idlib, Hama, Homs and Aleppo between 2014 and 2023. With one exception, the individuals returned to their home governorates. Some of them, at different times during their return, lived in more than one governorate under the control of pro-government forces and non-state armed groups.

13. The lack of access to the territory of Syria affected the ability of the Office to conduct more interviews safely with returnees inside Syria. Identifying and obtaining consent from primary sources to interview also posed challenges in Lebanon and in Türkiye, where a number

⁸ Former returnees are those people who, after leaving Syria because of the conflict and violence, returned to their home country before and subsequently decided to leave for a second time.

⁹ In accordance with the core human rights monitoring principle of -do -no -harm and bearing in mind protection concerns given the particular sensitivity of the topic, OHCHR has refrained throughout the report from including names or providing details that may lead to the identification of the people interviewed.

of former returnees cited fear of reprisals against them or their families in Syria, and possible deportation to Syria, as the main factors for declining to be interviewed for the research.

14. All interviews were conducted by conforming with a victim-centered approach, in a confidential setting while strictly abiding by OHCHR monitoring principles and methodology, including the principles of informed consent and do no harm.

15. In addition to interviews with returnees, OHCHR held a total of 22 meetings with different stakeholders, including individuals having direct and indirect contacts and receiving testimonies from a large number of returnees and former returnees, representatives of non-governmental organizations (operating in Türkiye, Syria and Lebanon) and academics familiar with the situation of Syrian returnees both in Syria and in neighbouring countries. OHCHR also engaged in an extensive desk review, analysing information from publicly available sources, including briefings, digests and reports produced by civil society organizations, think-tanks and international organizations. Information obtained through OHCHR's daily monitoring on the human rights situation in Syria also informed the analysis contained in the present report.

16. In line with OHCHR methodology, the information from primary sources was analysed and corroborated with information provided through other primary and secondary sources. In cases where only a single credible primary source for an incident was used, OHCHR ensured corroboration by pattern through verifying that such incident/factual account fits a pattern of incidents, with similarities in various areas such as location, circumstances and methods, established based on the monitoring conducted by OHCHR as well as based on publicly available UN documents. OHCHR also assessed the credibility of the information obtained through interviews with primary and secondary sources, evaluating its consistency with other available information and the coherence of each account. The conclusions of this report are therefore based on a reliable body of materials consistent with other verified circumstances and meet OHCHR's "reasonable grounds to believe" standard of proof.

4. LEGAL FRAMEWORK

4.1. International Legal Framework

17. Syria is party to eight of the nine core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Optional Protocol thereto on the involvement of children in armed conflict, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities (CPRD). As a state party to the above treaties, Syria is bound to respect, protect, promote, and fulfil the human rights of all persons within its jurisdiction. This includes the duty of the State to provide victims

with an effective remedy, including reparation, and to undertake prompt and impartial investigations into human rights violations and abuses¹⁰.

18. International human rights law enshrines the principle that no one shall be arbitrarily deprived of the right to enter one's own country.¹¹ The principle of non-refoulement is also enshrined in international human rights, humanitarian, refugee and customary law. The prohibition of refoulement requires States to ensure that they do not return any person from their territory or under their effective control to another place where they are at real risk of being subjected to persecution, violations of rights to life, liberty and security of person, including torture, cruel, inhuman or degrading treatment or punishment, enforced disappearances or other serious human rights violations, resulting in irreparable harm.¹²

19. Given the co-existence of both international and non-international armed conflicts on the territory of Syria, international humanitarian law applies concurrently with international human rights law. Syria is bound in particular to respect article 3 common to the four Geneva Conventions as well as the rules of [customary international humanitarian law](#) applicable to non-international armed conflicts.

4.2. National Legal Framework

20. The present report considers domestic laws and policies, in particular when those are in breach of international law, including when they may contribute to a real risk for returnees of being exposed to serious human rights violations, and thus and compromising their chances of a safe, dignified and sustainable¹³ return. It is, however, important to note that the [2012 Constitution of the Syrian Arab Republic](#) in its terms protects a number of fundamental human rights. These include the right to freedom from discrimination, freedom of movement including the right to enter one own's country, freedom of expression and peaceful assembly, the right not to be subjected to arbitrary arrest, torture or humiliating treatment and the obligation of the State to secure the dignity and security of all citizens.

21. Article 38 of the 2012 Constitution stipulates that citizens cannot be prevented from returning to Syria, and that citizens have the right to move in or leave the territory of the State, unless prevented by a decision from the competent court or the public prosecution office or in accordance with the laws of public health and safety.

¹⁰ The Syrian Government has not notified the Secretary General nor the United Nations about any derogation to specific human rights included in such UN Conventions.

¹¹ ICCPR, article 12(4).

¹² The prohibition of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3, 1), the International Convention for the Protection of All Persons from Enforced Disappearance (Article 16, 1) as well as the 1951 Convention Relating to the Status of Refugees (1951 Convention) (Article 33, 1). The principle of non-refoulement has also been interpreted to be an implicit obligation of States parties to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹³ Sustainable reintegration is a process which enables individuals to secure and sustain the political, economic, social and psychosocial conditions needed to maintain life, livelihood and dignity in the country and community they return or are returned to, in full respect of their civil, political, economic, social and cultural rights.

5. KEY FINDINGS

5.1. Syria thirteen years after, through the eyes of returnees: the grim effects of protracted conflict, deepening insecurity and economic collapse amid persistent violations of economic and social rights

22. The vast majority of returnees interviewed by OHCHR have described an extremely bleak picture of the situation they found once back in Syria. They spoke at length about the dire reality of being exposed in their everyday life to a calamitous combination of challenges, including the generalised climate of insecurity resulting from over a decade long armed conflict, ongoing human rights and international humanitarian law violations, the faltering of service provider institutions, fragile rule of law, abuses of local authorities operating with impunity, and the plummeting economy. In the words of a returnee to Damascus city in 2020:

“Syria is now so isolated from the world that it has become so difficult to navigate life there. It is like living in a dystopian novel. For someone who knows what life is like outside Syria, it is unbearable to return and live there.”

23. Interviewees have emphasized how various factors combined impacted every single aspect of their lives. They relate not only to primary protection concerns, including the need to be spared from conflict and violence, but they also implicate access to fundamental economic, social and cultural rights and basic services, such as the rights to work, including access to safe and healthy working conditions, health, education and adequate standard of living, including the rights to food and adequate housing. One former returnee described the conditions in her village in Rif Dimashq in 2021:

“During my return I lived the worst days of my life there, it was worse than during the war. We could not afford the means to buy almost anything. We had a rationing card to buy some basic goods, but these were by far not enough to sustain ourselves. We could not afford to buy food, milk [...], for our children. My daughter developed a skin infection that persists until this day because we were not able to change her diapers often enough”.

24. Many of the returnees interviewed emphasized how the progressive disintegration of the rule of law fabric following years of arbitrary exercise of power by parties to the conflict have entrenched a climate of perpetual insecurity where they feel constantly under threat. Put in the words of one of the persons interviewed.

“Since I came back to Syria, I have felt that anything can happen to us at any time.”

25. In such a context, while the intensity of military operations has decreased compared to the earlier stages of the crisis, the conflict remains, its root causes are unaddressed and hostilities and violence in Syria continue to significantly impact civilians’ lives and their possibility to exercise their rights to work and access basic livelihoods and means of sustenance, further impacting their enjoyment of other rights. In the first six months of 2023, OHCHR documented incidents in which civilians were killed, injured, or abducted while reaching their workplace or attempting to secure basic livelihoods, such as herding cattle, harvesting crops or collecting wood, in order to cope with the constantly declining economic

conditions. These incidents have been taking place either as civilians were accessing areas close to the so-called frontlines between parties to the conflict, particularly in northern Syria, or while attempting to reach desert or rural areas characterized by an extremely volatile security situation, including the presence of ISIL sleeper cells and/or other armed groups, in Hama, Homs and Deir-ez-Zor governorates in order to herd cattle or collect crops.¹⁴ The recurrence of such incidents shows the desperate situation in which many Syrians find themselves in risking their lives while struggling to cope with the effects of the longstanding humanitarian crisis and the extremely dire economic conditions, recently exacerbated by the impact of the earthquakes.

26. Beside the generalised insecurity, the long-term impact of the conflict and related humanitarian crisis and isolation have also meant the progressive disintegration of the Syrian economy. The extremely dire economic situation in Syria was reported by most of the former returnees interviewed as among the main reasons for leaving the country for a second time after returning. A woman whose relatives and friends had returned to government-controlled areas in Syria in recent years noted:

“People nowadays are more afraid of not having food than of bombs.”

27. Accounts provided by returnees across Syria regarding the economic situation were extremely alarming. Many of the interviewees living in Syria recounted how they have been unable to claim their rights and experienced a lack of physical and economic access to basic goods and services, including fuel and electricity.

28. The soaring of prices of basic goods has led people to adopt measures of last resort such as using car gasoline for cooking instead of buying expensive gas cylinders. Many interviewees indicated how explosions related to the use of gasoline for cooking have become more common in the areas they were living. Most of the victims of these incidents are women who are usually, within households, those responsible for food preparation.

29. Many interviewees emphasized how the conflict and economic situation has seriously affected the labour market and job security in Syria, while also witnessing a drastic decrease in their salary's purchasing power due in part to the collapse in value of the Syrian Pound. The lack of employment opportunities and low wages have led an increasing number of Syrians to engage in illegal activities that provide a more secure and lucrative source of income. In this context, drug dealing has become extremely lucrative. Some former returnees living in ar-Raqqa governorate noted how widespread and easily available drugs like crystal methamphetamine have become, while underscoring the exponential growth of people involved in the smuggling and selling of these substances. Drug trafficking has become a flourishing business also in areas under the control of pro-government forces, particularly in those regions bordering neighboring countries such as Lebanon and Jordan, including Dara' and As-Sweida governorates in southern Syria. Residents in those areas regularly witness violent crimes, including targeted killings as a result of drug-related disputes, while being often exposed to violence, including extra-judicial killings, arrest and ill-treatment in detention, in relation to security operations conducted to curb the drug trafficking business. Almost all of

¹⁴ S/2023/284, paras. 9, 27, 31.

the returnees and former returnees interviewed also mentioned a gradual increase in ordinary crimes, such as breaks-in and robberies, in the areas where they were living.

30. Smuggling in Syria has however not been limited to drugs. A multitude of different items, ranging from mobile phones and fuel to people themselves, are trafficked on a regular basis from and into Syria, including within areas under control of different parties to the conflict. The increased number of civilians directly or indirectly involved in such activities amplifies the risk of them being exposed to considerable harm, including being killed, abducted, arrested, and ill-treated.

31. The deterioration of infrastructure in connection with the plummeting economy, continue to have a profound impact on the access by the Syrian population to basic services and to the enjoyment of their economic, social and cultural rights, such as the rights to education and health. This impact is further compounded by the volatile security situation and restrictions on freedom of movement due to the conflict and consequent territorial fragmentation. Many returnees interviewed by OHCHR emphasized how they or their children face significant impediments to access education, either due to the absence of educational facilities in nearby areas, or due to them lacking the financial means to afford transportation.

32. A returnee to the city of ar-Raqqa reported having home-schooled his children for the fear of them being kidnapped on the way to school. He recounted regularly hearing about kidnapping children for ransom, indicating how the rise in such crimes has been mainly linked with the worsening economic situation and weakness of local institutions. Describing the quality of teaching in public primary schools, he added:

“There is no system in place to train, provide guidelines and supervision to teachers in public schools. Teachers do not have the skills to carry out their daily work.”

33. A woman who returned with her family to Rif Dimashq in 2021 also noted:

“Some days there is no electricity, some days the teachers do not show up or there are not enough students to give classes. They [teachers and students] are often not able to reach the school because of the transportation costs.”

34. To compound this situation, parties to the conflict in Syria have in the past few years adopted measures and policies limiting access to future education opportunities for students in Syria. In particular, students living in areas under the control of Hay’at Tahrir al-Sham (HTS), Turkish-affiliated armed groups and the Syrian Democratic Forces (SDF) in northern and eastern Syria were deliberately prevented, through restrictions on their freedom of movement, to undertake national primary and secondary school exams in pro-government forces-controlled areas. Some of the parties to the conflict have also started imposing ad-hoc school curricula on primary and secondary school students in areas under their effective control. Such ad-hoc school curricula have not been recognized elsewhere in Syria or internationally, thus adversely affecting students’ chances to pursue their education in Syria in the future.

35. In light of the above, this report documents both violations of a number of basic economic and social rights, including the right to work, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to an adequate

standard of living as well as how compounding factors experienced by Syrians in many areas across the country undermine the fulfilment of these rights.

5.2. Violations of returnees' rights and compounding factors

5.2.1. The impact of the 'reconciliation process' on the right to return to one own's country

The 'reconciliation process'

36. Many Syrians based abroad who wish to return to their home country face significant challenges, including opaque vetting processes and the prospect of being subjected to interrogation, arrest, detention and disappearance upon return.

37. Several interviewees among former Syrian returnees provided similar accounts in relation to the so-called reconciliation process or "settling one's status" (*taswiyat al-wadaa*) that many had to undergo prior to returning to areas controlled by pro-government forces.

38. The reconciliation process has been used since 2016 by the Government of Syria to assess the status and previous records of people who wish to return to areas under its control, whether from abroad or from other areas within Syria. While initially targeting those who defected or did not perform compulsory military services and those accused of ['terrorism'-related crimes](#), it seems that the process has broadened its scope over the past years to encompass more generally people who had previously fled areas under the control of the government and wish to return. It is a vetting process overseen by the Syrian Government General Intelligence services and implemented through the creation of reconciliation centres/committees set up in different governorates.¹⁵ For those Syrians based abroad, it is normally facilitated by Syrian Embassies. During the process, security agencies review a person's background, views, and previous activities, particularly in relation to any previous stance or involvement in activities perceived as being conducted in opposition to the government.¹⁶

39. Undergoing the reconciliation process and having one's name 'cleared' prior to returning is a step often taken by those who wish to return to those areas through official channels, while seeking to minimize the risk of arrest, detention, abduction or enforced disappearance. While the need to undergo 'reconciliation' affects mainly men, an increasing number of women have also started undergoing such a process in more recent years. According to the available information, many who wish return to pro-government forces'-controlled areas of Syria from abroad inquire whether they are on any list of people wanted by the government in relation to offenses they have allegedly been accused of (the so-called 'wanted list') as a first step in the process. This is often done by having a family member or relative inside Syria liaise with a

¹⁵ According to available information, the committee mandated to implement the settlement procedure usually includes the governor, a local representative of the Syrian Arab Socialist Ba'ath party, representatives of intelligence agencies and/or high-level military and police units and, at times, tribal leaders and representatives.

¹⁶ See, International Crisis Group, 'Lessons from the Syrian State's Return to the South' (2019), <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/196-lessons-syrian-states-return-south>; Chatham House, 'The Details of 'Reconciliation Deals' Expose how They Are Anything But' (August 2018), <https://kalam.chathamhouse.org/articles/the-details-of-reconciliation-deals-expose-how-they-are-anything-but/>. See also, A/HRC/42/51, para. 68.

contact person who works for, or acts as intermediary for, the Government - and involves the payment of money. However, not being on the 'wanted list' or having successfully completed the reconciliation process, do not represent an absolute guarantee in preventing further screening. OHCHR has received reports of people who completed such informal vetting processes being arbitrarily arrested or detained or subjected to enforced disappearance upon entering Syria.

40. There are serious concerns about the transparency, legal basis, and respect of due process rights of such vetting process. Interviewees all pointed to a lack of clear official guidelines in terms of the procedure to follow for reconciliation and in relation to the guarantees provided at the end of such process. Information collected by OHCHR also indicates that those participating in the reconciliation process facilitated from Lebanon are often informed of the decision concerning whether they have been cleared to return via unofficial channels such as WhatsApp groups or through phone calls by Syrian security agencies. While information available indicates that 'settlement cards' are sent by Syrian authorities upon successful completion of the processes when conducted inside Syria, returnees interviewed by OHCHR indicated they were not issued any official documentation to certify that their situation was settled with the Government prior to their return. Those whose reconciliation application was denied are often not provided with supporting documentation explaining the reasons for such denial. Nor are they provided information on the possibility and avenues to appeal such decisions.

41. A woman who moved to Lebanon with her family underwent the reconciliation process to return to areas under the control of pro-government forces. The process was facilitated by a local Syrian reconciliation committee through a representative who travelled to Lebanon. As a result, the woman was cleared for return, but her husband was not, and the family was not provided clear information through official channels on the reason behind the denial or the possibility/process to appeal the decision. She decided to return to Syria with her children, while her husband again tried the reconciliation process in order to reunite with his family. However, all of his four subsequent applications were denied without any official reason or supporting documentation.

Key human rights violations and concerns

42. There are serious concerns that the reconciliation process put in place by the Syrian Government to condition the return of Syrians from abroad appears arbitrary in nature and does not meet the requirements laid down in international human rights law. The process appears lacking transparency as well as an official and uniformly applied legal framework that incorporates clear criteria adopted to perform the assessment. These gaps pose significant concerns over compliance with due process standards.

43. While no official ban exists on Syrians abroad to return to their home country, those who wish to go back via official routes have been compelled to undergo procedures that infringe international human rights standards and whose negative outcome essentially undermines any prospect of a safe return. Such procedures appear not to have been officially promulgated, they are opaque in nature, contain no specific due process guarantees and have not been uniformly applied, while their implementation has often been left to the absolute discretion of people

operating within the Syrian government intelligence services or reconciliation committees. According to international human rights law, no one shall be arbitrarily deprived of the right to enter her or his own country.¹⁷ OHCHR is concerned that the procedures put in place by the Syrian Government to condition the return of Syrians from abroad have been enforced in a manner that arbitrarily deprives Syrians from exercising their right to enter their own country.

44. OHCHR is also concerned that such process may be instrumental in the commission of other human rights violations, including violations of the right of liberty and security of person, the right to freedom of expression, peaceful assembly and association and the prohibition against arbitrary and unlawful interference with family life.¹⁸

Concerns related to women's returns

45. One of the far-reaching implications of the obstacles, procedures and prospects facing those who wish to return is the phenomenon of women being forced by their husbands or male family members to return to Syria against their will in order to 'test the waters' and assess the conditions for safe and sustainable return for the rest of the family. Information gathered by OHCHR through interviewing female returnees (particularly from Lebanon) has unveiled the existence of a pattern of women returning having been coerced to do so by their husbands or male family members. This is due to the perception, often based on stereotypical gender roles, that women may be less exposed to abuse and retaliation from the local authorities than men. This is even more the case when taking also into account that in pro-government forces'-controlled areas, the risk of being apprehended in order to face compulsory military service applies to men only.

46. While the threat of retaliation, including the risk of being subjected to arrest, detention, ill-treatment and enforced disappearance by local authorities upon return might concern more men than women, interviews conducted by OHCHR have underscored that women have often been pressured, and in many cases forced, by their male family members to return. This conduct may be viewed in itself as a form of violence against women¹⁹ while exposing them to a range of violations and abuses once back in Syria, such as gender-based violence, including sexual exploitation and abuse (*see in particular section 5.2.7 below*).

¹⁷ICCPR, article 12(4). According to the Human Rights Committee, the reference to the concept of arbitrariness applies to all State action, including legislative, administrative and judicial, guaranteeing in this way that even interference provided for by law should be in accordance with the provisions, aims and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances. See, CCPR/C/21/Rev.1/Add.9, General Comment No. 27, para. 21.

¹⁸ ICCPR, articles 9, 17, 19, 21, 22.

¹⁹ For an internationally recognized definition of violence against women see paragraph 100 below.

5.2.2. Freedom of movement within Syria

The significant challenges impacting Syrians' freedom of movement

47. OHCHR has for many years documented the significant challenges and obstacles Syrians face to move within their own country due to the prolonged armed conflict and consequent territorial fragmentation, which left Syrian territory under the control of different parties to the conflict.

48. Many returnees and former returnees interviewed have emphasized how moving between different parts of Syria is extremely challenging, and the freedom to choose one's place of residence, even within areas under the control of pro-government forces or non-state armed groups, is at times severely hampered. Security forces' checkpoints are frequent not only along the so-called frontlines between areas under control of different parties to the conflict, but also on roads connecting cities and governorates within the areas controlled by one party to the conflict. Both men and women interviewees reported fearing passing through checkpoints due to possible harassment, including the possibility of facing extortion of money and other personal items, arrest, detention, ill-treatment including sexual violence, and disappearance, even when they carry all the necessary documentation.

49. According to interviewees, moving between areas under the control of different parties to the conflict is mostly possible using local smugglers upon payment of large sums of money.²⁰ Some of those smugglers reportedly operate with the acquiescence of, or even in coordination with, elements of pro-government security forces or non-state armed groups.

50. Most of the returnees interviewed by OHCHR indicated how they tend to avoid movement within Syria due to the associated high costs and security risks. OHCHR reviewed many accounts of violence and extortion of money and other personal items at checkpoints. In particular, returnees living in areas that have returned under the control of pro-government forces in recent years such as Dara' governorate, or areas with a history of resistance and opposition to the Syrian Government, such as Hama city and governorate, are reportedly more exposed to the risk of violations and abuses at checkpoints, including being subjected to intrusive strip searches, interrogation, arrest or extortion. A man originally from Dara' who decided to try to pursue work in Damascus city after returning firstly to Dara' from Lebanon, described having been stopped at a pro-government security forces checkpoint in Damascus in 2022:

“After they [pro-government security forces] saw my ID, which indicates I am from Dara', I was taken to a small room near the checkpoint where they interrogated me for four hours. They wanted to know why I left Dara' and came to Damascus. I had to pay all the money I had with me for them to let me go. Because of what happened that day, I decided to return to Lebanon. If I did not have that money with me, I would have been detained and only God knows for how long.”

²⁰ According to the different testimonies provided, the amount of money required varies depending on the specific journey or area crossed, but in general moving in between areas under the control of different parties to the conflict may cost up to hundreds of dollars.

Gendered dimension of movement restrictions

51. Accounts received from a number of returnees indicate that in certain areas, in particular those under the control of pro-government forces, movement appears to be more challenging for men than for women. According to information gathered, men experience more screening and threats at checkpoints than women, mostly due to the risk of being arrested for failing to perform compulsory military service which applies only to men. Many of the interviewees explained that men of military age in pro-government forces'-controlled areas, whether returnees or not, often avoid leaving the house due to fear of conscription into the Syrian Arab Army. The risks associated with men's movements has in many cases pressured women to assume a more active role outside the house, with an increasing number of women being forced to venture out not only to buy groceries but also to engage in small income-generating activities after the beginning of the conflict.

52. Many interviewees also emphasized how pro-government forces and non-state armed groups forces manning the checkpoints tend to assume that women are less engaged than men in political activism and are thus perceived as less 'harmful', even when these assumptions may not be true.

53. While, in some cases, women appear less affected by the patterns described above, in many others they have been facing specifically discriminatory restrictions on their liberty to move freely and independently, which may culminate in acts of sexual harassment and arbitrary detention. One female former returnee recounted the restrictions faced during the trip she undertook with her family in order to return to Lebanon from northern rural Aleppo.

"On the way to travelling outside the country we were stopped by Government security forces. After telling them we were heading to Lebanon they told me: 'Are you taking your two daughters to get married in Lebanon?' They then took me and my two daughters on a bus to a [pro-government forces] detention facility in Aleppo. We stayed there for one week. I was interrogated daily and asked about the reasons for traveling to Lebanon. There I also met women who claimed that they had been subjected to sexual violence by security officers during interrogation. My relatives had to pay 300 USD to security forces to speed up our release."

54. While the risk of being arrested to perform compulsory military service only affects men in areas under the control of pro-government forces, women and girls may be equally exposed to forced recruitment in areas under the control of other parties to the conflict. The same female former returnee provided accounts of her experience living in areas under the control of SDF-affiliated armed groups.

"The SDF used to visit us multiple times. Each time, they used to tell us that they needed to recruit our 14-year-old daughter. I kept telling them she was too young. I heard stories from relatives and friends of boys and girls that were taken from their school by the SDF without their families' consent. My 15-year-old nephew was taken by the SDF three years ago and has not returned to his family yet. That was the time when we decided to leave Syria and return to Lebanon".

55. Women across Syria also suffer from the control exercised over them by (usually male) family members due to the predominantly patriarchal societal dynamics. This entails

considerable restrictions posed on their freedom to leave the house and interact in the public space, as well as the difficulties with independently managing their own finances, which are all factors that substantially inhibit women's ability to move freely. Women also face significant security concerns as they risk sexual harassment and exploitation during transportation and at checkpoints, whether manned by pro-government forces or non-state armed groups forces, particularly when traveling on their own without a male companion (*see section 5.2.7 below*).

Key human rights violations and concerns

56. According to international human rights law, freedom of movement can be restricted only if the specific restrictions are provided by law; are necessary to protect national security, public order, public health or morals or the rights and freedoms of others; and are consistent with the other rights recognized in the International Covenant on Civil and Political Rights.²¹ At the same time, according to the Human Rights Committee, restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected.²²

57. The patterns documented above, including restrictions enforced with the purpose to extort money under the threat of arrest and detention or to engage in acts of sexual harassment and sexual exploitation, represent blatant violations of the international human rights standards protecting freedom of movement, while also amounting to other gross violations of international human rights law, including the right to liberty and security of person.²³

5.2.3. Housing, land, and property rights

58. While structural issues concerning land tenure and property ownership existed in Syria before 2011, these have been significantly aggravated by conflict-related factors such as the large-scale destruction of property, mass displacement, increased growth of informal settlements, loss of civil documentation concerning housing, land and property, the adoption of additional legislation, such as Law 10/2018 and Law 26/2023, and more recently the 6th February 2023 earthquakes.²⁴ The Syrian conflict has been marred by a range of violations of adequate housing, land, and property rights across the country. These violations have often particularly affected refugees and internally displaced persons (IDPs) as, for the fact of having fled their places of origin, they have been often unable to manage and protect their properties while suffering the effects of policies and measures of demographic engineering progressively put in place by parties to solidify control over their portions of the Syrian territory.

59. One of the ramifications of the conflict and the ensuing territorial, political and administrative fragmentation has been the absence of effective, functioning, and independent institutions overseeing rules and procedures and guaranteeing accountability. Thus, over the years of conflict, those holding positions of power within either pro-government forces or non-

²¹ ICCPR, article 12.

²² CCPR/C/21/Rev.1/Add.9, General Comment No. 27. (General Comments), para 14. See also paras. 11–15.

²³ ICCPR, article 9.

²⁴ For a brief overview of relevant legislation concerning housing, land and property rights, see footnote 27 below.

state armed groups military or political structures have been increasingly able to appropriate or confiscate property arbitrarily. In such a context, returnees and other Syrians who have been subjected to violations of their housing, land and property rights are either unable, or too afraid to pursue legal remedies for fear of retaliation by local authorities and armed groups or, because they are aware of the experience of others, simply having no trust in the current administrative and judicial system.

60. Many interviewed returnees recounted how they found their homes destroyed or looted as a result of the conflict. While some engaged in repair works, the vast majority of those interviewed could not return to their original homes and had to look for new accommodation. None of the returnees reported receiving financial assistance from local authorities for rebuilding and repairing their houses or for obtaining new accommodation. Two returnees also found their property occupied by members of the Syrian Arab Army and armed groups in Hama governorate and eastern Ghouta (Rif Dimashq governorate) and had to search for new accommodation without receiving any compensation. A woman who returned to Aleppo city in 2022 recounted:

“We left Aleppo around ten years ago. We do not know in the meanwhile who looted our apartment, but I seriously doubt their intention was only to steal things. If you steal a tap, you will unscrew it to make sure it does not break so that you can sell it later or benefit from it. But the scene we found in our home...there was a clear intention to destroy.”

Housing, land and property rights in areas under the control of pro-government forces

61. OHCHR received accounts of destruction, appropriation and looting of homes of people leaving pro-government forces'-controlled areas. While among the people interviewed, those returning to Damascus and ar-Raqqa cities found their homes mostly intact, many of those returning in areas in Aleppo, Idlib, Rif Dimashq, Homs and Dara' governorates often found their houses destroyed or irreparably damaged, confiscated or looted. Information gathered by OHCHR through different sources, including interviews with former returnees, indicated how in several districts of Homs governorate bordering Lebanon,²⁵ there were multiple reports of properties, including belonging to people who have left the area, that have been confiscated.

62. In addition, international investigative mechanisms have repeatedly raised serious concerns²⁶ that a number of legislations enacted by the government of Syria since the beginning of the conflict may have been used to provide a legal “rubberstamp” to the confiscation of land

²⁵ An area which is under the de-facto effective control of the paramilitary wing of the Lebanese group Hezbollah and other pro-government non-state armed groups.

²⁶ See, for example, A/HRC/39/65, para. 91; A/HRC/40/70 paras. 80-82.

and properties of people perceived as having opposed the government during the conflict or those who simply left areas under its control.²⁷

Housing, land and property rights in areas under the control of SDF

63. Returnees faced and may experience considerable challenges in reclaiming land and property also in areas under the control of SDF in north-eastern Syria, particularly in proving the authenticity of documentation in their possession issued prior to 2011. Returnees also denounced numerous incidents of property confiscation and appropriation by SDF-backed authorities particularly in areas characterized by a majority of Arab residents. One Arab returnee indicated that he had tried to reissue documentation of land ownership in the city of Raqqa in 2022, in areas under the control of SDF authorities. He was in possession of documents proving his ownership rights over the land in question, but these documents had been issued by the Government of Syria before the conflict erupted. The Kurdish-led “Autonomous Administration of North and East Syria” (AANES) claimed the documents were no longer considered valid as they were issued by the previous administration, taking into account that, in the meantime, several people, who were profiting from the confusion generated by the ousting of ISIL from Raqqa, had forged property ownership documents.

Housing land and property rights in areas under the control of Turkish-affiliated armed groups

64. [Monitoring](#) conducted throughout the years by OHCHR combined with information gathered for the purpose of this research indicate how in areas under the control of Turkish-affiliated armed groups in north-western Syria, local authorities have been confiscating and selling properties of those who had left the country or moved to areas under the control of other parties to the conflict. Such policies and measures have been imposed particularly in areas originally home to a majority population of Kurdish origin.²⁸ Returnees interviewed explained how in most cases no physical sales deeds were provided as a result of these procedures. There were also instances in which returnees trying to reclaim their property after returning were forced to pay rent in order to re-enter their own property, either to its new owner or to a faction of Turkish-affiliated armed groups.

²⁷ For example, Decree No. 66/2012, which regulated the construction of “two zoned areas” as part of the urban planning of Damascus city, enabled the confiscation of land and homes of those living in so-called informal settlements in those areas. Under Law No. 19/2012, movable and immovable property of individuals deemed to have engaged in so-called ‘terrorism’ activities may be subjected to freeze or confiscation (articles 11 and 12). Law 10/2018 aims to provide a comprehensive legal framework for redevelopment and reconstruction of areas (land readjustment) damaged or destroyed during the conflict through amendment to existing laws planning and construction laws, including Decree No. 66/2012. The Syrian Government announced that in areas that rebelled against it during the conflict, the Government has the right to confiscate properties and land, such as abandoned agricultural fields belonging to people who have fled the area (it should be noted how Law 10/2018 was later amended through Law 42/2018). Directive no. 22/2022 requires Government security agencies approval before reclaiming property and even for issuing death certificates of people holding properties rights. The more recently adopted Law 26/2023 on “Managing and Investing Transferrable and Non-Transferrable Confiscated Assets” is also likely to bear significant impact on the housing, land and property rights of returnees.

²⁸ A/HRC/43/57, para. 41.

Gendered dimension of policies and measures affecting housing, land and property rights

65. Women returnees interviewed by OHCHR have to different degrees emphasized how women are often particularly discriminated against in accessing their right to adequate housing and more generally housing, land and property rights. This is due to a combination of factors, including the discriminatory nature of the legal framework regulating inheritance,²⁹ lack of correct inheritance or transcription of property records in the cadastre, difficulties in accessing civil documentation particularly in the case of women returnees returning without a male companion (*see below section 5.2.4*), widows or women whose husbands have gone missing because of the conflict or are detained, as well as the imposition of cultural norms and the societal pressure to register properties in the name of a male relative rather than their own. Although Syrian law guarantees equal rights to land inheritance for women, very few women have actually registered land in their name as they are either pressured or forced to relinquish their rights to favour male family members or simply not fully aware of their rights under the law.

Key human rights violations and concerns

66. Under international human rights law, everyone has the right to adequate housing, which include the protection against forced evictions as well as entitlements such as security of tenure, housing land and property restitution and participation in housing-related decision making processes at state and community levels.³⁰ Property rights are also internationally recognized.³¹ Access to these rights should be equal, without discrimination of any kind, including on the basis of gender. The Committee on Economic, Social and Cultural Rights has also recognized that the secure and equitable access, use and control over land can have direct and indirect implications for the enjoyment of a range of rights enshrined in the Covenant on Economic, Social and Cultural Rights, such as the rights to adequate housing, food and water. The Committee underlined that under international human rights law, states should make every effort to prevent land dispossession in times of armed conflicts. If dispossessions do nevertheless occur, states are obliged to establish restitution programmes to guarantee to all displaced persons the right to have restored to them any land of which they were arbitrarily or unlawfully deprived. Land restitution programmes shall include measures to guarantee the right

²⁹ The Syrian Personal Status Law prescribes that a number of matters should be regulated by the laws of the various religious communities. As a consequence, the provisions of Islamic law (Sharia) are the basis for determining the rules of inheritance of all Muslim Syrian citizens (while they do not apply to those Syrians belonging to the Christian, Druze and Jewish communities). According to these rules, women inherit half the share that their male siblings inherit, while widows with sons are only entitled to 1/8 of the inheritance of their husband, with widows not guaranteed the right to continue to reside in a house owned by a deceased spouse. Women who are childless widows may also be deprived of any inheritance whatsoever. In specific cases, however, the situation may differ. For example, in the case of agricultural land, women have equal inheritance rights to men. See, 'Syrian Gender Justice: Assessment of laws affecting gender equality and protection against gender-based violence', UNDP-UNFPA-ESCWA-UN Women (2018), p. 16. See also, Independent International Commission of Inquiry on the Syrian Arab Republic "Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls" (12 June 2023) p. 4.

³⁰ ICESCR, article 11. See also, CESCR, E/1992/23, General Comment n. 4 (General Comments); CESCR, 20/05/97, General Comment n. 7 (General Comments). UN Habitat-OHCHR, 'The Right to Adequate Housing', Fact Sheet N. 21/Rev. 1, p. 3.

https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf.

³¹ Universal Declaration of Human Rights, article 17.

of refugees and internally displaced persons to a voluntary return to their former lands or places of habitual residence, in safety and dignity.³² In addition, under the principles on housing and property restitution for refugees and displaced persons, refugees and internally displaced persons have the right to have their property rights restored to them regarding any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated if such restitution is impossible to obtain, while they should be protected from discriminatory housing, land and restitution laws.³³ Such rights persist and shall not be prejudiced by whether refugees or displaced persons have actually returned to the places where their land, house or property are located.

67. Some of the acts of confiscation and appropriation of property described above constitute violations of international human rights law. If linked to the conflict, some of these acts might also constitute pillage, destruction or seizure of property, which are prohibited [under international humanitarian law](#).³⁴

5.2.4. Access to civil documentation

68. Access to civil documentation is crucial for many Syrians as it secures them more freedom of movement particularly when transiting through the complex network of checkpoints manned by different parties to the conflict. Access to civil documentation also enables them to obtain access to a range of services provided by the Syrian Government or the *de facto* authorities in areas not controlled by pro-government forces, including health, education, social benefits, housing, land and property rights (as already emphasized above) or even humanitarian aid (which has become even more critical following the February 2023 earthquakes).

69. Many returnees interviewed by OHCHR reported facing significant difficulties with accessing civil documentation upon their return. Refugees and IDPs are considerably more vulnerable than other Syrians when it comes to accessing civil documentation as many of them were forced to leave (or forced to return³⁵) without their papers and records concerning civil documentation. Lack of such documentation exposes them to a number of consequences in their interaction with local authorities, depending on the specific areas to which they returned.

70. For example, OHCHR documented how returnees to areas not controlled by pro-government forces faced or may experience considerable challenges with accessing valid civil documentation. Different *de facto* authorities in north-west and north-east Syria have for a few years been issuing their own documentation in the areas under their control, such as personal identification documents, yet such documentation has no legal validity elsewhere in Syria. In addition, a number of returnees indicated how being in possession of documents issued by *de facto* authorities may cause additional screening, harassment and even arrest at checkpoints

³² CESCR, E/C.12/GC/26, General Comment n. 26 (General Comments) paras. 5-8, 48-50.

³³ See, UN Sub-Commission on the Promotion and Protection of Human Rights, 'Principles on housing and property restitution for refugees and displaced persons', E/CN.4/Sub.2/2005/17, principles 2 and 3.

³⁴ ICRC, Study on Customary International Humanitarian Law, Rules 50 and 52.

³⁵ This reference is in particular to those who were deported from a number of neighboring countries as already indicated at paragraph 8 above.

manned by pro-government forces. Conversely, being in possession of documents issued by the Syrian government may cause similar problems in areas outside the government-control.

71. In order to obtain civil documentation issued by the Government of Syria, returnees that have settled in areas outside the control of pro-government forces often turn to informal channels. These include requesting relatives or family members in government-controlled areas (preferably if they have good connections to government officials) to request documents on their behalf. As an alternative, some returnees residing in areas outside the control of pro-government forces have resorted to smuggling routes to access civil registry offices in pro-government forces-controlled areas, exposing themselves to the risk of arrest, abduction and even death.

72. The new Civil Status Law No. 13/2021 was passed by the Syrian Government's legislative branch with the aim to ease access to civil documentation for Syrians inside and outside the country. It enables, inter alia, family members of expatriates to register life events on their behalf and request that civil documents be issued, while also representing the first attempt to unify, harmonize and digitalize civil records in the country. OHCHR is currently monitoring the Law's implementation.

Obstacles and challenges facing women in accessing civil documentation

73. Interviews conducted with female returnees have emphasized how women's access to civil documentation is further hampered compared to men by several additional factors. These include discriminatory legislation³⁶ as well as financial, cultural and social barriers. Such obstacles can have serious implications as unimpeded access to civil documentation is necessary to benefit from basic services and to fulfil key social and economic rights, particularly for those women who have returned to Syria without a male companion or whose husbands or fathers have gone missing.

74. A number of interviewees have also underscored the specific risks that women face in their interactions with local authorities and security forces' officials. These include being subjected to harassment or pressured or even forced to perform sexual favours if they are not able to pay the fees or associated bribes that are often required to obtain civil documentation. The information collected also seems to indicate that another significant barrier that complicates women's access to civil documentation is their lack of information and awareness on the processes and their rights and prerogatives. Such gaps are often linked to the traditional gender roles within many Syrian households whereupon men are assigned to take care of tasks outside, and women inside, the house.

75. The Civil Status Law No. 13/2021 appears to contain a significant improvement in terms of women's access to civil documentation, as it enables mothers to register the birth of their children on their own, whereas under the previous Civil Status Law of 2007, the father's presence was necessary. However, based on multiple interviews conducted, it appears that in practice, for reasons possibly related to social stigma or lack of awareness by both citizens and civil servants of the amended legislation, the presence of the father remains essential in many cases in order to access or obtain civil documentation. In addition, for a birth to be registered,

³⁶ See reference to footnote 29 above.

the marriage of the parents must be registered first. For women returning to Syria alone and whose marriage has not been registered (or not registered in Syria), this poses a significant problem. Many women returnees in this situation have registered their children in their parents' or their husband's brother's name to circumvent the issue.

Key human rights violations and concerns

76. Accessing civil documentation is essential to enjoy a number of human rights such as the right to be recognized as a person before the law, the right to adequate housing, and land and property rights as well as the right to freedom of movement. OHCHR is seriously concerned that the cumbersome procedures and requirements put in place by the Syrian authorities in order to access documentation in areas under the control of the pro-government forces and by the de facto authorities in areas under the control of non-state armed groups, often result in undue restrictions in accessing the abovementioned rights. This applies particularly for specific categories of people including refugees, internally displaced persons and women, particularly women returnees who are not accompanied by a male family member.

5.2.5. Freedoms of expression, peaceful assembly and association, and civic space

77. Thirteen years after the eruption of the crisis in Syria, the rights to freedom of expression, peaceful assembly and association remain severely curtailed across the country. OHCHR continues to document how journalists, human rights defenders (including women human rights defenders), activists and people simply expressing peaceful dissent, whether online or on the streets, against the views or actions taken by the relevant authorities are regularly subjected to acts of violence and intimidation by the different parties to the conflict and unknown perpetrators.³⁷ These actions may include [targeted killings](#), arrest and detention, torture and ill-treatment, abductions and enforced disappearances. In the last few months, OHCHR has also documented incidents involving acts of violence and intimidation against people simply because they had expressed criticism on social media against the dire economic situation or the manner in which aid had been distributed by local authorities following the February earthquakes.³⁸ OHCHR has repeatedly emphasized how these incidents appear indicative of a pervasive pattern of shrinking civic space across Syria where people exercising their freedom of expression, peaceful assembly and association continue to be threatened, harassed, and silenced.³⁹

78. While the situation appears particularly grim in areas under the control of pro-government forces, the progressive shrinking of civic space represents a uniform trend in areas under the control of all parties to the conflict in Syria. OHCHR's experience of regularly interacting with civil society organizations in Syria indicates how the work of human rights organizations in particular is severely hampered. Criticism of those holding positions of power at the military and political levels within the local authorities' administration, or addressing sensitive human rights issues, are topics that are generally avoided everywhere in the country. The possibility of freely expressing opinions through social media platforms and on-line forums is also subjected to strict scrutiny and severe restrictions. The recently adopted Law

³⁷ S/2023/127, para. 29; S/2023/284, paras. 28, 30.

³⁸ S/2023/284, para. 28.

³⁹ S/2023/127, paras. 29, 82; S/2023/284, para. 83.

No. 20 of 2022 (so-called ‘Cybercrime law’) contains a broad list of offenses defined as ‘cybercrimes,’ which include acts that violate and undermine the Syrian Constitution, undermine the prestige of the State, or its financial standing, as well as insults to religions, or religious sanctities and rituals, prescribing “aggravating circumstances” if committed online.

79. A number of interviewees have explained how those Syrians who left the country, and who have a history and background linked to political activism and engagement in anti-government protests, do not usually consider returning to areas controlled by pro-government forces due to fear of retaliation. People with such backgrounds who wish to go back generally opt to return to areas in Syria outside the control of the Government. However, many have recounted facing difficulties, including being subjected to harassment, threats, and intimidation, by the *de facto* authorities upon return. In particular, OHCHR obtained testimonies describing verbal threats and harassment as well as arbitrary arrests and detention of activists who have returned in areas under the control of the SDF. Similar reports were received in areas under the control of HTS and Turkish-affiliated armed groups.

80. Those who have decided to return to pro-government forces-controlled areas reported receiving very little information from their family members, friends or contacts inside the country on any aspect of life in their area of return prior to traveling back to Syria. This is due to the fear instilled by decades of repressive policies that pro-government forces’ security agencies exercise, including widespread surveillance on telecommunications and internet traffic. Such concern often prevents residents in those areas from discussing almost any aspect of their daily lives in an open and honest manner with friends and relatives abroad. Many interviewees told OHCHR that residents in pro-government forces’-controlled areas are currently afraid to express any criticism of the situation in the country over the phone, WhatsApp, social media platforms or other similar methods of communication. Even the economic crisis, which used to be considered a relatively safe topic for discussion in the past, is now deemed a delicate matter by many. As pointed out by a woman who had returned to Damascus:

“We have a code for everything, every family has figured out a way to communicate about sensitive topics. They [pro-government security forces] have been digging more into the profiles and connections of people who are residing abroad in the past two years. Any complaints about our daily life have become subject to scrutiny and may be treated as a potential security risk.”

Key human rights violations and concerns

81. International human rights law protects the exercise of freedom of expression, peaceful assembly, and association.⁴⁰ Restrictions on these rights are extremely limited and can be imposed only in conformity with the law, and if necessary, in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The trends and patterns documented above represent pervasive and flagrant undue restrictions on freedom of expression, enhancing a culture of silencing dissent where acts of violence and intimidation against critical voices can be perpetrated with impunity. Legislation recently passed, such as

⁴⁰ ICCPR, articles 19, 21 and 22.

Law No. 20 of 2022 (so-called ‘Cybercrime law’), also contains excessively vague definitions which may be interpreted in a manner that result in arbitrarily restricting freedom of expression, peaceful assembly and association, in violation of international human rights law and standards.⁴¹ In such a context, the fact that returnees are often perceived as a potential threat for having left the country and thus being associated with holding opposing views to those of local authorities, make them even more exposed to the risk of violations or abuses of their freedoms. Syrians based abroad appear to be well aware that the prospects of a safe return are often associated with the need to exercise self-censorship, by refraining from expressing critical views or even addressing certain matters considered as delicate.

5.2.6. Arbitrary arrest and detention, torture and ill-treatment

82. OHCHR continues to document widespread patterns of arbitrary arrests, torture and ill-treatment in detention, deaths in custody and disappearances, including enforced disappearances, across Syria perpetrated by all parties to the conflict.⁴²

83. Returnees are often particularly exposed to such violations and abuses, given that many of them no longer possess civil documentation papers rendering them more vulnerable to screening and arrest, and due to stigma and the perception that they may represent a potential security threat to local authorities or armed groups for having abandoned their home and spent time in unknown locations.

84. Many of the returnees interviewed reported having been called in for questioning by security forces or agencies upon their return. In pro-government forces’-controlled areas, those with an actual or perceived history and background of political activism and engagement in anti-government activities, as well as men at the age of conscription are among those more exposed to questioning, screening, and consequently to arrest and detention.

85. Information on instances of arrest and detention of returnees was also shared by those interviewed. Out of the interviewed returnees, two men and one woman described how they had been arrested and detained upon return to Syria. The two men were also subjected to torture and ill-treatment while in detention. One of the two had returned to an area under the control of pro-government forces, while the other returned to an area under the control of the SDF. The woman was detained on her way from Aleppo to Lebanon, in pro-government forces’-controlled areas (*see paragraph 53 above*). In all of these incidents, people arrested were not presented with an arrest warrant or informed of the specific reasons for their arrests, they were not provided the opportunity to seek legal aid, nor were they promptly presented before a judge. Meanwhile, their family members had to endure long periods of time (ranging few months to several years and in certain cases until their death) without being informed as to their fate and whereabouts.

86. Most of the returnees interviewed for this report also indicated that they were aware of family members, neighbours or friends who had returned to Syria and were subjected to similar violations and abuses upon arrival. Many detained returnees had undergone the reconciliation process and obtained clearance from Syrian security agencies before returning. OHCHR also

⁴¹ CCPR/C/GC/34, General Comment No. 34. (General Comments).

⁴² S/2023/127, para. 29; S/2023/284, para. 32.

obtained credible reports that many among the Syrian refugees who were deported from Lebanon in April 2023 were immediately arrested by Syrian pro-government forces, although it could not verify exact numbers.

87. Interviewees provided extremely worrying accounts of torture and ill-treatment of returnees in detention facilities run by pro-government forces and by non-state armed groups. One of the returnees interviewed described how he was violently arrested from his house, beaten with a rifle, taken barefoot and blindfolded to a car, and transported to an unknown location. He was kept blindfolded for two days and subjected to repeated ill-treatment, including through beatings, by local authorities' security forces. He was eventually released, at which point he was informed that he had been confused with another person and mistakenly arrested.

88. OHCHR also obtained testimonies of returnees to pro-government forces'-controlled areas who reported being subjected to torture and ill-treatment in detention and being held in detention until wounds and visible signs of bodily harm disappeared before being brought before a judge or released. A woman described the conditions experienced by her detained son, also a returnee, following his detention in a pro-government forces' detention centre in Damascus:

"After he was brutally beaten in custody, they let him appear in front of a military judge only after he was provided for weeks with intense dosage of cortisone and other drugs to heal bruising and other signs of torture. They do not let detainees appear in court until any visible signs of torture have healed."

Gendered dimension

89. Women returnees interviewed by OHCHR expressed their concerns that, women who are detained or even called in for questioning by security forces are at a high risk of being subjected to sexual harassment and even to rape and other forms of sexual violence, which also exposes them to social stigma and shame. Women who are released from detention often become stigmatized by their own communities because of such perceptions. In some cases, they are even divorced by their husbands and disowned by their own families, based on the assumption that they have been subjected to rape or other forms of sexual violence, even if not the case. The stigma associated with having been in detention is something that affects Syrian men and women alike and rape and other forms of sexual violence have been pervasively documented in Syria against both male and female detainees.⁴³ However, Syrian women suffer from the double stigmatisation of being a former detainee and being perceived as having compromised the so-called "honour" of their family.

90. While men returnees might be more likely to be subjected to arrest and detention than women, interviews conducted by OHCHR have also emphasized how the arrest and detention of male family members have a significant impact on women's lives. Many women explained how they had to take on the role of breadwinner for their families, often without having held a previous occupation or having experience in business activities. Women who are wives of detainees or victims of enforced disappearance are also often stigmatized by association to their

⁴³See, for example, A/HRC/25/65, paras. 63-69; A/HRC/28/69, paras. 145, 175-183; A/HRC/31/CRP.1.

husbands, while being exposed to the risk of being sexually exploited and abused once they find themselves without a male companion present in their household.

Key human rights violations and concerns

91. International human rights law protects the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.⁴⁴ People can be deprived of their liberty only in accordance with grounds and procedures as established by law, including by being informed, at the time of arrest, of the reasons for their arrest and being promptly informed of any charges against them. The Human Rights Committee has clarified that “[t]he notion of ‘arbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.”⁴⁵ Arrest or detention on discriminatory grounds, or as punishment for the exercise of fundamental rights or freedoms protected by international human rights law, including freedom of opinion, expression, peaceful assembly and association, is arbitrary.

92. International human rights law also prohibits any form of torture and inhuman or degrading treatment or punishment.⁴⁶ The prohibition against torture is absolute, meaning it cannot be derogated at any time, under any circumstances.⁴⁷ Under international humanitarian law, civilians must be treated humanely,⁴⁸ and arbitrary deprivation of liberty, torture and ill-treatment are prohibited.

93. More than a decade after the beginning of the Syrian conflict, OHCHR continues to document widespread patterns of arbitrary arrests and deprivation of liberty, as well as incidents involving torture and ill-treatment in detention, perpetrated by all parties to the conflict in Syria. Returnees have not been spared from such a treatment. On the contrary, monitoring conducted for the purpose of this report indicates how those returning to Syria are particularly exposed to these violations and abuses, as they are often more vulnerable to screening and questioning. They are also affected by the perception that they may represent a potential ‘threat’ to local authorities for having left the country and therefore having been involved in so called terrorist-related activities.

5.2.7. Sexual and Gender-Based Violence

94. Women and girls across Syria face a range of different forms of gender-based violence, including sexual violence, and discrimination in both the public and private spheres based on conduct attributable to both local authorities and private individuals, including within their own family circles. Gender-based violence continues to pervade the daily lives of Syrian women and girls creating an environment where they are often exposed to physical violence, including sexual violence, psychological and emotional violence, digital on-line violence and social

⁴⁴ ICCPR, article 9.

⁴⁵ CCPR/C/GC/35, General Comment No. 35 (General Comments) para. 12.

⁴⁶ ICCPR, article 7.

⁴⁷ ICCPR, article 4; CAT, article 2.

⁴⁸ Common Article 3 to the Four Geneva Conventions of 1949 and their Additional Protocols.

violence, as well as forced and early marriage and denial of rights, resources, opportunities and services.⁴⁹ The national legal framework in place remains insufficient to effectively and adequately tackle these human rights violations.⁵⁰ Women who have recently returned to the country have not been spared from these patterns.

95. While domestic violence has been affecting numerous women and girls across the country, women who have returned without a male companion, similarly to divorced women, widows, and women whose husbands have been detained, forcibly disappeared or otherwise gone missing, are often those who are exposed to the highest risk of sexual and gender-based violence outside their homes.

96. The threat of retaliation, including the risk of being subjected to arrest, detention, ill-treatment and enforced disappearance by local authorities upon return might concern men more than women. However, the fact that women have in many cases been pressured or forced to return alone have exposed them to gender-based violence, including sexual violence.

97. A number of interviewed women, particularly those who had returned without a male companion, recounted having been subjected to regular verbal harassment at checkpoints or in the streets by members of security forces in areas under the control of pro-government forces as well as in areas under the control of non-state armed groups. Women travelling alone also indicated being financially extorted at military checkpoints and at public administration offices. In the cases where a woman has no financial resources to pay a bribe, extortion is often replaced by sexual exploitation.

98. Several interviewees indicated that they heard the testimonies of many women in Syria who have been at times forced to perform sexual acts in order for them to access rights. Incidents of this kind have been reported when women interact with public administration officials in order to obtain civil documentation or in order to pass an academic year, to obtain diplomas or gain access to certain employment. These human rights violations have been documented across Syria in areas under the control of the main parties to the conflict. As explained by a woman returnee in eastern Ghouta:

“Women are nowadays forced to do all sorts of things in order to go on with their lives. Especially if they have no money, they are often sexually exploited. Women have to sell themselves just to obtain food for their children or to get basic documentation issued”.

99. A number of interviewees have also emphasized that due to the increasing number of women having to navigate the challenges of daily life in Syria without the presence and support of male family members as consequence of the conflict, it has become more societally acceptable for women to work and engage in business outside their homes. However, this change, stemming from economic necessity, appears not to have been accompanied by a structural review of relevant legislation⁵¹ or a deeper cultural shift when it comes to challenging traditional perceptions of gender roles. On the contrary, it seems that women have had yet to assume another responsibility forced on them by the current circumstances, without being

⁴⁹ S/2023/217, para. 16; S/2023/284, para. 18.

⁵⁰ Independent International Commission of Inquiry on the Syrian Arab Republic “Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls” (12 June 2023) p. 5-7.

⁵¹ See reference to footnote 29 above.

recognized as equal, or having equal access to the civil, political, economic, social and cultural rights they are entitled to.

Key human rights violations and concerns

100. Violence against women can be defined as a form of violence that is directed against women because they are women or that affects women disproportionately. It includes acts that inflict or result in physical, mental or sexual harm or suffering to women, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or private life.⁵² It can take many forms, including denial of access to employment and education, equal access to economic resources and freedom of movement, domestic violence; sexual harassment, abuse and exploitation which can culminate in sexual assault and rape.

101. The conduct outlined above and detailed throughout this report testifies how women and girls in Syria, including returnees, are subjected or could be subjected to a number of gender-related human rights violations. Many of these violations and abuses involve local authorities' failure to respect, protect and fulfil human rights pursuant to Syria's obligations under international human rights law.

6. CONCLUSIONS

102. Notwithstanding a noticeable decline in the intensity of military operations over the past three years, thirteen years after the eruption of the crisis, Syria remains marred by conflict and violence. International humanitarian law and international human rights law violations continue to be perpetrated to different degrees by all parties to the conflict, while impunity remains rampant.

103. Despite the bleak picture, in the past few years Syrians who had previously left the country had continued to return to various parts of Syria. Some of them have been compelled to return due to the deteriorating socio-economic situation where they had relocated. Others have been pressured and forced to return by the increasing climate of animosity and resentment, as well as the imposition of restrictive measures, including arrests and deportations, by local authorities in some of their host countries.

104. In light of the current developments on the political front, including the process of normalizing relations with the Syrian Government by a number of countries in the region, there are reasons to believe that such trends and rhetoric around returns will not halt; on the contrary, they are likely to intensify in the near future.

105. However, as the root causes of the conflict remain fundamentally unaddressed, those who return appear particularly exposed to a range of human rights and international humanitarian

⁵² UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, para. 6. See also, CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation N. 19, para. 9. See also, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>.

law violations. Based on the findings of this report, Syrian returnees face multiple challenges and many of them are subjected to gross human rights violations and abuses upon their return to Syria. While many of these violations are similar to those that many Syrians who never left the country are facing, returnees appear particularly vulnerable to violations and abuses of specific rights, including arbitrary arrest and detention, torture and ill-treatment, freedom of movement, adequate housing, land and property rights, at least during the initial phases of their return. Such enhanced vulnerability is mainly due to the fact that many of them had their homes destroyed or significantly damaged due to the conflict, do not possess civil documentation (including personal identification) papers or are identified as a potential threat for having left the country and/or being associated with opposing views to those of local authorities.

106. OHCHR monitoring has also identified how, in this context, women have been particularly affected, through discriminatory laws and practices and additional barriers they face in accessing a range of rights, while being exposed to gender-based violence, such as sexual harassment, sexual exploitation and extortion.

107. As a result of the patterns of violations and abuses as documented in this report, the vast majority of those interviewed or whose cases have been documented, particularly those who had the means to flee, have decided to leave Syria for a second time, opting to return to countries such as Lebanon and Türkiye in which they know they would face extremely precarious economic conditions, often combined with social stigma, and possible abuses by local authorities.

108. The refugees' right to return to their country of origin is a fundamental right, and it should be exercisable freely and voluntarily, in line with their free and informed consent, and at a time of their choosing, security conditions enabling. Ensuring that those who return can do so in safe, dignified and sustainable conditions is essential to ensure protection of their human rights, including protection from refoulement.

109. While it is important to emphasize how the assessment of the conditions for a safe, dignified and sustainable return should be conducted on a case-by-case basis, this report offers an overview of the general situation Syrians face once back in their home country. Given the representative direct and indirect testimonies of returnees and former returnees, all the information collected and analysed as well as the findings of the regular monitoring of the human rights situation inside Syria conducted by the OHCHR Syria Office, there are reasonable grounds to believe that the overall conditions in Syria do not permit safe, dignified and sustainable returns of Syrian refugees to their home country.

7. RECOMMENDATIONS

7.1. To the Government of Syria:

- Comply and ensure compliance in full with its obligations under international humanitarian law and human rights law vis-à-vis all people under its jurisdiction, including Syrian returnees, particularly in relation to protection against any form of discrimination due to their status.

- Ensure that all returnees who wish to do so can return to their places of origin or settle in another location if they wish, in safety, security and dignity.
- Carry out prompt, independent, impartial, thorough and effective investigations of all human rights violations and abuses committed against returnees in the context of returns, while providing adequate reparation to the victims and taking adequate measures to ensure non-repetition.
- Provide transparent information and guidelines on the administrative conditions, procedures and outcomes of the processes required to return to Syria, in particular with regard to the so-called ‘reconciliation process’. Ensure that such processes are solely meant to facilitate a voluntary and safe return in dignity and do not infringe international human rights norms and standards.
- Grant United Nations entities and other international organizations and non-governmental organizations unhindered access to monitor the conditions of those Syrians who return, and assist returnees in accordance with international standards, without discrimination of any kind. In particular, provide OHCHR with full cooperation with and meaningful access to the territory of Syria.
- Reform existing laws and policies that infringe on the rights of returnees and expose them to protection risks ensuring they comply with international human rights norms and standards, including to guarantee gender equal access and the elimination of any form of discrimination against women. These laws and policies include certain provisions of the Personal Status Law, the penal code pertaining to civil liberties, and legislation currently in place in areas including counterterrorism, adequate housing, land and property, restitution, inheritance, access to civil documentation and cyber security.
- Strengthen the legal framework to ensure gender equality in all spheres of life, public and private, dismantling gender social norms and stereotypes that hold women in a subordinate position in society.
- Amend legislation and strengthen mechanisms to prevent and repress violations of the liberty and security of the person, ill-treatment and torture in detention and any form of gender-based violence, including sexual exploitation and harassment and to protect and ensure access to remedies for victims of gender-based violence.
- Ease administrative procedures to access civil documentation, particularly in areas such as housing, land and property rights and inheritance, to ensure they are equally accessible and affordable to all Syrians, including returnees.
- Guarantee the individual right of women and girls to obtain all personal documents necessary for the exercise of their rights including their right to have such documentation issued in their own names and ensure the prompt issuance or

replacement of documents without imposing unreasonable or discriminatory conditions.

- Put in place plans and programs for the sustainable reintegration of those who return that include targeted measures addressing the needs and rights of individual returnees, including on the basis of age and gender and other relevant factors. These programs and measures should focus on areas particularly critical for those who just returned, including access to justice, social protection, financial services, health-care services, education services, adequate conditions of work, and protection against discrimination and social stigma.

7.2. To non-state armed groups:

- Comply and ensure compliance in full with their obligations under international humanitarian law and respect international human rights law, including with regard to treatment of all people under effective control, including returnees.
- Grant United Nations entities and other international organizations with similar mandates unhindered access to monitor the conditions of those Syrians who return and assist them in accordance with international standards, without discrimination of any kind.
- Reform policies and practices that infringe on the rights of returnees and expose them to protection risks ensuring they comply with international human rights norms and standards, in particular to guarantee gender equal access and the elimination of any form of discrimination against women.
- Strengthen mechanisms to prevent and repress violations and abuses of the liberty and security of person, ill-treatment and torture in detention and any form of gender-based violence, including sexual exploitation and harassment and to protect and ensure redress for victims of gender-based violence.
- Refrain from adopting policies and measures which contravene international human rights law in areas such as housing, land and property, access to civil documentation, the right to education, with particular attention to the protection of rights and prerogatives of returnees, while ensuring gender equal access and the elimination of any form of discrimination against women.
- Strengthen mechanisms to ensure gender equality in all spheres of life, public and private, dismantling gender social norms and stereotypes that hold women in a subordinate position in society.

7.3. To third States, in particular those neighboring Syria:

- Constructively engage with parties to the conflict in Syria to create an environment conducive to the safe, dignified and sustainable return of Syrians, once conditions have

become safe, including by pressing for the full respect of international human rights and humanitarian law by all parties to the conflict in Syria.

- Strictly abide by their own obligations under international law, including the principle of non-refoulement, the prohibition of collective expulsions, the right to individual assessment of protection needs under international human rights and refugee law, and to ensure that the right to return to one own's country is exercised freely and voluntarily, in line with the free and informed consent, and a return at a time of their choosing.
- Refrain from forcibly returning Syrians without undertaking an individualized assessment that takes into account the full range of circumstances related to each individual case and in the absence of a legal procedure, with due process and procedural safeguards, including rights to fair proceeding, access to legal representation, access to interpreters and translators, the right to challenge the legality of return, and the right to restitution or remedy, in all return decisions and procedures.
- Establish processes that enable participation and decision making in relation to voluntary returns that are gender sensitive and empower women and girls while developing mechanisms to assess and respond to forced returns of women as a result of decisions taken within the household.
- Ensure United Nations entities and other international organizations with similar mandates have unfettered access to monitor the conditions of any return of Syrians. Adopt measures, including sensitizations campaigns and communication strategies, to prevent and address harmful and dehumanising narratives targeting Syrians abroad.

8. ANNEX I

Main parties to the conflict and actors in Syria

Pro-government forces: The Government of Syria's security forces as well as all other security forces that have been providing support to the government of Syria throughout the conflict. It encompasses, inter alia, the Syrian Arab Army (SAA) and its affiliated armed groups such as the National Defense Forces (NDF), the Russian Federation's armed forces, the paramilitary wing of the Lebanese group Hezbollah, the Iranian Islamic Revolutionary Guard Corps and its affiliated armed groups, and Iraqi Shia armed groups. Pro-government forces exercise control over most of the territory in Syria, including Damascus, Rif Dimashq, Latakia, Tartous, Homs, Hama, Dara' and As-Sweida governorates and parts of Idlib, Aleppo, Ar-Raqqa, Deir-ez-Zor, and Al-Hassakeh governorates.

Hay'at Tahrir al-Sham (HTS): Formerly known as Jabhat al-Nusra, is a Sunni Islamist non-state armed group with a political wing referred to as "Syrian Salvation Government", which is currently exercising de facto control and authority over parts of the territory in north-western Syria, namely areas in Idlib, western Aleppo, northern Hama and eastern Latakia governorates.

HTS currently exercises government-like functions over such territories, including through the so-called “Syrian Salvation Government”. HTS is engaged in military operations mainly against pro-government forces. The HTS predecessor, Jabhat al-Nusra, has been designated as ‘terrorist group’ by the UN Security Council and subjected to a number of sanctions, including an arms embargo, travel ban, and assets freeze.

Turkish-affiliated armed groups: These are non-state armed groups that had previously operated in areas now retaken by pro-government forces since 2017 and 2018, including in Aleppo, Damascus, Rif Dimashq and Dara’ governorates. They are now operating largely under the umbrella of the so-called “Syrian National Army” (SNA), exercising de facto control and authority over parts of the territory in north-western, northern and north-eastern Syria, which was gained mainly as a result of Turkish-backed military operations between 2016 and 2019, namely in northern Aleppo, northern ar-Raqqa and northern al-Hassakeh governorates. The SNA operates officially under the command and control of the Ministry of Defence of the “Syrian Interim Government” and responds directly to it. Turkish-affiliated armed groups exercise government-like functions over such territories through the “Syrian Interim Government”, local councils, and civil and military police of the SNA. These groups receive financial, logistical, operational support, and in some instances instructions, from Türkiye and often operate in coordination with Turkish armed forces while engaged in military operations mainly against pro-government forces and the SDF.

Syrian Democratic Forces (SDF): A Kurdish-led coalition of non-state armed groups exercising de facto control and authority over parts of the territory in northern and north-eastern Aleppo, ar-Raqqa, eastern Deir-ez-Zor and al-Hassakeh governorates. The SDF consists, inter alia, of the People’s Defense Units (YPG) and other Kurdish armed groups as well as of other armed groups of, inter alia, Arab, Assyrian/Syriac and Armenian origin. The SDF exercise government-like functions over such territories through the Kurdish-led “Autonomous Administration of North and East Syria” (AANES) authorities. It receives financial, logistical and operational support from the United States and the US-led Global Coalition Against Daesh, while engaged in military operations mainly against Turkish armed forces/Turkish affiliated armed groups, pro-government forces and ISIL. The SDF also exercise control over Al-Hol and other camps in north-eastern Syria where thousands of people living in areas formerly under the control of ISIL, including ISIL family members, remain currently held.

Islamic State of Iraq and the Levant (ISIL): Also, formerly known as Islamic State of Iraq and Syria (ISIS) or Daesh, it is a transitional Islamist non-state armed group. ISIL has been designated as ‘terrorist group’ by the UN Security Council and subjected to a number of sanctions, including an arms embargo, travel ban, and assets freeze. Although no longer exercising de facto control over any part of the Syrian territory following the fall of its last stronghold in the battle of al-Baghuz in March 2019, ISIL still maintains a presence in different areas across Syria and remains active, particularly in the ‘Badia’ (desert) areas in eastern Syria, including in Hama, Homs and Deir-ez-Zor governorates, while preserving the capability to conduct attacks against other parties to the conflict as well as civilians.