



**International Protection Considerations with Regard to  
People Fleeing the Syrian Arab Republic  
Update IV**

**United Nations High Commissioner for Refugees (UNHCR)  
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## Introduction

1. This document provides an update of and replaces UNHCR's *Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III*, of October 2014.<sup>1</sup> This document is based on information available up to 15 November 2015, unless otherwise stated, and will be updated as the situation in Syria evolves. All decisions in relation to international protection needs for civilians fleeing Syria must be based on up-to-date information about the security, human rights and humanitarian situation in the country.

## Conflict and Security Situation

2. Nearly all parts of Syria are embroiled in violence, which is playing out between different actors in partially overlapping conflicts and increasingly involves different regional and international actors.<sup>2</sup> The country is deeply fractured as parties to the conflict, including Syrian military forces,<sup>3</sup> the group "Islamic State of Iraq and Al-Sham" (hereafter ISIS),<sup>4</sup> anti-government armed groups,<sup>5</sup> and Kurdish forces (People's Protection Units, YPG),<sup>6</sup> exercise control and influence in different parts of the country.<sup>7</sup> As international efforts to end the conflict in Syria have yet to yield results,<sup>8</sup> the conflict continues unabated with devastating consequences for the Syrian population, including

<sup>1</sup> This document supersedes UNHCR, *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update III*, 27 October 2014, <http://www.refworld.org/docid/544e446d4.html>.

<sup>2</sup> The Guardian, *Who Backs Whom in the Syrian Conflict*, 9 October 2015, <http://bit.ly/1P3bePb>; BBC, *Syria Crisis: Where Key Countries Stand*, 2 October 2015, <http://bbc.in/1HGuoIn>; International Crisis Group (ICG), *The Problem with Coalition Airstrikes in Syria*, 15 September 2015, <http://bit.ly/1LvjdN5>. See also, Carnegie Endowment for International Peace, *What is Russia Bombing in Syria?*, 2 October 2015, <http://ceip.org/1iRdknP>; The Guardian, *France Launches First Airstrikes against ISIS in Syria*, 27 September 2015, <http://bit.ly/1MRtWJg>; The Guardian, *US Warplanes Launch First Air Strikes against ISIS Targets in Syria*, 12 August 2015, <http://bit.ly/1Eog4xA>.

<sup>3</sup> The term "government forces", unless specified otherwise, includes the Syrian Armed Forces and security and intelligence agencies, as well as a range of pro-government armed groups that are, to varying degrees, affiliated with the government and/or act on behalf of the government, including the National Defence Forces (NDF), Popular Committees, and "Shabbiha" (a term which is used, often not in a uniform manner, as an umbrella term for Syrian "pro-government" forces), as well as foreign pro-government groups such as Hezbollah, Iraqi and other Shi'ite militias. See also UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2015, A/HRC/30/48, <http://www.refworld.org/docid/55e955344.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015), FN 3.

<sup>4</sup> The "Islamic State of Iraq and Al-Sham" (ISIS) (Arabic: *Ad-Dawlah Al-Islamiyyah fi Al Iraq wa Al-Sham*), is also known as the "Islamic State of Iraq and the Levant" (ISIL) and has proclaimed itself as "Islamic State (IS)". For the position of the United Nations Security Council (UNSC) on ISIS, Jabhat Al-Nusra (JAN) and other groups and individuals associated with Al-Qa'eda, see UNSC, *Security Council Resolution 2161 (2014) [on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida]*, 17 June 2014, S/RES/2161 (2014), <http://www.refworld.org/docid/53aaa1af4.html> and UNSC, *Security Council Resolution 2170 (2014) [on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida]*, 15 August 2014, S/RES/2170 (2014), <http://www.refworld.org/docid/53f729b84.html>.

<sup>5</sup> The term "anti-government armed groups" refers to non-state armed groups and alliances, whose primary goal is to overthrow the Syrian government through violent means. These include, *inter alia*, groups affiliated with the Army of Conquest (Arabic: *Jaish Al-Fatah*), which was established in March 2015. It is reportedly mainly active in the north-west of Syria (Idlib, Hama and Latakia governorates) and is dominated by the Al-Qa'eda-affiliate JAN and Ahrar Al-Sham. Another alliance is the so-called Southern Front, a coalition of Free Syrian Army (FSA) brigades, which is active in the South (Dera'a and Quneitra governorates); see, e.g. Al Jazeera Center for Studies, *Mapping Southern Syria's Armed Opposition*, 13 October 2015, <http://bit.ly/1N0qdYX>; Institute for the Study of War (ISW), *Syrian Opposition Guide*, 7 October 2015, <https://shar.es/15e853>; Jamestown Foundation, "The Rise of Jaysh al-Fateh in Northern Syria", *Terrorism Monitor*, Vol. 13, Issue 12, 12 June 2015, <http://bit.ly/1M6PNqe>.

<sup>6</sup> The YPG is the armed wing of the Democratic Union Party (PYD). The YPG also has all-female units, called Women's Protection Units (YPJ). Since the withdrawal of government military and security forces from most Kurdish cities, towns and villages in July 2012, the PYD and the YPG have reportedly established *de facto* control over three Kurdish-majority enclaves in northern and north-eastern Syria. See, e.g., Stratfor, *The Fragile Gains of Syria's Kurds*, 31 July 2015, <http://bit.ly/1M2XORk>; The Telegraph, *Who Are the Kurds? A User's Guide to Kurdish Politics*, 5 July 2015, <http://bit.ly/1exTYSE>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, A/HRC/28/69, <http://www.refworld.org/docid/54e74b777.html> (hereafter: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015), para. 40.

<sup>7</sup> The New York Times, *Untangling the Overlapping Conflicts in the Syrian War*, 18 October 2015, <http://nyti.ms/1LDreW2>.

<sup>8</sup> At the latest round of Vienna talks, on 14 November 2015, the US, Russia, the UK, France, Iran and Saudi Arabia signed a statement supporting a 1 January 2016 deadline for the start of formal talks between the Syrian government and opposition representatives, with the aim of agreeing to a nationwide ceasefire by 14 May 2016. The 19 participants in the international Syrian support group (ISSG) also mandated Jordan to draw up a list of opposition groups which could take part in peace negotiations. ISIS and JAN, both listed as terrorist groups by the UNSC, would be excluded from the talks and remain potential targets for military strikes even when a ceasefire is in place. Negotiations between the parties to the Syrian conflict were to establish a "credible, inclusive and non-sectarian" transitional government in Syria that would set a schedule for drafting a new constitution and holding a free and fair UN-supervised election within 18 months. The permanent members of the UN Security Council pledged to support a UNSC resolution mandating a mission to monitor the ceasefire and political transition. Further, the sponsoring countries of each party covered by the ceasefire would be responsible for making sure that the party adheres to it. The UN Special Envoy for Syria, Staffan de Mistura, called the 18-month deadline to establish a new Syrian government "very challenging but possible"; UN News Centre, *Rare Moment of Diplomatic Opportunity to End Conflict in Syria, Says Ban as Talks in Vienna Reconvened*, 14 November 2015, <http://bit.ly/1Ycaf1k>; UN Secretary Ban Ki-moon, *Note to Correspondents: Statement of the International Syria Support Group*, 14 November 2015, <http://www.un.org/sg/offthecuff/index.asp?nid=4259>; The Guardian, *Paris Attacks Galvanise International Efforts to End Syria War*, 15 November 2015, <http://gu.com/p/4e89n/stw>.

rising civilian casualties,<sup>9</sup> large-scale displacement inside and outside the country,<sup>10</sup> and an unprecedented humanitarian crisis.<sup>11</sup> Tenuous local ceasefires have been brokered in some areas between government and anti-government forces, resulting in temporary de-escalations of fighting at the local level.<sup>12</sup>

3. At the time of writing, Syrian military forces continue to exert full or partial control over most provincial capitals (except Raqqa and Idlib), including the capital Damascus, as well as the coastal areas of Lattakia and Tartous governorates.<sup>13</sup> However, over the course of the last year, Syrian military forces have reportedly lost strategic locations and military positions in several governorates, including in eastern Homs, Idlib and Dera'a governorates as a result of manpower shortages and increased military pressure by non-state armed groups.<sup>14</sup> More recently, with increasing support from foreign allies, government forces have reportedly launched a major military offensive along several fronts to regain lost territory, including in the governorates of Aleppo, Hama and Lattakia.<sup>15</sup>
4. ISIS has consolidated its hold over a largely contiguous stretch of territory in mainly northern and central Syria (as well as large areas in neighbouring Iraq), including the eastern Aleppo countryside, Raqqa, Deir Ez-Zour and southern Hassakeh governorates, despite heavy losses to the YPG in north-western Syria, along the border with Turkey.<sup>16</sup> At the same time, ISIS has reportedly expanded its areas of control and influence, most notably in central parts of Syria, in eastern parts of Homs governorate (where it captured the towns of Palmyra and Qaryateen on 21 May and 6 August 2015, respectively), but also in areas further south, including Dera'a and Suweida governorates.<sup>17</sup>
5. An array of anti-government armed groups — with diverse ideological and political backgrounds and shifting alliances — operate mainly in the southern governorates of Dera'a and Quneitra, in Rural Damascus, the northern part of Homs governorate, the Lattakia countryside and in Idlib and Aleppo governorates. Anti-government armed groups reportedly made notable tactical gains against government forces in Dera'a, Aleppo and Idlib governorates, including by taking full control of the provincial capital, Idlib, at the end of March 2015.<sup>18</sup> Anti-government armed groups also continue to intermittently fight ISIS in the countryside of Aleppo governorate and the southern part of

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<sup>9</sup> See below, para. 7: “Civilian Casualties”.

<sup>10</sup> See below, paras 8-11: “Forced Displacement”.

<sup>11</sup> See below, paras 27-30: “Humanitarian Situation”.

<sup>12</sup> In late September 2015, anti-government armed groups and government representatives, with the facilitation of the Office of the UN Special Envoy for Syria, agreed on a ceasefire involving the predominantly Shi'ite-populated towns of Al-Fu'ah and Al-Kafraya in Idlib governorate and the opposition strongholds of Zabadani and Madaya near the Lebanese border in Rural Damascus. The ceasefire deal enabled the delivery of humanitarian assistance on 18 October 2015: UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, S/2015/813, <http://www.refworld.org/docid/562dd5a54.html> (hereafter: UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*), 22 October 2015), paras 7, 8, 22, 55. See also, UN News Centre, *Syrians Living 'Tragedy and Despair Barely Imaginable Five Years Ago,' Says Top UN Relief Official*, 27 October 2015, <http://bit.ly/1LZiOg5> (hereafter: UN News Centre, *Syrians Living 'Tragedy and Despair Barely Imaginable Five Years Ago,' Says Top UN Relief Official*, 27 October 2015); UN News Centre, *UN and Partners Deliver Critical Relief Supplies to Besieged Areas of Syria*, 19 October 2015, <http://bit.ly/1L5PhI8>; International Business Times, *Syria Ceasefire: Hezbollah, Syrian Opposition Agree to Truce in Zabadani, Idlib*, 28 September 2015, <http://bit.ly/1GwL1X0>. For further background on local ceasefire agreements, see UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, paras 22-23; Reuters, *U.N. Sees Chance for Local Ceasefires in Syria, Political Talks*, 15 October 2015, <http://reut.rs/1ZFmANd>; Open Democracy, *Making Local Ceasefires Work in Syria*, 15 December 2014, <https://shar.es/15mqzI>; Madani, *Hungry for Peace: Positives and Pitfalls of Local Truces and Ceasefires in Syria*, October 2014, <http://www.lse.ac.uk/newsAndMedia/PDF/Syriareport.pdf>.

<sup>13</sup> ISW, *Control of Terrain in Syria*, 14 September 2015, <http://bit.ly/1P0xtEk>.

<sup>14</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 10-11. See also, IHS Jane's Intelligence Review, *Syrian Government no Longer Controls 83% of the Country*, 23 August 2015, <http://bit.ly/1h8Vj3s>; BBC, *Syria: President Assad Admits Army Strained by War*, 26 July 2015, <http://bbc.in/1LwtGw8>; The Guardian, *String of Losses in Syria Leaves Assad Regime Increasingly Precarious*, 11 June 2015, <http://bit.ly/1L3nQnz>; CEIP, *Is Assad Losing the War in Syria?*, 13 May 2015, <http://ceip.org/1FKO3FT>.

<sup>15</sup> ISW, *Regime and Iranian Forces Launch Multi-Pronged Offensive in Aleppo*, 21 October 2015, <http://bit.ly/1GqplSs>; The Wall Street Journal, *Syrian Regime, Backed by Russia, Iran and Hezbollah, Expands Ground Offensive to Aleppo*, 18 October 2015, <http://on.wsj.com/1ZPv9oR>; Al Jazeera, *Assad Forces Stage Vast Offensive in Western Syria*, 8 October 2015, <http://bit.ly/1PPoWop>.

<sup>16</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 17; Business Insider, *ISIS is Facing One of Its Most Serious Setbacks Yet*, 24 June 2015, <http://read.bi/1S5MfJM>.

<sup>17</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 16. See also, The New York Times, *ISIS Makes Gains in Syria Territory Bombed by Russia*, 9 October 2015, <http://nyti.ms/1k4bkcu>; The Atlantic, *How ISIS Territory Has Changed since the U.S. Bombing Campaign Began*, 11 September 2015, <http://theatltn.tc/1Q6V98m>; ISW, *ISIS Sanctuary Map*, 15 September 2015, <http://bit.ly/1QfQgVE>; CEIP, *Why ISIS Keeps Expanding*, 21 January 2015, <http://ceip.org/1MOnkWN>.

<sup>18</sup> Office for the Coordination of Humanitarian Affairs (OCHA), *Situation in Idlib Flash Update 2*, 30 March 2015, <https://shar.es/1uPJYn>; BBC, *Syria Crisis: Idlib 'Captured by Islamist Groups'*, 28 March 2015, <http://bbc.in/1KLMEGg>.

Damascus governorate.<sup>19</sup> Jabhat Al-Nusra (JAN) reportedly plays a dominant role among anti-government armed groups and seeks to impose its extremist ideology on communities.<sup>20</sup>

6. The YPG, supported by local armed groups<sup>21</sup> and international coalition airstrikes, has further advanced and consolidated control over the *de facto* self-administered Kurdish areas in the north, namely Hassakeh, Kobane (Ayn Al-Arab in Arabic) and Afrin. It has also captured previously ISIS-held territories, most notably the strategic towns of Kobane (Aleppo governorate) and Tal Abyad (Raqqa governorate) in January and mid-June 2015, respectively.<sup>22</sup> As a result, the YPG now controls a significant stretch of contiguous territory linking the cantons of Kobane and Al-Jazire (Hassakeh governorate). The YPG continues to clash with ISIS across northern and north-eastern Syria<sup>23</sup> and has intermittently engaged in fighting with JAN and other anti-government armed groups in Aleppo and Hassakeh governorates.<sup>24</sup>

### Civilian Casualties

7. The number of persons killed as a result of the conflict since its start in 2011 is estimated to range between 145,000 and over 250,000.<sup>25</sup> The greatest number of casualties has been recorded in the governorate of Rural Damascus, followed by Aleppo, Homs, Idlib, Dera'a and Hama governorates.<sup>26</sup> While men (both fighters and civilians) account for the highest number of deaths, women and children are reported to account for one quarter of all civilian deaths.<sup>27</sup> As a result of the conflict, the deterioration of Syria's healthcare system has reportedly led to hundreds of thousands of ordinarily preventable deaths from chronic diseases, premature deaths due to normally nonfatal infectious diseases, neonatal problems and malnutrition.<sup>28</sup> In addition, over one million people have reportedly been wounded

<sup>19</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 12.

<sup>20</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 14. See also, Al Jazeera, *Syria Loses Last Idlib Army Base to Nusra Front, Other Groups*, 9 September 2015, <http://bit.ly/1LwCmCz>; Al-Monitor, *Jabhat al-Nusra Competes with Ahrar Al-Sham in Idlib*, 10 July 2015, <http://bit.ly/1KAiDhx>.

<sup>21</sup> "Providing most of the fighting forces, the YPG has fought on different fronts alongside a variety of armed groups including Arab tribes, Assyrian militia, and FSA-affiliated factions"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 19.

<sup>22</sup> Washington Post, *They Freed a Syrian Town from ISIS. Now they Have to Govern It*, 30 October 2015, <http://wpo.st/YCEk0>; Al Jazeera, *Syrian Kurdish Forces Capture Key ISIL-Held Town*, 16 June 2015, <http://aje.io/jup7>; BBC, *Syrian Kurds 'Drive Islamic State out of Kobane'*, 26 January 2015, <http://bbc.in/1z2bKTX>.

<sup>23</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 17-18. See also Ara News, *Kurds Deter ISIS Attack North Raqqa*, 25 October 2015, <http://bit.ly/1WjWZub>; Reuters, *Town Joins Kurdish-Led Order in Syria, Widening Sway at Turkish Border*, 21 October 2015, <http://reut.rs/1i97ZaF>; Ara News, *Kurds Regain Three New Villages after Clashes with ISIS North Syria*, 5 October 2015, <http://bit.ly/1Mm8b4G>; Reuters, *Syrian Kurdish Militia Expands with its Territory*, 14 August 2015, <http://reut.rs/1NvEMII>.

<sup>24</sup> Reuters, *Syrian Rebels Launch Fresh Offensive against ISIS*, 1 November 2015, <http://ara.tv/yf64d>; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 10.

<sup>25</sup> In January 2014, the UN officially suspended gathering and publishing casualty figures in Syria due to limited access, making it generally impossible to verify casualty figures on the ground; UNHCR, *UN Suspends Counting Deaths in Syria's Conflict*, 8 January 2014, <http://bit.ly/1PCRiTL>. However, at the time of writing, the UN cited 250,000 persons killed since the beginning of the Syrian conflict in March 2011; see, e.g., OCHA, *About the Crisis*, undated (accessed 15 November 2015), <http://bit.ly/1END1dC>. Presently, only Syrian monitoring groups such as the Syrian Observatory for Human Rights (SOHR), the Syrian Network for Human Rights (SNHR), and the Violations Documentation Centre (VDC) continue to document casualty figures in Syria. These groups' verification and reporting methodologies differ, resulting in significant variations between their statistics. For example, SOHR's records show a total of 256,124 casualties (including 74,426 civilian casualties) by 17 October 2015, while VDC records the total death toll as 145,489 (including 91,229 civilian casualties) as at 15 November 2015; SOHR, *More than 250,000 People Killed in Syria War: Monitor*, 17 October 2015, <http://bit.ly/1GnuV1E>; VDC, *Martyrs and Regime Fatalities Databases*, accessed 15 November 2015, <http://www.vdc-sy.info/index.php/en/martyrs> and <http://www.vdc-sy.info/index.php/en/otherstatistics>. For monthly casualty figures, see also SNHR, *Victims' Death Toll*, accessed 15 November 2015, <http://bit.ly/1OZR4cp>.

<sup>26</sup> According to VDC, which provides a breakdown of documented deaths by governorate for "martyrs" (i.e. non-government fatalities), at the time of writing the approximate death toll in the various governorates was Rural Damascus (28,933), Aleppo (24,854), Homs (15,540), Idlib (14,297), Dera'a (12,519) and Hama (8,221); VDC, *Martyrs Fatalities Database*, accessed 15 November 2015, <http://www.vdc-sy.info/index.php/en/martyrs>. VDC's statistics reflect the same trend of deaths by governorate as last year's UN commissioned report on casualties in Syria. For a detailed comparison, see Human Rights Data Analysis Group (HRDAG), *Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic*, Commissioned by the Office of the UN High Commissioner for Human Rights, August 2014, <http://bit.ly/1OORlvF>.

<sup>27</sup> British Medical Journal (BMJ), *Civilian Deaths from Weapons Used in the Syrian Conflict*, 29 September 2015, <http://bit.ly/1KVIByB>. See also, Al Jazeera, *Study: Quarter of Civilians Killed in Syrian War Are Children, Women*, 29 September 2015, <http://alj.am/uv5y>; The New York Times, *Death in Syria Infographic*, 14 September 2015, <http://nyti.ms/1iJvKp>.

<sup>28</sup> "The conflict is also indirectly increasing the loss of human life through the lack of treatment for medical preventable deaths, which is expected to continue into the post-crisis period"; Syrian Center for Policy Research / UNRWA / UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015, <http://www.refworld.org/docid/5502cf64.html> (hereafter: SCPR/UNRWA/UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015), pp. 51-52. See also New York Times, *How Syrians Are Dying*, 14 September 2015, <http://nyti.ms/1UPieDd>; Doctors of the World, *Four Years On: Syria's Shameful Healthcare Quagmire*, 16 March 2015, <http://bit.ly/1hX6JaG>; Syria Deeply, *Syria is No Longer Able to Treat Chronic Diseases, Leading Health Expert Says*, 4 February 2015, <http://nwsdp.ly/t-a5p>.

as a direct result of the conflict, often leading to long-term disabilities,<sup>29</sup> while many more are suffering from the psychological consequences of having been witness to violence, the loss of family members, displacement and deprivation.<sup>30</sup>

### Forced Displacement

8. The situation in Syria has become the world's single largest driver of forced displacement with half of the population displaced,<sup>31</sup> including 6.5 million persons displaced inside Syria<sup>32</sup> and over 4.2 million registered refugees who have fled to neighbouring countries and North Africa.<sup>33</sup> According to the Independent International Commission of Inquiry, “the brutality of the conflict continues to generate unprecedented levels of displacement.”<sup>34</sup> Between January and October 2015, over 1.2 million people were displaced, some multiple times, throughout Syria.<sup>35</sup> More than half of the displaced population are children.<sup>36</sup> The deliberate targeting of civilians and the failure of parties to the conflict to protect civilians are reported to be the main causes of displacement.<sup>37</sup> Furthermore, people are increasingly forced to flee due to collapsing services, including inadequate health care and loss of livelihoods amidst rising living expenses.<sup>38</sup> Multiple displacements are a striking feature of the Syria conflict as frontlines keep shifting

<sup>29</sup> OCHA, *About the Crisis*, undated (accessed 15 November 2015), <http://bit.ly/1END1dC>; SOHR, *More than 250,000 People Killed in Syria War: Monitor*, 17 October 2015, <http://bit.ly/1GnuV1E>; Reuters, *One Million People Wounded, Diseases Spreading in Syria: WHO*, 19 December 2014, <http://reut.rs/1wKLE87>.

<sup>30</sup> “The World Health Organization estimates that more than 350,000 Syrians are currently suffering from severe mental disorders while another 2 million or more are suffering from mild to moderate mental problems such as anxiety and depression disorders, including post-traumatic stress disorder (PTSD)”;

<sup>31</sup> Syria Deeply, *Mental Health Issues the Most Underreported Problem in Syria – Doctor*, 4 May 2015, <http://bit.ly/1AAhHq4>. According to a study conducted by International Medical Corps (IMC), “[H]ealth facilities which previously provided integrated mental health services in Syria have themselves become casualties of war, with most either destroyed, damaged or not functioning. The shortage of trained mental health care providers is viewed as critical, both in Syria and in the neighboring countries where refugees now reside”; IMC, *Syria Crisis – Addressing the Mental Health Needs and Gaps in the Context of the Syria Crisis*, 16 March 2015, <http://bit.ly/1H2uHb0>. See also, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 80, 86, 100.

<sup>32</sup> OCHA, *Syrian Arab Republic – Key Figures*, undated (accessed 15 November 2015), <http://www.unocha.org/syria>; UNHCR, *Worldwide Displacement Hits All-Time High as War and Persecution Increase*, 18 June 2015, <http://www.unhcr.org/558193896.html>.

<sup>33</sup> All of Syria’s governorates are hosting IDPs, with the highest numbers of IDPs in the governorates of Rural Damascus and Aleppo (each hosting over 1.2 million IDPs), followed by Idlib (over 700,000 IDPs) and Homs and Hama governorates (with over 500,000 IDPs each); OCHA, *Syrian Arab Republic: Estimated People in Need and IDPs per Governorate*, 31 October 2015, <https://www.humanitarianresponse.info/en/node/113097>; OCHA, *Syrian Arab Republic: Humanitarian Snapshot (as of 31 October 2015)*, 31 October 2015, <http://bit.ly/1NfqFOS>.

<sup>34</sup> UNHCR, *Syria Regional Refugee Response*, undated (accessed 15 November 2015), <http://data.unhcr.org/syrianrefugees/regional.php>; UNHCR, *UNHCR Global Trends 2014: World at War*, 18 June 2015, p. 8, <http://www.refworld.org/docid/558292924.html>. See also, The Washington Post, ‘*Syria is Emptying*’, 14 September 2015, <http://wapo.st/1Lv0Eu7>.

<sup>35</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 81.

<sup>36</sup> According to the Camp Management and Camp Coordination (CCCM) cluster at least 123,800 people have been displaced in Aleppo, Hama and Idlib governorates between 5 and 30 October 2015 as a result of further escalation in violence and intensified air strikes; OCHA, *Syrian Arab Republic: Developments in Northern Governorates - Situation Report No. 2 (as of 3 November 2015)*, 3 November 2015, <http://bit.ly/1Hn3K7o>. On new displacement in 2015, see also UN News Centre, *Syrians Living ‘Tragedy and Despair Barely Imaginable Five Years Ago,’ Says Top UN Relief Official*, 27 October 2015; NRC, *Thousands More Expected to Head towards Overcrowded Displacement Sites*, 26 October 2015, <http://www.nrc.no/?did=9208424>; OCHA, *Syrian Arab Republic: Internal Displacement (Jan - August 2015)*, 22 September 2015, <http://bit.ly/1GpK3Mi>; UNHCR, *Fresh Displacement, Changing Dynamics, UNHCR Responds*, September 2015, <http://www.refworld.org/docid/55e7f68a4.html> (hereafter: UNHCR, *Fresh Displacement, Changing Dynamics, UNHCR Responds*, September 2015), p. 5.

<sup>37</sup> Fifty per cent of IDPs and more than fifty per cent of Syrian refugees are reported to be children; Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), *Syria IDP Figures Analysis*, undated (accessed 15 November 2015), <http://bit.ly/1N6FpBy>; UNHCR, *UNHCR Global Trends 2014: World at War*, 18 June 2015, p. 41, <http://www.refworld.org/docid/558292924.html>.

<sup>38</sup> UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, A/HRC/29/CRP.3, <http://www.refworld.org/docid/558aa6cc4.html> (hereafter: UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015), paras 24, 28, 40; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, Annex II, para. 272. See also The Telegraph, *As Long as Assad’s Barrel Bomb Blitz Continues, Syrians Will Flee in Doves*, 22 September 2015, <http://bit.ly/1QKMnNc>; Vox, *Why People Are Fleeing Syria: A Brief, Simple Explanation*, 4 September 2015, <http://bit.ly/1M4V1s2>; The New York Times, *Thousands Flee Syria as Kurds Gain on ISIS*, 14 June 2015, <http://nyti.ms/1GsvIO2>; Al-Araby, *Fighting and Infighting in Syria*, 1 June 2015, <http://bit.ly/1NjNUd8>; Newsweek, *The New Exodus: Christians Flee ISIS in the Middle East*, 26 March 2015, <http://bit.ly/1FZbauc>; NRC/IDMC, *Syria: Forsaken IDPs Adrift inside a Fragmenting State*, 21 October 2014, <http://bit.ly/1RpOYgo>.

<sup>39</sup> “The conflict has accelerated the reversal of human development gains Syria achieved by 2010, with its Human Development Index score rolled back by 31 percent. (...) Today, the country is plagued with joblessness with unemployment at 58 percent. For those who remain in formal employment, 55 percent work in the public sector. Four or [sic] every five Syrians live below the national poverty line, with almost two-thirds of the population surviving in extreme poverty as they struggle to meet basic food and households needs; 30 percent are unable to meet their basic food needs. In conflict zones and besieged areas, the abject poor face hunger, malnutrition and even starvation. In the midst of this social disintegration and economic degradation, the education, health and social welfare systems are in a state of collapse”; SCPR/UNRWA/UNDP, *Dramatic Findings of New Syria Report Include Plummeting Life Expectancy and Looming Economic Collapse*, 10 March 2015, <http://bit.ly/1GovX8q>. See also UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015, <http://www.refworld.org/docid/55eed0484.html> (hereafter: UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015); UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 83; Chatham House, *Syria’s Economy - Picking up the Pieces*, June 2015, <http://bit.ly/1R96xBd>.

and formerly safer areas become embroiled in conflict.<sup>39</sup> Incidents of internally displaced persons (IDPs) being targeted and forcibly displaced again have been recorded.<sup>40</sup> Many IDPs are particularly vulnerable to security risks as well as restricted access to services, assistance and employment on account of the reportedly frequent loss of documentation during displacement.<sup>41</sup> Ongoing conflict continues to result in displacement<sup>42</sup>.

9. In addition to large-scale internal displacement, over 4.2 million Syrians have taken refuge in neighbouring countries and in North Africa, with 2.18 million registered in Turkey; more than 1.07 million in Lebanon, making it the country with the highest per capita concentration of refugees in recent history;<sup>43</sup> as well as 630,000 Syrians registered in Jordan; 245,000 in Iraq; 128,000 in Egypt; and 26,700 in other countries of North Africa.<sup>44</sup> By the end of 2014, the Syrian population inside the country was estimated to have declined by over 15 per cent compared to its pre-conflict population.<sup>45</sup> Amid mounting demographic, economic, political, security, and social pressures in the region, governments of host countries have increasingly resorted to the introduction of border management measures to control arrivals.<sup>46</sup>
10. Deteriorating conditions inside Syria and in neighbouring countries are increasingly leading thousands of Syrians to seek refuge further afield, notably in Europe.<sup>47</sup> Consequently, asylum applications submitted by Syrians in

<sup>39</sup> OCHA, *About the Crisis*, undated (accessed 15 November 2015), <http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 83; NRC/IDMC, *Syria IDP Figures Analysis*, undated (accessed 15 November 2015), <http://bit.ly/1N6FpBy>; Syria Deeply, *Syrians Facing 'Multiple Displacements' as Humanitarian Crises Multiply, Says ICRC President*, 24 June 2015, <http://newsdip.ly/7p2re>; UN Office of the High Commissioner for Human Rights (OHCHR), *Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani, upon Conclusion of his Official Visit to the Syrian Arab Republic – 16 to 19 May, 2015*, 19 May 2015, <https://shar.es/1uszOm> (hereafter: OHCHR, *Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani*, 19 May 2015).

<sup>40</sup> United States Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, <http://www.state.gov/documents/organization/236834.pdf> (hereafter: US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015), p. 2; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, para. 52; NRC/IDMC, *Failing Syria: Assessing the Impact of UN Security Council Resolutions in Protecting and Assisting Civilians in Syria*, 12 March 2015, p. 9, <http://www.refworld.org/docid/5502c8e24.html>.

<sup>41</sup> “An urgent concern for many IDPs is the loss of their documents, which has significant implications for their security and access to services, assistance and employment. Without documents their freedom of movement and ability to seek safe locations, for example, may be severely restricted placing them in danger or stranding them in conflict affected areas unable to pass checkpoints”; OHCHR, *Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani*, 19 May 2015.

<sup>42</sup> According to OCHA, as a result of a renewed military ground offensive supported by airstrikes by the government and its allies in Hama, Aleppo and Homs in late September and October 2015, at least 120,000 people were displaced between 5 and 22 October 2015; OCHA, *Syrian Arab Republic: Developments in Northern Governorates - Situation Report No. 1 (as of 24 October 2015)*, 24 October 2015, <http://bit.ly/1k8XS7i>. See also, The New York Times, *Violence in Syria Spurs a Huge Surge in Civilian Flight*, 26 October 2015, <http://nyti.ms/1RAMNXI>; Agence France-Presse (AFP), *Tens of Thousands Flee Aleppo Following Latest Wave of Airstrikes in Syria*, 20 October 2015, <http://gu.com/p/4df87/stw>. “Indeed the prospects for new displacement and mass population movement throughout the country is high given the instability in many parts of Syria and the ongoing conflict with armed opposition groups as well as the destructive role of the so-called ISIS, as demonstrated by the recent fall of Palmyra, which triggered a new wave of displacement”; OHCHR, *Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani*, 19 May 2015. See also The Guardian, *Syria Conflict Will Displace another Million People, Says UN Official*, 12 September 2015, <http://gu.com/p/4cb8t/stw>.

<sup>43</sup> Los Angeles Times, *Which Countries Are Taking in Syrian Refugees?*, 8 September 2015, <http://lat.ms/1M0osIN>; UNHCR, *Refugees from Syria: Lebanon - March 2015*, 31 March 2015, <http://bit.ly/1kEpK3H>.

<sup>44</sup> As at 3 November 2015. For updated figures, see UNHCR, <http://data.unhcr.org/syrianrefugees/regional.php>. As a result of tightened border restrictions, increased refugee onward movements to Europe as well as returns to Syria from neighbouring countries, the number of Syrian refugees currently being hosted in Jordan, Lebanon, Iraq and Egypt shows a slight decrease. By the end of September 2015, a decrease of 44,500 Syrian refugees in these four countries was recorded by UNHCR compared to the beginning of 2015; UNHCR registration data, 30 September 2015.

<sup>45</sup> According to SCPR, Syria had a population of 20.87 million inhabitants in 2010; by the end of 2014, the population had reportedly declined to 17.65 million inhabitants, largely as a result of people departing the country and the mounting toll of conflict-related deaths. Taking into account the pre-war growth rate of the Syrian population, Syria would, had it not suffered this armed conflict, have reached an estimated total population of 22.99 million inhabitants by the end of 2014; SCPR/UNRWA/UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015, p. 40.

<sup>46</sup> “Syrians now face increasing challenges to find safety and protection in neighbouring countries, which, faced with overwhelming refugee numbers, insufficient international support and security concerns, have taken measures this year to stem the flow of refugees - including restricting access or closer management of borders and introducing onerous and complex requirements for refugees to extend their stay”; UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015. See also Amnesty International, *Pushed to the Edge: Syrian Refugees Face Increased Restrictions in Lebanon*, 15 June 2015, MDE 24/1785/2015, <http://www.refworld.org/docid/56405c274.html>; The Guardian, *Syria Conflict Will Displace Another Million People, Says UN Official*, 12 September 2015, <http://bit.ly/1PdeYOK>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 21; UN Security Council, *Statement [Made on Behalf of the Security Council, at the 7433<sup>rd</sup> Meeting, 24 April 2015, in Connection with the Council's Consideration of the Item Entitled "The Situation in the Middle East"]*, 24 April 2015, S/PRST/2015/10, <http://www.refworld.org/docid/553ded4e4.html>.

<sup>47</sup> UNHCR, *Loss of Hope and Deepening Poverty Driving Syrians to Seek Refuge in Europe*, 25 September 2015, <http://www.refworld.org/docid/5608edf74.html>. See also, The Guardian, *Six Reasons Why Syrians are Fleeing to Europe in Increasing Numbers*, 25 October 2015, <http://bit.ly/1PNqzJD>; UNHCR, *Worsening*

European countries (other than Turkey) have significantly increased since the beginning of the conflict in Syria, with over 681,713 applications lodged between April 2011 and October 2015.<sup>48</sup> Between October 2014 and October 2015, the number of asylum applications recorded in Europe exceeded 538,000, but due to a number of factors, including lack of reception facilities and integration prospects in some countries, as well as delays in the registration of asylum applications due to the volume, many of the most recent arrivals have yet to apply or have their applications recorded.<sup>49</sup>

11. A limited but increasing number of Syrian refugees is reported to be returning to Syria by their own means from host countries in the region.<sup>50</sup> Reasons for these returns include, *inter alia*, the wish to reunite with family members in Syria, who, in light of tightened border controls, are unable to join them in the host country, the lack of options to sustain themselves amidst deteriorating living conditions and cuts in humanitarian assistance in the host countries. Others have expressed the intention to move through Turkey onwards to Europe.<sup>51</sup> Tens of thousands of refugees have reportedly returned from Turkey to Kobane after ISIS lost control over this northern town and its surroundings in January 2015. Returnees reportedly face widespread destruction, lack of services and risk of renewed violence.<sup>52</sup>

### *Human Rights Situation and Violations of International Humanitarian Law*

12. The human rights situation in Syria continues to deteriorate. According to the UN Secretary-General, “[P]arties to the conflict continue to behave with impunity and total disregard for the basic tenets of humanity and international humanitarian law”,<sup>53</sup> and the Independent International Commission of Inquiry described in its August 2015 report the conduct of the warring parties in relation to civilians as “*living proof of the rampancy of war crimes and crimes against humanity, demanding justice, accountability and peace*”.<sup>54</sup> The Independent International Commission of Inquiry reports that parties to the conflict commit war crimes and gross violations of human rights, including acts amounting to crimes against humanity,<sup>55</sup> with widespread impunity.<sup>56</sup>

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*Conditions Inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015; BBC, *Why is EU Struggling with Migrants and Asylum?*, 1 September 2015, <http://bbc.in/1vYKlba>.

<sup>48</sup> To the extent possible, the figures reflect first time asylum applications, but some of the statistics are likely to include repeated applications (in the same country or in a different one); UNHCR, *Syria Regional Refugee Response*, accessed 15 November 2015, <http://data.unhcr.org/syrianrefugees/asylum.php>.

<sup>49</sup> UNHCR, *Loss of Hope and Deepening Poverty Driving Syrians to Seek Refuge in Europe*, 25 September 2015, <http://www.refworld.org/docid/5608edf74.html>. Slightly more than 10 per cent of Syrians who fled the conflict have sought safety in Europe (excluding Turkey). Germany, Serbia and Kosovo alone have received 53 per cent of asylum applications from Syrians, while Sweden, Hungary, Austria, Bulgaria and the Netherlands have together received 34 per cent of applications. UNHCR, *Syria Regional Refugee Response*, accessed 15 November 2015, <http://data.unhcr.org/syrianrefugees/asylum.php>.

<sup>50</sup> In light of the ever-worsening security, human rights and humanitarian situation in Syria, UNHCR does not promote or facilitate returns to Syria. See also below at para. 40.

<sup>51</sup> UNHCR intention surveys and assessments in country operations in the region, August and September 2015. See also World Food Programme (WFP), *Impact of WFP Cuts on Vulnerable Syrian Refugees in Jordanian Communities*, 31 October 2015, p. 2, <http://bit.ly/1L4xjFQ>; The National, *When Refugees Return to Syria, the World is Silent*, 13 October 2015, <http://bit.ly/1Su7DrV>; BBC, *Desperate Syrian Refugees Return to War Zone*, 12 October 2015, <http://bbc.in/1ZwUMuu>; NRC, *Thousands of Refugees Return to Syria from Jordan*, 6 October 2015, <http://bit.ly/1WbQWb0>; Associated Press, *Syrian Refugees Increasingly Return to War Zones in Homeland*, 5 October 2015, <http://apne.ws/1jJe0MO>; International Business Times, *Syrian Refugee Crisis 2015: Record Levels of Humanitarian Aid still not enough to Support Syrian Refugees*, UN Official Says, 19 September 2015, <http://bit.ly/1jCnc0W>; The Guardian, *Pushed Back into the Fire: The Refugees Who Feel Compelled to Return to Syria*, 14 September 2015, <http://bit.ly/1NVNdcU>.

<sup>52</sup> See, e.g., The Washington Post, *The Ruins of Kobane*, 13 November 2015, <http://wapo.st/1HRzTyV>; The National, *Syrians Return to Devastated Kobani in Doves*, 24 October 2015, <http://bit.ly/1jI3Xbd>; Middle East Eye, *Tens of Thousands Return Home to a Destroyed Kobane*, 21 September 2015, <http://bit.ly/1lpXz8X>.

<sup>53</sup> UNSC, *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 May 2015, S/2015/368, para. 62, <http://www.refworld.org/docid/5566c07f4.html>.

<sup>54</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 166.

<sup>55</sup> See consecutive reports by the Independent International Commission of Inquiry, available at: <http://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>. See also reports by Human Rights Watch (HRW), available at: [http://www.refworld.org/publisher.HRW\\_COUNTRYREP.SYR...0.html](http://www.refworld.org/publisher.HRW_COUNTRYREP.SYR...0.html) and Amnesty International, available at: <http://www.refworld.org/publisher.AMNESTY.ANNUALREPORT.SYR...0.html>.

<sup>56</sup> Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on Syria, stressed the need for urgent international action to “*stop grave violations of human rights and to break the intractable cycle of impunity*”; UN News Centre, *Citing Need to Break ‘Cycle of Impunity,’ UN Panel Urges Referral of Syria to ICC*, 17 March 2015, <http://www.refworld.org/docid/55093f084.html>. See also reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, available at: <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>. Calls for the Syria situation to be referred to the International Criminal Court (ICC) to prosecute abuses by all parties to the conflict have to date gone unheeded; Associated Press, *UN Chief Urges World Leaders to Refer Syria to ICC*, 28 September 2015, <http://huff.to/1KVQbtZ>; The Guardian, *Call for Special Tribunal to Investigate War Crimes and Mass Atrocities in Syria*, 17 March 2015, <http://bit.ly/1BRhX7Q>; UN News Centre, *Russia, China Block Security Council Referral of Syria to International Criminal Court*, 22 May 2014, <http://bit.ly/1k9500x>.



13. Reports by the Independent International Commission of Inquiry and human rights organizations allege that Syrian military forces are perpetrating “*crimes against humanity of murder, extermination, torture, rape, enforced disappearance and other inhumane acts.*”<sup>57</sup> According to the same sources, these forces also reportedly commit gross violations of human rights and the war crimes of murder, torture, rape and other forms of sexual violence, and targeting civilians. Furthermore, they reportedly disregard the special protection accorded to hospitals and medical and humanitarian personnel under international humanitarian law. Indiscriminate and disproportionate aerial bombardment, including with cluster munitions, barrel bombs and chlorine gas, as well as artillery shelling are reported to result in mass civilian casualties, destroy entire neighbourhoods and spread terror among the civilian population in areas held by anti-government armed groups. Syrian military forces are reported to lay siege to certain opposition-held areas, regularly reinforced by sustained shelling and bombing campaigns.<sup>58</sup> According to the Independent International Commission of Inquiry and other sources, a number of pro-government armed groups are also reported to be recruiting and using children in hostilities.<sup>59</sup>
14. Reports by the Independent International Commission of Inquiry and human rights organizations implicate members of ISIS in torture, murder, rape, sexual slavery, sexual violence, and forcible displacement as part of attacks against the civilian population in the governorates under its control (Raqqa, Deir Ez-Zour, Hassakeh, Aleppo, Hama and Homs), amounting to crimes against humanity. According to the same sources ISIS also commits war crimes, including murder, execution without due process, torture, hostage-taking, rape and other forms of sexual violence, recruiting and using children in hostilities and attacking protected objects, as well as other serious violations of international humanitarian law.<sup>60</sup> The Independent International Commission of Inquiry and other sources report that ISIS launches indiscriminate attacks against civilians, using mortars, rockets as well as car and suicide bombs. Real or perceived dissent to the authority of ISIS or infringements of its rules, which are based on a strict interpretation of *Shari’a* law, are reported to result in severe punishment without due process, including public executions, lashings and amputations.<sup>61</sup> Motivated by the group’s radical ideology, which regards diverse religious and ethnic communities as infidels, ISIS is reported to systematically target those communities, including by forcible displacement and destruction of places of worship.<sup>62</sup> According to reports by the Independent International Commission of Inquiry and other sources, ISIS also continues to extensively recruit children for use in military operations, including suicide bombing missions and executions.<sup>63</sup> ISIS has also reportedly laid siege to contested and densely populated districts of Deir Ez-Zour city, leaving hundreds of thousands of civilians with minimum access to food, medicine, water, electricity and fuel.<sup>64</sup>

<sup>57</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 168; Amnesty International, *Amnesty International Report 2014/15 – Syria*, 25 February 2015, <http://www.refworld.org/docid/54f07d919.html>; HRW, *World Report 2015 – Syria*, 29 January 2015, <http://www.refworld.org/docid/54cf837c15.html>.

<sup>58</sup> See consecutive reports by the Independent International Commission of Inquiry, available at: <http://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>. See also reports by HRW, available at: <http://www.refworld.org/publisher.HRW.COUNTRYREP.SYR...0.html> and Amnesty International, available at: <http://www.refworld.org/publisher.AMNESTY.ANNUALREPORT.SYR...0.html>.

<sup>59</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 68; UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2015, A/69/926–S/2015/409, <http://www.refworld.org/docid/557abf904.html> (hereafter: UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2015), para. 195.

<sup>60</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 172, 173. See also HRW, *Slavery: The ISIS Rules*, 5 September 2015, <http://www.refworld.org/docid/55ed6f124.html> and *Syria: Deliberate Killing of Civilians by ISIS*, 3 July 2015, <http://www.refworld.org/docid/559e1f1a4.html>; OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2014, <http://www.refworld.org/docid/5469b2e14.html> (hereafter: OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2015).

<sup>61</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 32, 48, 58-62, 74, 97, 98, 147, 153, 158, 159. See also, HRW, *Syria: Deliberate Killing of Civilians by ISIS*, 3 July 2015, <http://www.refworld.org/docid/559e1f1a4.html>; OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2015.

<sup>62</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 113-124, 126-128; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, para. 39, Annex II, para. 210.

<sup>63</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 47, 69, 75; UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2015, paras 191, 194; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, para. 39; HRW, “*Maybe We Live and Maybe We Die*”: *Recruitment and Use of Children by Armed Groups in Syria*, 24 June 2014, <http://www.refworld.org/docid/53a9751b4.html>.

<sup>64</sup> UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 48; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 105; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, para. 54.

15. Reports by the Independent International Commission of Inquiry and human rights organizations allege that anti-government armed groups are committing the war crimes of murder, execution without due process, torture, hostage-taking, recruiting and using children in combat and non-combat functions, and attacking protected objects, medical and religious personnel and journalists. Government-held localities, including religious minority areas, are reported to be frequently subjected to indiscriminate mortar, rocket and improvised explosive devices (IED) attacks by anti-government armed groups.<sup>65</sup> Anti-government armed groups are reported to have laid siege to or temporarily cut off water and/or electricity supplies to certain civilian areas perceived to be sympathetic to the government.<sup>66</sup>
16. The Independent International Commission of Inquiry and human rights organizations report that the YPG and the *Asayish*, the military wing and the police forces, respectively, of the Democratic Union Party (PYD), are implicated in human rights abuses, including arbitrary arrests and detentions, abuses in pre-trial detention, due process violations, and failure to address unresolved killings and disappearances.<sup>67</sup> The YPG has reportedly broken up a number of anti-government and anti-PYD protests, arresting protestors and political opponents.<sup>68</sup> In the wake of the YPG retaking areas previously held by ISIS, reports emerged that the YPG may have perpetrated abuses against mostly non-Kurdish civilians, including forced displacement, the deliberate demolition of homes and the seizure and destruction of property.<sup>69</sup> A recent fact-finding mission by Amnesty International in the governorates of Raqqa and Hassakeh documented incidents of forced displacement of civilians from ten villages and the destruction of two entire villages by Kurdish forces, reportedly carried out in retaliation for residents' perceived sympathies with, or ties to ISIS.<sup>70</sup> According to the report, the YPG sought to justify the forced displacement of civilians on the basis

<sup>65</sup> See consecutive reports by the Independent International Commission of Inquiry, available at: <http://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>. See also reports by HRW, available at: <http://www.refworld.org/publisher.HRW.COUNTRYREP.SYR...0.html> and Amnesty International, available at: <http://www.refworld.org/publisher.AMNESTY.ANNUALREPORT.SYR...0.html>.

<sup>66</sup> "Anti-Government armed groups have besieged Nubul and Zahra (Aleppo) and Fou'a and Kafria (Idlib) partly based on the perception that these predominantly Shia and Alawite villages support the Government"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 138. See also, UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, para. 53; Amnesty International, *Amnesty International Report 2014/15 – Syria*, 25 February 2015, p. 356, <http://www.refworld.org/docid/54f07d919.html>. As of October 2015, OCHA no longer considers Nubul and Zahra as besieged in light of significant improvements over the last three months in terms of reported humanitarian access; see UN News Centre, *Syrians Living 'Tragedy and Despair Barely Imaginable Five Years Ago,' Says Top UN Relief Official*, 27 October 2015.

<sup>67</sup> "Human rights activists have reported violations by the PYD, the YPG, and *Asayish*. These include incidents of arbitrary detention and violence against civilian opposition members. A human rights activist, whose organisation has been documenting violations in Syria, reports that the PYD frequently detains activists, and that interrogations mimic those of Syrian government forces. Pre-conceived charges of supporting terrorism and treason are presented to detainees who are often tortured (...);" Stability: International Journal of Security and Development, *The Security Gap in Syria: Individual and Collective Security in 'Rebel-held' Territories - The PYD: Collective or Individual Security Objectives?*, 16 July 2015, <http://bit.ly/1kEn0TK>. See also Amnesty International, *Syria: Arbitrary Detentions and Blatantly Unfair Trials Mar PYD Fight against Terrorism*, 7 September 2015, <http://www.refworld.org/docid/55efecce4.html>; HRW, *World Report 2015 – Syria*, 29 January 2015, <http://www.refworld.org/docid/54cf837c15.html>; HRW, *Under Kurdish Rule: Abuses in PYD-Run Enclaves of Syria*, 19 June 2014, <http://www.refworld.org/docid/53a400c04.html>; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 18 March 2014, para. 22, <http://www.refworld.org/docid/537605144.html>.

<sup>68</sup> "A number of detainees told Amnesty International that they were detained on a whim, with scant evidence, as retribution for peacefully opposing or criticizing the PYD authorities or perceived affiliations with terrorist groups"; Amnesty International, *Syria: Arbitrary Detentions and Blatantly Unfair Trials Mar PYD Fight Against Terrorism*, 7 September 2015, <http://www.refworld.org/docid/55efecce4.html>. See also, Stability: International Journal of Security and Development, *The Security Gap in Syria: Individual and Collective Security in 'Rebel-held' Territories - The PYD: Collective or Individual Security Objectives?*, 16 July 2015, <http://bit.ly/1kEn0TK>; HRW, *Under Kurdish Rule: Abuses in PYD-Run Enclaves of Syria*, 19 June 2014, p. 4, <http://www.refworld.org/docid/53a400c04.html>; ICG, *Flight of Icarus? The PYD's Precarious Rise in Syria*, 8 May 2014, pp. 14, 17, <http://bit.ly/1rAwzr4>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, paras 53, 62, 94, <http://www.refworld.org/docid/52302c5c4.html>.

<sup>69</sup> "Following the YPG's retaking of previously ISIS-controlled areas of Tal Abyad in early July [2015] and villages in the Tel Tamer region of Al-Hasakah, YPG fighters reportedly looted houses belonging to Arab villagers. Despite some reports alleging forced displacement of Arab communities in these areas, most interviewees stated that they had fled in advance of clashes between ISIS and the YPG, and in fear of coalition airstrikes"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 133. See also SNHR, *No Alternative to Return Home: Violations Committed by Kurdish-Self-Management Forces in Al Hassaka Governorate*, 28 October 2015, <http://bit.ly/1MuSecC>; Sydney Morning Herald (SMH), *Kurdish Forces Deny Claims of Abuse in Towns They Liberate from IS*, 19 June 2015, <http://bit.ly/1hDHvhf>; ISW, *ISW Blog: The YPG Campaign for Tel Abyad and Northern Ar-Raqqa Province*, 17 June 2015, <http://bit.ly/1OPWzFY>; The Telegraph, *Syrian Rebels Accuse Kurdish Forces of 'Ethnic Cleansing' of Sunni Arabs*, 15 June 2015, <http://bit.ly/1X25HJ>.

<sup>70</sup> "The circumstances of some of the instances of forced displacement documented in this report suggest that they were carried out in retaliation for people's perceived sympathies with, or family ties to, suspected members of IS or other armed groups. This would constitute collective punishment, which is a violation of international humanitarian law"; Amnesty International, "We Had Nowhere to Go" - *Forced Displacement and Demolitions in Northern Syria*, 12 October 2015, MDE 24/2503/2015, p. 6, <http://www.refworld.org/docid/561cbdaf4.html>.

that it was necessary for the residents' own protection, or for military purposes.<sup>71</sup> The YPG subsequently refuted the report as “*arbitrary, biased, unprofessional and politicized*”.<sup>72</sup> The YPG and *Asayish* committed to end child recruitment and started a process of demobilizing all children under the age of 18; however, according to reports, cases of child recruitment continued to be documented over the past year.<sup>73</sup>

### *Impact of Conflict and Violence on the Civilian Population within Syria*

17. A particular and deepening feature of the conflict is that different parties to the conflict frequently impute a **political opinion** to larger groups of people, including families,<sup>74</sup> tribes,<sup>75</sup> religious or ethnic groups<sup>76</sup> or whole towns,

<sup>71</sup> Amnesty International, “*We Had Nowhere to Go*” - Forced Displacement and Demolitions in Northern Syria, 12 October 2015, MDE 24/2503/2015, pp. 6, 28, 32, <http://www.refworld.org/docid/561cbdaf4.html>.

<sup>72</sup> Rudaw, *YPG Dismisses Amnesty Report Accusing Kurds of Ethnic Cleansing*, 19 October 2015, <http://bit.ly/1Km1AzN>. The full YPG statement in reaction to the Amnesty report, dated 1 October 2015, is available at: <http://links.org.au/node/4585>.

<sup>73</sup> HRW, *Syria: Kurdish Forces Violating Child Soldier Ban*, 15 July 2015, <http://www.refworld.org/docid/55adf6324.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 42, 57, 71, and Annex II, paras 214-216.

<sup>74</sup> Reports consistently describe the targeting of family members and other persons affiliated with those who are opposing or are perceived to be opposing the government. As such, family members (including spouses, children including minor children, siblings, parents and also members of the extended family) of, for example, (real or perceived) protestors, activists, members of opposition parties or armed opposition groups, defectors and draft evaders, have reportedly been targeted for arbitrary arrest, *incommunicado* detention, torture and other forms of ill-treatment, including sexual violence, as well as summary execution. Neighbours, colleagues and friends have also reportedly been targeted. In cases in which a wanted government opponent, or person perceived to be a government opponent, cannot be found, security forces reportedly turn to arresting and/or abusing members of his/her family, including children, either as a form of retribution for the wanted person's opposition activities or defection, to obtain information about his/her whereabouts, or as a means to force the wanted person to turn him/herself in or to confess to the charges brought against him/her. In particularly grave instances, entire families related to members of the opposition or defectors have reportedly been arrested or extra-judicially executed, for example during house searches; see, for example, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 41, 50, 51, 55; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 8; HRW, *World Report 2015 - Syria*, 29 January 2015, <http://www.refworld.org/docid/54cf837c15.html>. Likewise, anti-government armed groups have reportedly singled out family members of government supporters or perceived government supporters, including, for example, members of the government, government forces, or political parties affiliated with the government, commonly for execution or kidnapping for ransom, to pursue a prisoner exchange or as a form of retribution; see, for example, UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, Annex II, para. 17; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 18 March 2014, para. 28, <http://www.refworld.org/docid/537605144.html>. Reports also indicate that ISIS has targeted family members of persons perceived to be opposing the group for arrest and punishment, including execution. Accounts from ISIS-held areas in Syria also suggest that fathers, brothers and husbands are at risk of arrest and flogging if their female relatives do not adhere to ISIS' strict dress code. See, e.g., CBC News, *Covert Citizen Journalists Inside Islamic State Use Truth to Fight ISIS*, 24 October 2015, <http://bit.ly/1PTUfFO>; Channel 4, *Syria: Catching the Bus to Islamic State's Capital*, 6 October 2015, <https://shar.es/15axZj>; The Christian Post, *ISIS Crucifies 11 Christian Missionaries, Cuts Fingertips off 12-Y-O in Front of Preacher-Father Before Killing Them*, 10 October 2015, <http://bit.ly/1PTUfFO>; McClatchy, *For Syrian Activist Group, Resisting the Islamic State Isn't About Making War*, 8 July 2015, <http://bit.ly/1D1DesK>; CNN, *Syrian Woman: I Had to Marry an ISIS Police Chief to Save my Father's Life*, 5 February 2015, <http://cnn.it/1igxBmg>.

<sup>75</sup> In August 2014, it was reported that ISIS executed 700 members of the Sheitat tribe, mostly civilians, in several villages in Deir Ez-Zour governorate in response to a tribal uprising against ISIS rule. More recently, in May 2015, several men of the same tribe were reportedly executed by ISIS in Palmyra (Homs) and Deir Ez-Zour city in retaliation for the tribe's anti-ISIS stance; International Business Times, *ISIS: Sunni Tribe in Eastern Syria Pay Bloody Price for Rebellion against Islamic State*, 21 May 2015, <http://bit.ly/1K88N6g>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, Annex II, paras 27-30; OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2015, para. 68.

<sup>76</sup> As the conflict evolved, religious minority groups, including Alawites, Shi'ites, Christians and Druze, have reportedly increasingly aligned themselves with the government, largely due to complex factors such as fear of retribution and discrimination at the hands of an increasingly radicalized opposition, lack of political alternatives, loss of family members, as well as economic reasons. Members of religious minority groups have also joined pro-government forces, including in order to protect their communities from (real or anticipated) attacks. Over the course of the conflict, the civilian Kurdish population has increasingly been perceived, most notably by ISIS and JAN, as supporting the YPG, which has retaken substantial parts of previously ISIS-controlled territory in northern Syria. Extremist groups also reportedly consider Kurds as “non-believers”. Attacks against religious or ethnic minority groups have reportedly increased; the reasons behind these attacks may involve a combination of motives. What may appear as religiously-motivated attacks may (primarily or additionally) involve political motives as religious/ethnic minority groups are often blamed by non-state armed groups for abuses by opposing warring parties. Members of religious or ethnic minority groups and their localities/communities have come under threat and direct attack by non-state armed groups, including raids, mortar and rocket attacks, car bombs, as well as sieges and disruption of basic supplies. According to the Independent International Commission of Inquiry, “[s]ome [religious and ethnic] communities have been specifically targeted, with discriminatory intent, on the grounds of their actual or perceived religious and/or ethnic background, by ISIS and Jabhat Al-Nusra. In some attacks, anti-Government armed groups have acted in concert with Jabhat Al-Nusra. In other instances, the motivations for attacks are more complex, resulting from perpetrators conflating a community's ethnic and/or religious backgrounds and its perceived political loyalties. Where ethnic or religious groups are believed to be supporters of an opposing warring faction, the entire community has been the subject of discrimination and, in some instances, violent attack” UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 110, 111. For examples, see the same report, paras 126, 129, 137, 138. See also UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, paras 29, 35; Global Centre for the Responsibility to Protect, *Failure to Protect: Syria and the UN Security Council*, Occasional Paper Series No. 5, March 2015, p. 9, <http://www.global2p.org/publications/360>; HRW, “*He Didn't Have to Die*”: Indiscriminate Attacks by Opposition Groups in Syria, 23 March 2015, pp. 1, 14-15, <http://www.refworld.org/docid/55111ca54.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 51, 123, and Annex II, paras 220-238. (Arab) Sunnis, especially if from areas known for their sympathies for the opposition or living under *de facto* control of anti-government armed groups, are broadly perceived as opposing the government. As such, their localities have been subjected to shelling, artillery fire, military

villages or neighbourhoods, by association.<sup>77</sup> As such, members of a larger entity, without individually being singled out, become the targets for repercussions by different actors, including government forces,<sup>78</sup> ISIS,<sup>79</sup> and anti-government armed groups,<sup>80</sup> for reason of real or perceived support to another party to the conflict. According to consistent reports, whole communities which are perceived to be holding a particular political opinion or affiliation in relation to the conflict are targeted by aerial bombardments, shelling, siege tactics, suicide attacks and car bombs, arbitrary arrest, hostage-taking, torture, rape and other forms of sexual violence, and extra-judicial executions. The perception of sharing a political opinion or affiliation in relation to the conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic, religious or tribal background. The risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis.

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raids and withholding of food and other basic necessities. Sunnis have further been targeted by government forces for arbitrary arrest, *incommunicado* detention, torture and other forms of ill-treatment as well as extra-judicial and summary executions on account of their real or perceived affiliation with Sunni Islamist or Salafist parties or, more generally, anti-government armed groups. According to the Independent International Commission of Inquiry, “[I]n Government-held areas, Sunni men from restive areas are in the greatest danger of being detained at checkpoints or during house searches, as they are perceived as likely sympathizers with or supporters of anti-Government armed groups. This community is particularly at risk of being subjected to enforced disappearance, torture and other detention-related violations”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 134. See also para. 136 of the same report.

<sup>77</sup> “As communities and groups are, or feel, threatened, they have retreated into areas where they believe themselves to be more protected. This has further strengthened the dangerous perception of a link between some ethnicities and/or religions and political allegiances. Consequently, indiscriminate attacks on areas held by an opposing warring party are increasingly likely to affect specific religious or ethnic communities”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 135.

<sup>78</sup> Reports allege that the government generally considers civilians living in or originating from locations that have seen popular protests and/or have a presence of, or have (even temporarily) fallen under control of anti-government armed groups, as opposing the government. According to reports, this is part of a broader policy where civilians are targeted by association, on account of being present in or originating from an area considered to be opposing the government and/or supporting the anti-government armed groups. Reports describe that the government seeks to erode popular support for anti-government armed groups by punishing civilians for their real or perceived opposition to the government and by making life unbearable in areas under the control of these groups. Civilians in these locations are reportedly subjected to a variety of punitive measures, including arrests, torture, sexual violence, and extra-judicial executions committed by government forces during ground incursions, house searches and at checkpoints. Government forces have reportedly also engaged in the pillaging and destruction of homes and shops belonging to perceived opponents during military raids. As the government lost control over parts of the country, it has reportedly increasingly resorted to subjecting civilians in these locations to extensive artillery shelling and aerial bombardment. In a number of areas held by anti-government armed groups, the government is reported to have laid sieges, thereby systematically depriving civilians of basic necessities such as food and medical assistance. See, for example, UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 168; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 22; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, para. 40; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 49, 50.

<sup>79</sup> Reports allege that, as part of its efforts to establish and consolidate control, ISIS has deliberately targeted civilians on the basis of their real or perceived political opinion and/or religious or ethnic identity, including through indiscriminate attacks on (minority) areas, summary execution, and forced displacement. “(...) experts reiterated their concern about the ongoing threat to the safety of minority groups in Syria, including Alawites, Armenians, Assyrians, Druze, Ismailis and Kurds, who are being killed, persecuted or otherwise targeted – primarily by non-state armed groups, including Jabhat al Nusra and the so-called ‘Islamic State of Iraq and the Levant’ – on the basis of their religious or ethnic identity”; UN News Centre, *Syria: UN Rights Officials Deplore Government Aerial Attacks; Warn of Retaliation by Armed Groups*, 12 June 2015, <http://www.refworld.org/docid/5580181c40a.html>. According to the Independent International Commission of Inquiry, “Where ISIS has occupied areas with diverse ethnic and religious communities, minorities have been forced to either assimilate or flee. It forcibly displaced Kurds from towns in ArRaqqah as early as July 2013. As recently as November 2014, it evicted Kurds living in Al Bab (Aleppo). It has also destroyed Christian churches and Shia shrines in its areas of control”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, para. 39. See also UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 32, 98, 113, 123-126; OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2014, paras 24, 28, 29, 69-72.

<sup>80</sup> Reports indicate that anti-government armed groups apply a broad interpretation as to who among the civilian population they consider to be “pro-government”. This includes civilians who live in areas where the government maintains control; areas that host government military installations or personnel (often located in residential areas); and communities considered supportive of the government on the basis of their religious identity. Such civilians are considered by anti-government armed groups to be opposing them. The perceptions of who is “pro-government” are reported to result in anti-government armed groups regularly targeting civilian inhabitants of neighbourhoods, villages or towns presently or previously under control of the Syrian Government. Similarly, neighbourhoods, villages and towns that are mainly inhabited by religious minority groups are reported to be targeted by anti-government armed groups on the basis of the inhabitants’ perceived support of the government. Anti-government armed groups employ a variety of violent tactics, including by targeting civilians in perceived “pro-government” locations with mortar and rocket fire, sniper fire, suicide attacks and car bombs as well as ground attacks accompanied by hostage-taking, extra-judicial executions, including massacres, as well as pillaging and looting of properties. In addition, reports suggest that anti-government armed groups in some areas impose sieges on perceived “pro-government” areas or deliberately deny civilians in such areas access to basic services and humanitarian assistance. Civilian inhabitants of “pro-government” locations are also reportedly being singled out for hostage-taking for the purpose of ransom or prisoner exchanges; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 32, 36, 37, 104, 137, 138; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, para. 41; HRW, “He Didn’t Have to Die”: *Indiscriminate Attacks by Opposition Groups in Syria*, 23 March 2015, pp. 1, 14-15, <http://www.refworld.org/docid/55111ca54.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 21-23 and Annex II, paras 15-20, 60-65, 94, 95, 98, 100, 197, 198, 202, 230-237, 265-268.

18. The situation of **women** is dramatically affected by the ongoing conflict as they are increasingly exposed to a range of violations from different parties to the conflict on the basis of their gender.<sup>81</sup> Thousands of women have reportedly been killed as a result of shelling in civilian areas, the use of snipers, during raids and massacres.<sup>82</sup> Others are being detained, taken hostage, subjected to torture and sexual or other violence, used as human shields or subjected to harsh interpretations of *Shari'a* law.<sup>83</sup> An increasing number of women and girls are becoming the primary or sole caretakers for their families due to their male family members' injury or disability, detention, disappearance, death, participation in the conflict or inability to move for fear of arrest, detention or summary execution at checkpoints.<sup>84</sup> These women and girls face specific hardships in rebuilding their lives and caring for their families amidst increased risk of abuse and exploitation.<sup>85</sup>
19. **Children** are among those most affected by the conflict. According to OCHA, “[T]oday, Syria is one of the most dangerous places on earth to be a child.”<sup>86</sup> Thousands of children have been killed or maimed as a result of crossfire, shelling and bombardment as well as in targeted violence such as sniper fire and summary executions and massacres.<sup>87</sup> Many others are being injured, detained, abducted, tortured, or subjected to sexual violence, leaving large numbers of children severely traumatized.<sup>88</sup> In Syria, 5.6 million children are affected by the conflict and live in “poverty, displacement and caught in the lines of fire”,<sup>89</sup> with up to two million living in hard-to-reach areas in Syria.<sup>90</sup> Children are reportedly among those most severely affected by sieges, with most fatalities resulting from malnutrition and dehydration being young children.<sup>91</sup> More than two million children are reported to be out of school and a further 450,000 at risk of dropping out.<sup>92</sup> Many children affected by the conflict have been or may be exposed to child labour, domestic violence and/or early and forced marriage.<sup>93</sup> Reports document the recruitment

<sup>81</sup> “As fighting has engulfed civilian areas, the barest possibility of a normal life has been destroyed. The impact has been particularly grave for women and children, whose most basic rights are infringed by the conduct of the parties”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 13 August 2014, A/HRC/27/60, para. 137, <http://www.refworld.org/docid/53fed8134.html>. See also UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 49.

<sup>82</sup> BMJ, *Civilian Deaths from Weapons Used in the Syrian Conflict*, 29 September 2015, <http://www.bmj.com/content/351/bmj.h4736>. See also consecutive reports by the Independent International Commission of Inquiry, available at: <http://www.ohchr.org/en/hrbodies/hrc/iicisyrria/pages/independentinternationalcommission.aspx>.

<sup>83</sup> UN News Service, *Security Council Condemns Use of Sexual Violence as ‘Tactic of War’ in Iraq and Syria*, 28 August 2015, <http://www.refworld.org/docid/55e4017840c.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 49-63; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 23 March 2015, S/2015/203, <http://www.refworld.org/docid/5536100a4.html> (hereafter: UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 23 March 2015), paras 60-62; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 60-64; OHCHR, *Rule of Terror: Living under ISIS in Syria*, 14 November 2014, paras 47-57.

<sup>84</sup> “Women make up more than half of Syrian refugees and IDPs. This is due to adult men being away fighting, or having been killed or disappeared. Where families remain intact, adult men from restive areas or from communities perceived to be in support of an opposing faction are often unwilling to move due to fears of arrest, detention or summary execution at checkpoints. Consequently, over the course of the conflict and outside of ISIS-controlled areas, the Syrian Arab Republic has seen a rise in female-headed households. Despite confronting great difficulties, women are often the primary caregivers and providers for their children”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 65.

<sup>85</sup> UN Population Fund (UNFPA), *Breaking the Silence – Hope for a New Life*, 29 April 2015, <http://bit.ly/1Dr6xeh>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, para. 59. See also Channel 4 News, *Syria: The Hidden War on Women*, 8 September 2015, <http://bit.ly/1LWfZqh>.

<sup>86</sup> OCHA, *Under-Secretary-General For Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien Statement to the Security Council on Syria*, 16 September 2015, <https://shar.es/1uvVKh>. See also UN News Centre, *Syrians Living ‘Tragedy and Despair Barely Imaginable Five Years Ago,’ Says Top UN Relief Official*, 27 October 2015.

<sup>87</sup> BMJ, *Civilian Deaths from Weapons Used in the Syrian Conflict*, 29 September 2015, <http://bit.ly/1KVlByB>; Save the Children, *Education under Attack in Syria*, 16 September 2015, <http://bit.ly/1Pqsw9g>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 70, 71; UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2015, paras 197, 198, 200, 205.

<sup>88</sup> See, for example, UN Children’s Fund (UNICEF), *Child Protection Facts & Figures - September 2015*, 10 October 2015, <http://bit.ly/20EC2K1>; UN News Service, *Security Council Condemns Use of Sexual Violence as ‘Tactic of War’ in Iraq and Syria*, 28 August 2015, <http://www.refworld.org/docid/55e4017840c.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 72, 74, 68; UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 23 March 2015, paras 60-62; UNICEF, *14 Million Children Impacted by Conflict in Syria and Iraq*, 12 March 2015, p. 5, <http://www.refworld.org/docid/562488db4.html>.

<sup>89</sup> UNICEF, *#ChildrenOfSyria*, undated (accessed 15 November 2015), <http://childrenofsyria.info/>.

<sup>90</sup> UNICEF, *Syria Crisis Monthly Humanitarian Highlights and Results*, September 2015, p. 2, <http://bit.ly/1MQoCq4>.

<sup>91</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 77.

<sup>92</sup> UNICEF, *Education under Fire*, 3 September 2015, p. 4, <http://www.refworld.org/docid/55e954654.html>.

<sup>93</sup> Girls Not Brides, *Child Marriage around the World: Syrian Arab Republic*, undated (accessed 15 November 2015), <http://bit.ly/1GzOhkc>; World Vision, *What You Need to Know: Conflict in Syria, Children, and the Refugee Crisis*, 5 October 2015, <https://shar.es/1uQcYp>; Save the Children/UNICEF, *Small Hands, Heavy Burden: How the Syrian Conflict is Driving More Children into the Workforce*, 2 July 2015, <http://www.refworld.org/docid/55966c574.html>; UNICEF, *14 Million Children Impacted by Conflict in Syria and Iraq*, 12 March 2015, pp. 3-4, <http://www.refworld.org/docid/562488db4.html>; UNFPA, *Child Marriage Takes a Brutal Toll on Syrian Girls*, 15 October 2014, <http://bit.ly/1xIkGkl>. Among Syrian refugee populations, child marriages and sexual violence against

of children for support functions and combat by various parties to the conflict, putting them at great risk of death, injury, torture or trauma.<sup>94</sup> Civil registration services in Syria have been disrupted and no longer operate in non-government held areas, leaving many children born in Syria without any recognized documentation of their identity, family composition or nationality.<sup>95</sup>

20. The conflict in Syria and associated emergence of hardline and extremist Islamist armed groups, most notably ISIS and JAN, have reportedly compounded the pre-existing vulnerability and risks of **persons of diverse sexual orientations and gender identities** in Syria.<sup>96</sup> Individuals of diverse sexual orientations are reportedly often subjected to multiple forms of ill-treatment at the hands of different actors,<sup>97</sup> including their immediate and extended families,<sup>98</sup> wider society,<sup>99</sup> authorities,<sup>100</sup> as well as a range of armed groups, including ISIS and JAN.<sup>101</sup> Out of fear of being targeted, high numbers of persons of diverse sexual orientations and gender identities have reportedly fled from Syria and in particular from areas under the control/influence of ISIS.<sup>102</sup>

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girls and women have emerged as a major concern, with devastating consequences for the health, education and general well-being of Syrian girls; ABC, *Number of Syrian Refugee Girls Forced into Marriage Triples*, 14 October 2015, <http://ab.co/1G4GYRz>; CARE, “*To Protect her Honour*” - *Child Marriage in Emergencies – the Fatal Confusion between Protecting Girls and Sexual Violence*, 2 July 2015, <http://bit.ly/1Ky3vKf>; Middle East Eye, *Many Child Marriages among Syrian Refugees Driven by Economics*, 2 April 2015, <https://shar.es/1uvMxS>; International Rescue Committee (IRC), *Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict*, September 2014, <http://bit.ly/1NOquiU>; Save the Children, *Too Young to Wed - The Growing Problem of Child Marriage among Syrian Girls in Jordan*, 2014, <http://bit.ly/1mnN4f9>.

<sup>94</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 68, 69, 75, 76; UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2015, paras 191-195, 207. See also paras 12-16 above: “*Human Rights Situation and Violations of International Humanitarian Law*”.

<sup>95</sup> UNHCR, November 2015.

<sup>96</sup> SMH, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015, <http://bit.ly/1Mkftje> (hereafter: SMH, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015); UNSC, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 23 March 2015, para. 61; CNN, *Amid Brazen, Deadly Attacks, Gay Syrians Tell of Fear of ISIS Persecution*, 6 March 2015, <http://cnn.it/1wY6VrN> (hereafter: CNN, *Amid Brazen, Deadly Attacks, Gay Syrians Tell of Fear of ISIS Persecution*, 6 March 2015); France 24, *Gays in Syria Risk Execution by IS Militants*, 12 December 2014, <http://f24.my/1ApRyKS>; BBC, *Gay Community Hit Hard by Middle East Turmoil*, 29 October 2014, <http://bbc.in/1wFN1SL> (hereafter: BBC, *Gay Community Hit Hard by Middle East Turmoil*, 29 October 2014).

<sup>97</sup> “*Gay people become targets of the state, the groups fighting it, and their own families*”; BBC, *Gay Community Hit Hard by Middle East Turmoil*, 29 October 2014. “[M]any gay men there face a double threat: They’re being persecuted by the Syrian army and by militant groups while their families often reject them, or worse”; Washington Post, *Double Threat for Gay Men*, 25 April 2014, <http://wapo.st/1lO8WpT>.

<sup>98</sup> SMH, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015; BBC, *Gay Community Hit Hard by Middle East Turmoil*, 29 October 2014; Washington Post, *Double Threat for Gay Men*, 25 April 2014, <http://wapo.st/1lO8WpT>.

<sup>99</sup> Human rights activists and organizations working to defend the rights of persons of diverse sexual orientations and gender identities report that there is overt societal discrimination based on sexual orientation and gender identity in Syrian society. Homosexuality continues to be generally considered as a mental disorder or perversity. Most people, irrespective of their religious background, openly reject homosexuality/transsexuality based on prevailing social and religious attitudes. Families of persons of diverse sexual orientations and gender identities reportedly fear societal stigma should their son or daughter’s sexual orientation become known. US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 55.

<sup>100</sup> Reports indicate that authorities and pro-government forces target men for torture and sexual abuse in detention or at checkpoints on account of their sexual orientation; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 56; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 18 March 2014, para 27, <http://www.refworld.org/docid/537605144.html>. See also SMH, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015; Al-Monitor, *LGBT Community Finds Damascus More Open*, 15 December 2014, <http://bit.ly/1M3YvH8>.

<sup>101</sup> Since early 2013, extremist Islamist groups, including ISIS and JAN, have expanded their control, and began to implement their strict interpretations of *Shari’a* law. In their views, consensual same-sex sexual acts between men constitute a contravention of the laws and are punishable by death. Punishments for men who are accused of same-sex sexual acts reportedly include burning alive, beheading, stoning, shooting or throwing the accused from tall buildings. According to reports, men accused of engaging in consensual same-sex acts have been sexually harassed, tortured and executed, at times after having been sentenced to death by irregularly constituted courts. According to the Independent International Commission of Inquiry, “[G]ay men have been targeted on the basis of their sexuality and killed. Reports indicate that such conduct is indicative of a broader pattern of ISIS’ treatment of homosexual men. Such killings constitute murder as a war crime, and a crime against humanity”; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, Annex II, para. 189. See also UN Human Rights Council, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, 16 June 2015, A/HRC/29/51, para. 27, <http://www.refworld.org/docid/558982fc4.html>. Further, observers describe that by targeting men who are alleged to have engaged in consensual same-sex acts, ISIS seeks to spread terror among the population with the aim of enforcing the population’s submission to the group’s control and strict moral code. According to reports, the mere allegation that someone has engaged in consensual same-sex acts is sufficient to be “*convicted*”. Activists further note that ISIS uses allegations of same-sex acts to eliminate perceived opponents to ISIS’ rule; Pink News, *ISIS Stones Two More Gay Men to Death in Syria*, 28 October 2015, <http://bit.ly/1S9fZ8M>; The Independent, *‘I Was Sure I’d Be Raped or Killed. I Was Terrified’: My Life as a Gay Syrian Refugee Who Had to Flee Isis*, 3 September 2015, <http://ind.pn/1RdVH11>; Washington Blade, *Reports Indicate Islamic State Executing Men for Sodomy*, 7 March 2015, <https://shar.es/12gvtP>; CNN, *Amid Brazen, Deadly Attacks, Gay Syrians Tell of Fear of ISIS Persecution*, 6 March 2015; France 24, *Gays in Syria Risk Execution by IS Militants*, 12 December 2014, <http://f24.my/1ApRyKS>.

<sup>102</sup> SMH, *‘It Can’t Get any Worse than Being Gay in Syria Today’*, 17 October 2015; Fusion, *Impossible Journey: Escaping ISIS is Only One of Many Challenges for LGBT Syrians*, 27 May 2015, <http://fus.in/1FOB1FI>; Washington Blade, *Reports Indicate Islamic State Executing Men for Sodomy*, 7 March 2015, <https://shar.es/12gvtP>; CNN, *Amid Brazen, Deadly Attacks, Gay Syrians Tell of Fear of ISIS Persecution*, 6 March 2015; AFP, *For Gay Syrians, Jihadist Threat Adds New Fear*, 27 December 2014, <http://dailym.ai/1HDQ5Cm>.

21. The human rights and humanitarian situation of **Palestinian refugees in Syria** is reported to continuously deteriorate. By virtue of their location within the major urban centres that have been affected by intense fighting, including in Dera'a, Damascus, Rural Damascus, Homs, Hama, Latakia and Aleppo governorates, all of the 12 Palestinian refugee camps and 23 communities have been directly affected by the conflict.<sup>103</sup> The intense and pervasive nature of the conflict, and the actions of the parties to it, seriously affect UNRWA's operations in Syria.<sup>104</sup> According to UNRWA estimates, out of the approximately 560,000 Palestine refugees and other persons registered as eligible to receive services from UNRWA ("Palestinian refugees")<sup>105</sup> in Syria prior to the conflict, around 280,000 have been internally displaced inside Syria and over 110,000 have fled to other countries.<sup>106</sup> In total, UNRWA estimates that 450,000 Palestinian refugees registered with the agency remain in Syria. Nearly all of these, 96 per cent, are considered vulnerable and in need of food, water and health care, while up to 48,000 reside in areas where humanitarian access is severely limited.<sup>107</sup>
22. Parties to the conflict have reportedly blocked humanitarian access and have laid siege to Palestinian refugee camps.<sup>108</sup> From 1 April 2015, Yarmouk (Damascus governorate) witnessed an incursion of extremist armed groups, which reportedly caused a dramatic escalation of violence prompting thousands of civilians to flee into neighbouring areas of Yalda, Babila and Beit Saham.<sup>109</sup> Shortly after the incursion, the UN Secretary-General, Ban Ki Moon, described Yarmouk as "*the deepest circle of hell*", stating that "*a refugee camp is beginning to resemble a death camp*".<sup>110</sup> UNRWA has had no access to the interior of Yarmouk since April 2015, while in 2014 it was only able to access the camp on 131 days throughout the entire year. Many thousand civilians remain trapped inside Yarmouk in dire conditions and without access to humanitarian assistance.<sup>111</sup> In addition, the significant escalation of violence

<sup>103</sup> UNRWA, *Syria: UNRWA - Humanitarian Snapshot August 2015*, September 2015, <http://bit.ly/1OOQOK7>; UNRWA, *Syria Regional Crisis Response Update 87*, 15 May 2015, <http://bit.ly/1VAc7xB>; UNRWA, *Syria Regional Crisis Emergency Appeal 2015*, 18 December 2014, p. 2, <http://bit.ly/1H2tGQf>. See also, Katrien De Bock, "Palestinian Refugees in Syria: An Overview", in BADIL Resource Center for Palestinian Residency and Refugee Rights, *Al Majdal*, Issue No. 57 (Summer 2015), "Palestinian Refugees from Syria, Ongoing Nakba, Ongoing Discrimination (2)", pp. 4-6, <http://bit.ly/1N2hTrG> (hereafter: Katrien De Bock, "Palestinian Refugees in Syria: An Overview", Summer 2015). According to the Working Group for Palestinians in Syria, by September 2015, nearly 3,000 Palestinians have been killed across Syria since the beginning of the conflict; Associated Press, *At least 3,000 Palestinians Killed in Syria Conflict*, 20 October 2015, <http://bit.ly/1LOFPKc>.

<sup>104</sup> At least 46 of a total of 219 UNRWA schools, clinics and other facilities have been damaged during armed engagements since 2011. Currently, only 42 UNRWA schools and 14 UNRWA health centres remain operational. Damage to and lack of safe access to UNRWA facilities has made it more difficult for Palestinian refugees to obtain essential services; UN General Assembly (UNGA), *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East - 1 January - 31 December 2014*, 31 January 2014, A/70/13, paras 10-11, <http://www.refworld.org/docid/56419abc4.html> (hereafter: UNGA, *Report of the Commissioner-General of UNRWA to the General Assembly*, 2015).

<sup>105</sup> In this document, the term "Palestinian refugees" refers to persons who fall within the scope of Article 1D of the 1951 Convention as defined in UNHCR, *Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, 2 October 2002, <http://www.refworld.org/docid/3da192be4.html> and reaffirmed in UNHCR *Revised Statement on Article 1D of the 1951 Convention in Relation to Bolbol v. Bevándorlási és Állampolgársági Hivatal Pending before the Court of Justice of the European Union*, October 2009, <http://www.refworld.org/docid/4add79a82.html>. The same definition is often used to describe Palestinians who are refugees within the meaning of Article 1A(2) of the 1951 Convention. For more information on the eligibility criteria for services offered by UNRWA, see UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 2009, p. 3, <http://www.unrwa.org/sites/default/files/2010011995652.pdf>.

<sup>106</sup> In Lebanon, 42,500 Palestinian refugees from Syria have been recorded with UNRWA and in Jordan 16,000. Large groups of Palestinian refugees are reported to have fled to Gaza, Egypt and further afield. UNRWA, *Syria Crisis - Facts and Figures*, undated (accessed 9 November 2015), <http://www.unrwa.org/syria-crisis>.

<sup>107</sup> Including in Yarmouk and its immediate surroundings, Khan Eshieh, Ramadan (all in Rural Damascus governorate) and in areas of rural Dera'a governorate; UNRWA, *2015 Syria Crisis Response Progress Report (covering period from January to May 2015)*, 2015, pp. 4, 5, <http://bit.ly/1i5jtvS> (hereafter: UNRWA, *2015 Syria Crisis Response Progress Report*, 2015).

<sup>108</sup> US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 40. Middle East Monitor, *Palestinian Refugees in Rural Damascus Appeal for Help*, 13 July 2015, <http://bit.ly/1dWBbj7>.

<sup>109</sup> UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 20 August 2015, S/2015/651, paras 6-7, <http://www.refworld.org/docid/55dc77b34.html>; UNHCR, *UNHCR Syria In Focus - Issue 12 of 2015*, August 2015, p. 3, <http://www.refworld.org/docid/55e556a84.html>; UNRWA, *2015 Syria Crisis Response Progress Report*, 2015, pp. 1, 5, 8. See also successive UNRWA's *Yarmouk Situation Updates*, available at: <http://www.unrwa.org/newsroom/emergency-reports>. See also Middle East Monitor, *Palestinian Refugees in Rural Damascus Appeal for Help*, 13 July 2015, <http://bit.ly/1dWBbj7>; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 40; Katrien De Bock, "Palestinian Refugees in Syria: An Overview", Summer 2015, p. 5.

<sup>110</sup> UN News Centre, *Opening Remarks at Press Encounter*, 9 April 2015, <http://bit.ly/1RynEN9>.

<sup>111</sup> At the time of writing, all UNRWA operations in Yarmouk remain suspended. The last UNRWA mission inside Yarmouk took place on 28 March 2015. In September 2015, UNRWA was permitted to conduct six missions to neighbouring Yalda, to which many Palestinian refugees from Yarmouk have been displaced. However, UNRWA was not permitted to provide medical services during these missions in response to a suspected outbreak of typhoid; UNRWA, *Syria: UNRWA - Humanitarian Snapshot September 2015*, 26 October 2015, <http://bit.ly/1GNgGnf>; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 43; UNHCR, *UNHCR Syria In Focus -*

in Dera'a in June 2015 reportedly further aggravated the already precarious humanitarian situation of Palestinian refugees, leaving the majority with extremely limited access to basic services and assistance.<sup>112</sup> Numerous homes, shops, schools and health facilities in Palestinian camps and residential areas have been damaged or destroyed as a result of fighting, looting and attacks and have led to the displacement of almost all their residents, particularly in Dera'a, Ein El-Tal (Aleppo governorate), and Sbeineh (Rural Damascus governorate) camps.<sup>113</sup> Since August 2015, following reported improvements of the security conditions in Husseiniyeh in Rural Damascus governorate, over 4,500 families are said to have returned to the area, 80 per cent of whom are reported to be Palestinian refugees.<sup>114</sup> As with other minorities, there are reports of Palestinian individuals having been drawn into the conflict, reportedly supporting, or perceived to be supporting, one of the parties to the conflict, thereby placing the larger community at risk of reprisals and abuse.<sup>115</sup> Palestinian refugees face particular difficulties in accessing safety outside Syria as neighbouring states have restricted their entry.<sup>116</sup>

23. In addition, UNHCR is concerned about a group of some 1,000 **Palestinian refugees from Iraq**, who fled to Syria to escape violence following the fall of the Saddam Hussein regime.<sup>117</sup> Members of this small refugee group are presently experiencing serious protection problems and only have minimal access to durable solutions in Syria due to their history and legal status in the country, which is significantly distinct from the broader population of Palestinian refugees in Syria.<sup>118</sup> As such, resettlement for this particularly vulnerable group is considered vital to ensure their immediate protection and to provide them with a durable solution.
24. Since the beginning of the conflict in Syria in 2011, many **refugees and asylum-seekers in Syria**, mostly Iraqis, have felt compelled, for lack of another option, to return to their country of origin. Others have been displaced, once again, within Syria or to other countries.<sup>119</sup> As of 30 September 2015, approximately 28,700 refugees and asylum-

Issue 12 of 2015, August 2015, p. 3, <http://www.refworld.org/docid/55e556a84.html>; UNRWA, 2015 Syria Crisis Response Progress Report, 2015, pp. 1, 5, 8. See also successive UNRWA's Yarmouk Situation Updates, available at: <http://www.unrwa.org/newsroom/emergency-reports>.

<sup>112</sup> UNRWA, Syria: UNRWA - Humanitarian Snapshot July 2015, August 2015, <http://bit.ly/205B6xO>.

<sup>113</sup> UNRWA, Syria: UNRWA - Humanitarian Snapshot July 2015, August 2015, <http://bit.ly/205B6xO>; UNGA, Report of the Commissioner-General of UNRWA to the General Assembly, 2015, para. 8; Action Group for Palestinians of Syria, Residents of Sbeineh Camp Demand the Syrian Army to Open the Way Back to their Homes, 9 September 2015, <https://shar.es/1ux7Kd>; Katrien De Bock, "Palestinian Refugees in Syria: An Overview", Summer 2015, pp. 4-5; UNRWA, Syria Regional Crisis Response Update 87, 15 May 2015, <http://bit.ly/1VAc7xB>; UNRWA, Syria Regional Crisis Emergency Appeal 2015, 18 December 2014, pp. 2, 5, 8, <http://bit.ly/1H2GQf>.

<sup>114</sup> Amid increased returns to Husseiniyeh, the humanitarian conditions continue to be precarious, with urgent needs to repair homes, schools and other basic infrastructure (water, sewage and electricity networks). UNRWA, Syria: UNRWA - Humanitarian Snapshot September 2015, 26 October 2015, <http://bit.ly/1GNgGnf>; UNSC, Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014), 22 October 2015, para. 19.

<sup>115</sup> "Since then [August 2012], nearly 3,000 Palestinian refugees in Syria have died during fighting between Syrian President Bashar al-Assad's forces and armed opposition groups, according to the U.K.-based Action Group for Palestinians of Syria. Another 943 are currently detained by the Syrian government forces and an estimated 277 have been abducted"; Syria Deeply, Nusra and ISIS Targeting, Assassinating Local Palestinian Leaders in Yarmouk, 17 August 2015, <http://bit.ly/1jyarsu>. See also US Department of State, 2014 Country Reports on Human Rights Practices - Syria, 25 June 2015, pp. 25, 40; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 5 February 2015, para. 86; UNSC, Report of the Secretary-General on the Implementation of Security Council Resolution 2139 (2014), 22 May 2014, S/2014/365, para. 14, <http://www.refworld.org/docid/53ac00ee4.html>.

<sup>116</sup> UNGA, Report of the Commissioner-General of UNRWA to the General Assembly, 2015, paras 11, 13, 73; Middle East Monitor, Syria's Neighbouring Countries Deny Entry to Palestinian Refugees, 20 July 2015, <http://bit.ly/1PzDXut>; UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 5 February 2015, para. 86; IRIN, A Timeline for Syria's Closing Borders, 8 January 2015, <http://bit.ly/1FyFloD>; UN News Service, UN Says Palestinian Refugees from Syria Face 'Increasingly Grave' Situation Region Wide, 24 November 2014, <http://www.refworld.org/docid/54747a704.html>; HRW, Not Welcome: Jordan's Treatment of Palestinians Escaping Syria, 7 August 2014, <http://www.refworld.org/docid/53e4a3de4.html>; Amnesty International, Families Ripped Apart as Palestinian Refugees from Syria Denied Entry to Lebanon, 1 July 2014, <http://bit.ly/1GceGoc>.

<sup>117</sup> UNHCR, UNHCR Echoes from Syria Issue 12, 31 August 2015, Issue 12, p. 3, <http://www.refworld.org/docid/561b65554.html>. These individuals registered by UNHCR in Syria include Palestinians confirmed by UNRWA as not registered nor eligible to register with UNRWA, and whose registration information was verified by UNHCR in 2014.

<sup>118</sup> Unlike Palestinians generally in Syria, these Palestinians from Iraq are neither registered nor eligible for registration with UNRWA. The majority of them live in the suburbs of Damascus, including in areas affected by conflict. They depend entirely on humanitarian assistance provided by UNHCR. Palestinians from Iraq are among the most vulnerable refugees in Syria, not only because of the lack of integration prospects in Syria under the current circumstances, but also due to their past experience in their former country of asylum, namely Iraq, involving harassment and other forms of ill-treatment, as well as multiple displacements. A safe and dignified return to Iraq is not possible given that the latest conflict in Iraq has once again resulted in a significant deterioration of the situation of Palestinian refugees there.

<sup>119</sup> Al-Akhbar, Iraqi Refugees in Syria: Between a Rock and a Hard Place, 11 April 2014, <http://bit.ly/1Gk5JJJ>; UNHCR, A Year in Review 2013 - UNHCR Syria, 2013, p. 58, <http://www.refworld.org/docid/52d7c00c4.html> (hereafter: UNHCR, A Year in Review 2013, 2013); IRIN, Analysis: Syria's Forgotten Refugees, 23 April 2012, <http://shar.es/11OIQ6>.



seekers (almost 10,000 families) remain registered with UNHCR in Syria.<sup>120</sup> The large majority originates from Iraq,<sup>121</sup> in addition to small groups from Afghanistan, Sudan and other countries.<sup>122</sup> Traditionally, most refugees and asylum-seekers in Syria reside in Damascus and its surrounding countryside, and, to a lesser extent, in Homs, Deir Ez-Zour and Dera'a governorates, including in many areas that have been directly affected by conflict. Refugees and asylum-seekers residing in conflict areas are at risk of being killed, injured or arrested.<sup>123</sup> Many find themselves unable to leave such areas for a combination of reasons, including lack of documentation to pass checkpoints, lack of financial means to find shelter elsewhere, insecurity and road blocks. Furthermore, in a situation of active conflict and increased lawlessness, refugees and asylum-seekers are particularly vulnerable to being singled out for detention, kidnapping, robberies, threats and harassment, as they lack extended family and tribal or community networks.<sup>124</sup> Refugees and asylum-seekers' perceived association with one of the parties to the conflict, based on their nationality, ethnic or religious background, may expose them to direct targeting, individually or as a group.<sup>125</sup> As a result of the renewed escalation of conflict in Iraq since 2014, new groups of Iraqis, including members of minority groups, have fled from Iraq to Syria, including an estimated 95,000 Yazidis who arrived in Hassakeh governorate in August 2014. While most of these refugees transited via Syria into the Kurdistan Region of Iraq, around 3,000 remain in Newroz Camp in Hassakeh governorate.<sup>126</sup>

25. As a result of unemployment and loss of livelihoods, many refugees and asylum-seekers in Syria have exhausted their financial resources. Most are dependent on humanitarian assistance; however, access to refugees and asylum-seekers for UNHCR and other organizations is restricted due to security constraints.<sup>127</sup> They further have to compete with the large numbers of IDPs for affordable accommodation. Many refugee and asylum-seeker children have seen their education disrupted and are at an increased risk of child labour or other forms of exploitation. With the prolonged crisis in Syria, their possibilities for durable solutions have decreased. Resettlement has become the only viable option for providing physical protection for refugees in need of durable solutions. In 2014, almost 1,900 refugees departed Syria to various resettlement countries, with priority given to refugees with medical needs, women at risk, unaccompanied children and persons with legal and physical protection concerns. In addition, a number of refugees previously in Syria, mainly Iraqis, had their cases processed for resettlement in neighbouring countries after they were forced to flee Syria. More resettlement places are needed urgently for these refugees as well as for vulnerable refugees who are still in Syria.
26. When refugees recognized by UNHCR under its mandate in Syria relocate as a result of the conflict to a third country the fact that they were recognized by UNHCR under its mandate should be accorded considerable weight in State asylum procedures.<sup>128</sup>

### *Humanitarian Situation*

27. With the conflict in Syria in its fifth year, the humanitarian situation continues to deteriorate rapidly.<sup>129</sup> The total number of people in need of humanitarian assistance inside Syria has reached 13.5 million, up from 12.2 million in

<sup>120</sup> This compares to nearly 110,000 registered refugees at the beginning of 2012 and over 143,000 at the end of 2010. Of the 28,700 registered persons, 12,200 are women and 9,000 are children; UNHCR registration data, 30 September 2015.

<sup>121</sup> Almost 24,000 Iraqi nationals are registered with UNHCR Syria; UNHCR registration data, 30 September 2015.

<sup>122</sup> Over 1,500 Afghan nationals and almost 1,000 Sudanese are registered with UNHCR Syria; UNHCR registration data, 30 September 2015.

<sup>123</sup> US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 40.

<sup>124</sup> UNHCR, *Fresh Displacement, Changing Dynamics, UNHCR Responds*, September 2015, p. 67; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 40; UNHCR, *A Year in Review 2013*, 2013, p. 59.

<sup>125</sup> US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 40; UNHCR, *A Year in Review 2013*, 2013, p. 59.

<sup>126</sup> UNHCR, *Fresh Displacement, Changing Dynamics, UNHCR Responds*, September 2015, p. 70; US Department of State, *2014 Country Reports on Human Rights Practices - Syria*, 25 June 2015, p. 41; UNHCR, *From Iraq into Syria - Update 1 - 18 August 2014*, 18 August 2014, <http://shar.es/1I0DCS>. See also BBC, *Iraq Crisis: Inside 'Swollen' Refugee Camp in Syria*, 15 August 2014, <http://bbc.in/1tW4AA7>.

<sup>127</sup> UNHCR, *2014 UNHCR Country Operations Profile - Syrian Arab Republic*, accessed 9 November 2015, <http://www.unhcr.org/pages/49e486a76.html>. See also Al-Akhbar, *Iraqi Refugees in Syria: Between a Rock and a Hard Place*, 11 April 2014, <http://bit.ly/1Gk5JJJ>.

<sup>128</sup> UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, <http://www.refworld.org/docid/4c6aa7db2.html>.

<sup>129</sup> According to the UN Resident/Humanitarian Coordinator in Syria, Yacoub El Hillo, "(...) the humanitarian crisis [in Syria] grows by the day and is now the most complex situation the world faces. (...) Syria is a humanitarian catastrophe, when you look at the speed in which it is unfolding, its scale, and its length... Syrians were living in a country that was taking off economically and developmentally – it was poised to be one of the top five countries in the Arab world to meet the 2015 Millennium Development Goal targets but its development has been thrown back 40 years. While Syrians were once self-reliant, now four out

February 2015,<sup>130</sup> including approximately 6.5 million IDPs. While the whole of Syria is affected, the majority of those in need of assistance are, according to reports, concentrated in the governorates of Aleppo, Rural Damascus and Idlib.<sup>131</sup> At the end of 2014, more than four out of every five Syrians were estimated to live in poverty, with almost 65 per cent living in extreme poverty, able only to secure the most basic food and non-food items required for the survival of their households. Thirty per cent of the population were found to live in abject poverty, with households unable to meet even the most basic need for food, and, in the case of those living in conflict/besieged areas, facing hunger, malnutrition and starvation.<sup>132</sup>

28. Access to food,<sup>133</sup> water and sanitation,<sup>134</sup> housing,<sup>135</sup> health care,<sup>136</sup> and education<sup>137</sup> is severely affected by the cumulative effects of armed conflict and the related destruction of infrastructure, disruption of essential services

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*of five Syrians are poor, earning less than US\$2 a day... Syria was once the world's third largest refugee-hosting country after Pakistan and Iran. Now Syrians are the number one nationality in the world seeking asylum. For someone who holds Syria dear, it pains you to see";* OCHA, "Syrians Haven't Given Up. The World Should not Give Up on Them", 20 May 2015, <http://bit.ly/1Aoa77b>. See also UN News Centre, *Syrians Living 'Tragedy and Despair Barely Imaginable Five Years Ago,' Says Top UN Relief Official*, 27 October 2015; European Commission Humanitarian Aid and Civil Protection, *ECHO Factsheet – Syria Crisis – September 2015*, October 2015, p. 1, <http://bit.ly/1ftTuMD>; UN News Centre, *Syria Crisis 'Worsening' amid Humanitarian Funding Shortfall, Warns Top UN Relief Official*, 26 March 2015, <http://www.refworld.org/docid/55192e864.html>.

<sup>130</sup> UN News Centre, *Syrians Living 'Tragedy and Despair Barely Imaginable Five Years Ago,' Says Top UN Relief Official*, 27 October 2015.

<sup>131</sup> OCHA, *Syrian Arab Republic: Humanitarian Snapshot (as of 31 October 2015)*, 31 October 2015, <http://bit.ly/1NfqFOS>.

<sup>132</sup> SCPR/UNRWA/UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015, pp. 8, 25, 45-47.

<sup>133</sup> The conflict has severely affected the agriculture sector, amongst several sectors, and food production has dramatically declined as a result. Loss of livelihoods, deepening poverty, inflation and currency depreciation have further eroded families' capacity to meet basic needs and cope with the crisis. Some 6.3 million people are estimated to be food insecure and in addition, more than half of all Syrians are at risk of quickly becoming food insecure. IDPs and returnees are most vulnerable to food insecurity with over 40 per cent of the population being food insecure, while the governorates of Hassakeh, Aleppo and Rural Damascus are reported to have the greatest concentration of food insecure populations. In total, 8.7 million people are said to be in need of some types of food assistance. One in three households is reported to go to bed hungry between three to ten times a month and many families reportedly resort to negative coping mechanisms; WFP, *Food Security Assessment, Executive Summary, Syria October 2015*, 27 October 2015, <http://bit.ly/1RH71NU>; Food and Agriculture Organization (FAO) and WFP, *Special Report - FAO/WFP Crop And Food Security Assessment Mission To The Syrian Arab Republic*, 23 July 2015, pp. 6, 38, <http://www.fao.org/3/a-i4804e.pdf>. On children's nutritional health status, see UNICEF, *Nutrition Facts & Figures - September 2015*, 10 October 2015, <http://bit.ly/1WGVqXb>. See also CEIP, *Food Insecurity in War-Torn Syria: From Decades of Self-Sufficiency to Food Dependence*, 4 June 2015, <http://ceip.org/1SVvuSh>.

<sup>134</sup> The conflict in Syria has had a severe impact on the availability of drinking water, which has been reduced on average to half of pre-crisis levels. In some areas, like Aleppo and As-Salamiyah (Hama), water availability is down to 80 per cent, with many people receiving less than five per cent of pre-crisis levels. While a number of factors underlie the recurrent water supply cut offs, the most prominent of these include deliberate shut down of supply and electric power systems, sabotage and damage of power generation plants' gas feed systems, failure of existing water supply systems to meet the increased demand created by large influxes of IDPs, and systemic systems' failure due to sub-optimal maintenance. In recent months, up to five million people living in Aleppo, Rural Damascus and Dera'a governorates have suffered the consequences of long and deliberate water cuts. Health risks associated with a lack of clean water are reportedly on the rise. Collection and safe disposal of domestic waste is also severely disrupted; UNICEF, *Water, Sanitation & Hygiene Facts & Figures - September 2015*, 10 October 2015, <http://bit.ly/1QcoFgm>; International Committee of the Red Cross (ICRC), *Syria: Water Used as a Weapon of War*, 2 September 2015, <http://bit.ly/1Ey3iSo>; UNICEF, *Severe Water Shortages Compound the Misery of Millions in War-Torn Syria - Says UNICEF*, 25 August 2015, <http://uni.cf/1hYZb86>.

<sup>135</sup> The conflict has left civilian infrastructure severely affected with an estimated 1.2 million homes destroyed and at least three million buildings affected. According to REACH, 3,412 buildings were either destroyed or damaged in Deir Ez-Zour city, 586 in Raqqa city, 956 in Dera'a city and 519 in Idlib; REACH, *Syria - City of Daraa Shelter Damage Assessment as of 4th June 2015*, 25 June 2015, <http://bit.ly/1MMdJEI>; *Syria - City of Raqqa Shelter Damage Assessment as of 29th May 2015*, 25 June 2015, <http://bit.ly/1PqHIZw>; *Syria - City of Deir ez-Zor Shelter Damage Assessment as of 10th May 2015*, 22 June 2015, <http://bit.ly/1ON9s3t>; and *Syria - City of Idlib Shelter Damage Assessment as of 6th April 2015*, 22 June 2015, <http://bit.ly/1QHEBob>. See also Al Jazeera, *What's Left of Syria?*, 17 March 2015, <http://bit.ly/1Ev25Yn>. See also UN Institute for Training and Research (UNITAR), *Four Years of Human Suffering: The Syria Conflict as Observed through Satellite Imagery*, March 2015, pp. 12-29, <http://www.refworld.org/docid/551155c14.html>; The Washington Post, *A Bird's-Eye View of War-Torn Syria*, 20 March 2015, <http://wapo.st/1AIIztw>; Al-Monitor, *Syria's Housing Crisis Widens Social Gap*, 8 March 2015, <http://bit.ly/1jym4j8>.

<sup>136</sup> The healthcare system is reported to have been compromised through damage and destruction to medical facilities and healthcare infrastructure; the flight, death or injury of healthcare professionals; and the collapse of pharmaceutical production. It is estimated that more than half of Syria's hospitals have been destroyed or badly damaged. Production of medicines has fallen by 70 per cent and prices have risen so high that many are unable to afford them. In addition, hundreds of health personnel have been killed or injured and over half of Syria's doctors have left the country; World Health Organization (WHO), *As Syria's Armed Conflict Grows, WHO Aid to the Region is Unrelenting*, 23 September 2015, <http://bit.ly/1MqbCUH>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, paras 140-147; Physicians for Human Rights, *Annual Report 2014*, July 2015, pp. 2-6, <http://bit.ly/1LHZhZz>; UN Human Rights Council, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 23 June 2015, paras 42-43; Médecins Sans Frontières (MSF), *Syria: Fuel Shortages Put Health Care at Risk*, 22 June 2015, <http://bit.ly/1OYctj1>; WHO, *Millions of Syrians Endure Deteriorating Health Crisis: WHO Calls for Increased Funding*, 27 March 2015, <http://bit.ly/1RqXU9S>; SCPR/UNRWA/UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015, pp. 51-53; Doctors of the World, *Syria's Shameful Healthcare Quagmire*, 16 March 2015, <http://bit.ly/1hX6JaG>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, paras 80-83.

<sup>137</sup> An estimated 5,000 schools have reportedly been destroyed, damaged or turned into shelters for IDPs, storage facilities or military bases. Furthermore, hundreds of teachers and other educational staff have reportedly been killed and others have been wounded, kidnapped or arrested and over 50,000 teachers are estimated to have abandoned their posts and fled. Enrolment and attendance rates are assessed as poor, with more than two million of all school-age children not attending school and another 400,000 at risk of dropping out. Based on current enrolment ratios, it is estimated that Syria has the second worst performance in the world;

and loss of livelihoods.<sup>138</sup> All parties to the conflict are implicated in targeting vital services resulting in interruptions to the supply of safe drinking water and electricity.<sup>139</sup>

29. According to the reports of the UN Secretary-General on the implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014), UN humanitarian agencies and partners were able to deliver humanitarian assistance to millions of people in need, including cross-line and cross-border.<sup>140</sup> However, according to the UN Secretary-General, humanitarian access remains “*extremely challenging*” as a result of insecurity and access constraints imposed by parties to the conflict.<sup>141</sup> Of particular concern is access to an estimated 4.6 million people, approximately a quarter of the population, in 127 hard-to-reach locations.<sup>142</sup> Of these, some 393,700 people are reported to live in areas that remain besieged by Syrian military forces and ISIS.<sup>143</sup> Security risks to humanitarian workers are high, as dozens of humanitarian workers have been killed, detained or abducted and UN vehicles, warehouses and ambulances have been attacked.<sup>144</sup>
30. In December 2014, amid the unprecedented scale and progressively protracted nature of the Syria crisis and the international community’s continuing need to provide essential, life-saving humanitarian aid, the UN launched the largest appeal yet with the Syria Response Plan 2015 and the Regional Refugee and Resilience Plan (3RP).<sup>145</sup> The two plans called for US\$ 7.43 billion in total to provide humanitarian aid to Syria and neighbouring countries. As at 15 November 2015, according to the UN financial tracking system, the two plans have only received 37 and 51

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Save the Children, *Education under Attack in Syria*, 16 September 2015, <http://www.refworld.org/docid/561cb1b84.html>; UN News Service, *Millions of Children in Syria Deprived of Education, Says UNICEF*, 15 September 2015, <http://www.refworld.org/docid/55f90a5740a.html>; UNICEF, *Education under Fire*, 3 September 2015, pp. 4, 8, 10, <http://www.refworld.org/docid/55e954654.html>; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 20 August 2015, S/2015/651, para. 57, <http://www.refworld.org/docid/55dc77b34.html>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 79.

<sup>138</sup> An estimated 58 per cent of the labour force, or 3.73 million persons, were reportedly unemployed at the end of 2014. The vast majority, some 2.96 million of the unemployed, lost their jobs during the conflict, with their loss of income impacting on over 12.2 million dependents. Seventy-five per cent of Syrians reportedly rely on remittances from outside of Syria as their main source of income, compared to 15 per cent prior to the conflict. Similarly, 74 per cent reportedly borrow money from friends or family to cope with lack of income or resources; REACH, *Assessment of Needs and Humanitarian Situation inside Syria: Livelihoods*, September 2015, p. 2, <http://bit.ly/1PzTN8c>; SCPR/UNRWA/UNDP, *Syria: Alienation and Violence, Impact of the Syria Crisis Report*, March 2015, pp. 9, 34-35.

<sup>139</sup> UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 10 September 2015, S/2015/698, para. 58, <http://www.refworld.org/docid/55f809b74.html>; ICRC, *Syria: Water Used as Weapon of War*, 2 September 2015, <http://bit.ly/1Ey3iSo>.

<sup>140</sup> See subsequent reports of the Secretary-General on the Implementation of UNSC Resolutions 2139 (2014), 2165 (2014) and 2191 (2014), available at: <http://www.un.org/en/sc/documents/sgreports/2015.shtml>.

<sup>141</sup> “The delivery of humanitarian assistance to many of the 12.2 million people in need of assistance in the Syrian Arab Republic remained extremely challenging in many areas because of active conflict and insecurity, as well as deliberate restrictions by the parties, including burdensome administrative procedures”; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 35.

<sup>142</sup> The Strategic Response Plan (SRP) defines a “hard-to-reach area” as an area that is not regularly accessible to humanitarian actors for the purpose of sustained humanitarian programming as a result of denial of access, including the need to negotiate access on an ad hoc basis, or due to restrictions such as active conflict, multiple security checkpoints, or failure of the authorities to provide timely approval; OCHA, *Syrian Arab Republic: Overview of Hard-to-Reach Besieged Locations (as of Oct 2015)*, 31 October 2015, <http://bit.ly/1Hn6lyn>. Between June and September 2015, UN agencies and partners reached only 30 of the 127 hard-to-reach locations on average per month (24 per cent of locations); UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 36; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 10 September 2015, S/2015/698, para. 37, <http://www.refworld.org/docid/55f809b74.html>.

<sup>143</sup> The SRP defines a “besieged area” as an area surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly exit the area; OCHA, *Syrian Arab Republic: Overview of Hard-to-Reach Besieged Locations (as of Oct 2015)*, 31 October 2015, <http://bit.ly/1Hn6lyn>. In spite of UNSC Resolution 2139 (2014), which demands that sieges be lifted immediately, a number of sieges are reported to remain in place, affecting, at the time of writing, an estimated 393,700 persons, including 167,500 people besieged by Government forces in eastern Ghouta and Darayya (Rural Damascus governorate) and 228,000 people besieged by ISIS in the government-controlled western neighbourhoods of Deir Ez-Zour city. In September 2015, for example, no food, health or other relief items reached any besieged areas; UN News Centre, *Syrians Living ‘Tragedy and Despair Barely Imaginable Five Years Ago,’ Says Top UN Relief Official*, 27 October 2015; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, paras 48-53.

<sup>144</sup> “A total of 36 United Nations staff members, 31 from UNRWA, one from the United Nations Development Programme, three from UNHCR and one from UNICEF, continue to be detained or missing. The total number of humanitarian workers killed in the conflict since March 2011 is 81. This includes 17 staff members of the United Nations, 48 staff members and volunteers of the Syrian Arab Red Crescent, eight volunteers and staff members of the Palestinian Red Crescent Society and eight staff members of international NGOs. Of the 81, 15 have been killed since 1 January 2015”; UNSC, *Report of the Secretary-General on the Implementation of Security Council Resolutions 2139 (2014), 2165 (2014) and 2191 (2014)*, 22 October 2015, para. 61. See also UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, para. 83; The Aid Worker Security Database, *Aid Worker Security Report 2015 – Figures at a Glance*, <http://bit.ly/1RuXzyh> and *Syria 2011 – Present*, <http://bit.ly/1R5x2aV>.

<sup>145</sup> OCHA, *Syria: UN and Partners Launch Major Appeal for 2015*, 18 December 2014, <http://bit.ly/1t5RDou>.

per cent, respectively, of their total budget requirements.<sup>146</sup> No sector of the aid programmes inside Syria and the region is unaffected by these funding shortfalls.<sup>147</sup>

### *Access to Territory and the Right to Seek Asylum*

31. UNHCR characterizes the flight of civilians from Syria as a refugee movement. Syrians, and Palestinian refugees who had their former habitual residence in Syria, require international protection until such time as the security and human rights situation in Syria improves significantly and conditions for voluntary return in safety and dignity are met.
32. UNHCR deeply appreciates the generosity extended by countries in the region which have received the majority of persons fleeing from Syria in spite of the enormous strain and pressures on their economies and societies, overwhelming social services, infrastructure and government resources.<sup>148</sup> While pressures on host countries in the region increase, there are growing concerns about the ability of Syrians and Palestinian refugees who had their former habitual residence in Syria, many of whom having been displaced multiple times, to find access to and be admitted by host countries in the region and beyond.<sup>149</sup> Cases of forcible returns and denial of access are reportedly increasing, including for Palestinian refugees fleeing Syria.<sup>150</sup>
33. The number of refugees and migrants arriving in Europe by sea increased significantly in 2015;<sup>151</sup> as at 15 November 2015, over 816,000 persons were recorded to have crossed the Mediterranean Sea by boat, of which 52 per cent were Syrians.<sup>152</sup> October 2015 has seen the highest number of persons crossing the Mediterranean Sea ever

<sup>146</sup> Financial Tracking Service, *Total Funding to the Syrian Crisis 2015*, accessed 15 November 2015, <http://bit.ly/1GN0T4Z>.

<sup>147</sup> UN News Centre, *Syria: UN Health Agency Urges Donors to Assist Countries 'Doing the Heavy Lifting'*, 24 September 2015, <http://www.refworld.org/docid/5605088240a.html>; UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 18 September 2015; The Guardian, *UN Agencies 'Broke and Failing' in Face of Ever-Growing Refugee Crisis*, 6 September 2015, <http://gu.com/p/4c38h/stw>; UN News Centre, *Funding Shortfall Forces UN Agency to Make Cuts in Food Aid to Syrian Refugees*, 1 July 2015, <http://bit.ly/1hX9iJX>; UN News Centre, *Funding Shortfall Forces UN Agency to Make Cuts in Food Top UN Relief Official*, 26 March 2015, <http://www.refworld.org/docid/55192e864.html>.

<sup>148</sup> UNHCR, *United Nations Security Council (7394th Meeting) Open Briefing on the Humanitarian Situation in Syria. Remarks by António Guterres, United Nations High Commissioner for Refugees*, 26 February 2015, <http://www.unhcr.org/54ef20579.html>.

<sup>149</sup> "The uninterrupted flow of refugees into neighbouring countries continues to destabilize the region and severely affect the livelihoods, public services and availability of basic commodities in the hosting communities. These economic and social challenges, compounded by security concerns, have prompted neighbouring countries to adopt border management measures which, in the words of High Commissioner for Refugees Antonio Guterres, 'limit refugees' chances of reaching safety"; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 21. See also The Guardian, *Still the Refugees Are Coming, but in Europe the Barriers Are Rising*, 31 October 2015, <http://bit.ly/1RtQRc6>; IRIN, *Refugees Caught between Razor-Wire and a Minefield*, 15 September 2015, <http://www.refworld.org/docid/55f91b3bb7c.html>; UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015; UNHCR, *United Nations Security Council (7394th Meeting) Open Briefing on the Humanitarian Situation in Syria. Remarks by António Guterres, United Nations High Commissioner for Refugees*, 26 February 2015, <http://www.unhcr.org/54ef20579.html>; IRIN, *A Timeline of Syria's Closing Borders*, 8 January 2015, <http://bit.ly/1FyFloD>.

<sup>150</sup> The Guardian, *Rescued Boat Refugees Held in Turkey Threatened with Deportation to Syria*, 20 September 2015, <http://gu.com/p/4chc2/stw>; HRW, *Jordan: Syrians Blocked, Stranded in Desert*, 3 June 2015, <http://www.refworld.org/docid/55757a9c4.html>; HRW, *Jordan: Vulnerable Refugees Forcibly Returned to Syria*, 24 November 2014, <http://www.refworld.org/docid/54759dfe4.html>. See also The Daily Beast, *Arab Countries Are Forcing Palestinian Exiles Back into Syria*, 27 August 2015, <http://thebea.st/1MValaF>; Middle East Eye, *Jordan to Deport Palestinian Refugee to Syria*, 21 May 2015, <http://bit.ly/1Wp3tYz>.

<sup>151</sup> This increase was despite the reported use by certain States of physical barriers such as fences and other deterrents along borders. See HRW, *Greece: Attacks on Boats Risk Migrant Lives*, 22 October 2015, <http://www.refworld.org/docid/5628a0404.html>; Amnesty International, *Serbia/Hungary: Refugees Stuck in 'No-Man's Land' on Border amid Appalling Humanitarian Failure*, 16 September 2015, <http://www.refworld.org/docid/55fa962b4.html>; UNHCR, *UNHCR Urges Europe to Change Course on Refugee Crisis*, 16 September 2015, <http://www.refworld.org/docid/55fa85705.html>; The Washington Post, *Refugees Face Tear Gas, Water Cannons as They Cut New Paths through Europe*, 16 September 2015, <http://wpo.st/H4ng0>; Global Research, *Unwanted Refugees: EU Countries Block Borders*, 16 September 2015, <http://bit.ly/1NpUUna>; HRW, *Hungary: Abysmal Conditions in Border Detention*, 11 September 2015, <http://www.refworld.org/docid/55f2d6b94.html>; Open Democracy, *Closed Eyes, Closed Borders: EU Policy and Refugees from Syria*, 3 September 2014, <http://bit.ly/1Daufld>; Amnesty International, *Chilling Reminders of Syria for Refugees Trapped on Macedonia's Border*, 27 August 2015, <http://www.refworld.org/docid/55e05aaf4.html>.

<sup>152</sup> UNHCR, *Refugees/Migrants Emergency Response - Mediterranean, Regional Overview*, accessed 15 November 2015, <http://data.unhcr.org/mediterranean/regional.php>. Between 1 January and 15 November 2015, 673,916 arrivals to Greece were recorded, of which Syrians accounted for nearly two-thirds; UNHCR, *Refugees/Migrants Emergency Response - Mediterranean / Greece*, accessed 15 November 2015, <http://data.unhcr.org/mediterranean/country.php?id=83>. Between 1 January and 15 November 2015, 142,400 arrivals to Italy were recorded, of which five per cent were Syrian; UNHCR, *Refugees/Migrants Emergency Response - Mediterranean / Italy*, accessed 15 November 2015, <http://data.unhcr.org/mediterranean/country.php?id=105>.

recorded.<sup>153</sup> Thousands, including many Syrians, are believed to have drowned or to be missing.<sup>154</sup> The spike in Syrian refugees arriving in Europe, including from Syria directly, is mainly due to the loss of hope that a political solution will soon be found to end the ever-escalating conflict, as well as to steadily deteriorating living conditions for Syrians both in Syria and in the region, triggered also by humanitarian funding shortfalls. In the neighbouring countries hosting Syrians, UNHCR has also identified limited livelihood and education opportunities, hurdles to renew legal residency, and refugees feeling increasingly unsafe as reasons for onward movement.<sup>155</sup>

34. Against this backdrop, UNHCR continues to urge all countries to ensure that civilians fleeing Syria, including Palestinian refugees and other habitual residents of Syria, are admitted to their territory and are able to seek asylum. Persons having fled Syria who cross international waters in search of international protection should be allowed to disembark at a place of safety, meaning a place which is physically safe, where basic needs can be met, and where they are safe from *refoulement*.<sup>156</sup> The entry and admission of persons having fled Syria needs to be implemented in a protection-sensitive manner that is consistent with States' responsibilities under national and international law, including the right to seek asylum, regardless of whether they resort to seeking entry without appropriate documentation or in an otherwise irregular manner. Family unity and the protection of persons with specific needs must be upheld. UNHCR appeals to all States to ensure that civilians fleeing from Syria are protected from *refoulement* and afforded international protection, the form of which may vary depending on the processing and reception capacity of countries receiving them, while guaranteeing respect for basic human rights.

#### *Civilian and Humanitarian Character of Asylum*

35. Given the situation of armed conflict prevailing in Syria, it is possible that among those departing Syria and seeking international protection in neighbouring countries there may be individuals who have taken part in the hostilities. Whilst aware of the challenges in the current environment, UNHCR nevertheless calls upon all Governments concerned to make every effort to identify combatants<sup>157</sup> and armed elements<sup>158</sup> among arrivals from Syria and to house combatants separately, consistent with the humanitarian and civilian character of asylum.<sup>159</sup> Individuals identified as combatants and/or armed elements, including children associated with armed forces or armed groups, need to be treated in accordance with existing standards in applicable international law.<sup>160</sup>

#### *Assessing Individual Asylum Claims*

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<sup>153</sup> Nearly 219,000 arrivals, up from 23,000 in October 2014; *Ibid*.

<sup>154</sup> Between 1 January and mid-November 2015, 3,460 persons are estimated to have drowned or to still be missing after having tried to cross the Mediterranean; UNHCR, *Refugees/Migrants Emergency Response - Mediterranean, Regional Overview*, accessed 15 November 2015, <http://data.unhcr.org/mediterranean/regional.php>. The Independent International Commission of Inquiry estimated that more than 2,000 Syrians have drowned while trying to reach Europe; UN Human Rights Council, *Report of the Independent International Commission of Inquiry*, 13 August 2015, para. 87.

<sup>155</sup> UNHCR, *Seven Factors behind Movement of Syrian Refugees to Europe*, 25 September 2015, <http://www.unhcr.org/560523f26.html>. See also The Guardian, *Six Reasons Why Syrians are Fleeing to Europe in Increasing Numbers*, 25 October 2015, <http://bit.ly/1PNqcJD>; UNHCR, *Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe*, 8 September 2015; The Guardian, *UN Agencies 'Broke and Failing' in Face of Ever-Growing Refugee Crisis*, 6 September 2015, <http://gu.com/p/4c38h/stw>; UNHCR, *UNHCR Study Shows Rapid Deterioration in Living Conditions of Syrian Refugees in Jordan*, 14 January 2015, <http://www.unhcr.org/54b635b49.html>.

<sup>156</sup> See: UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees in the Case of Hirsi and Others v. Italy*, 29 March 2011, Application no. 27765/09, <http://www.refworld.org/docid/4d92d2c22.html>.

<sup>157</sup> Note that UNHCR uses the term "combatants" in a wider sense than the specific meaning of combatant in international humanitarian law and applies it to "any member, man or woman, of regular armed forces or an irregular armed group, or someone who has been participating actively in military activities and hostilities, or has undertaken activities to recruit or train military personnel, or has been in a command or decision-making position in an armed organization, regular or irregular, and who find themselves in a host State." See UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, p. 17, <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

<sup>158</sup> The term "armed elements" refers to all individuals carrying weapons, who may be either combatants or civilians. It is intended to include civilians who may happen to be carrying weapons for reasons of self-defence or reasons related to any military activities. See UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, p. 17, <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

<sup>159</sup> While all armed elements need to be disarmed upon crossing the border into a host State, only combatants need to be separated and interned; *ibid*.

<sup>160</sup> Including international human rights law and international humanitarian law. In general, children associated with armed forces or armed groups should not be interned, although exceptions may apply to children of 15 years of age and above for reasons related to the conflict. In such cases, interned children should benefit from special guarantees as provided for in international humanitarian law and human rights law. See UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

36. While the majority of Syrians and others leaving the country remain in the region, the numbers of individuals who arrive in countries further afield and seek international protection are increasing.<sup>161</sup> Their claims need to be assessed in fair and efficient procedures. UNHCR considers that most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention, since they will have a well-founded fear of persecution linked to one of the Convention grounds. For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict.<sup>162</sup> In order for an individual to meet the refugee criteria there is no requirement of having been individually targeted in the sense of having been “singled out” for persecution, or being at risk thereof. Syrians and habitual residents of Syria who have fled may, for example, be at risk of persecution for reason of an imputed political opinion on the basis of their perceived association with a particular party to the conflict, because of their religion, their ethnicity, or because control over the neighbourhood or village where they used to live was exercised by a particular party to the conflict. In this regard, UNHCR welcomes the increased granting of refugee status to asylum-seekers from Syria by EU Member States in 2014 and 2015, in comparison to 2013, when most EU Member States predominantly granted subsidiary protection to Syrians.<sup>163</sup>
37. In exceptional cases in which the 1951 Convention inclusion criteria may not be met, consideration needs to be given to broader refugee criteria elaborated in regional refugee instruments,<sup>164</sup> or other forms of international protection, including subsidiary protection,<sup>165</sup> or protection from *refoulement* derived from universal or regional human rights norms,<sup>166</sup> or based on national legislative standards.

### *Risk Profiles*

38. Where claims of asylum-seekers who have fled Syria are considered on an individual basis in accordance with established asylum or refugee status determination procedures, UNHCR considers that persons with any of the profiles below, or a combination thereof, and depending on the particular circumstances of the individual case, are likely to be in need of international protection in the sense of the 1951 Convention, unless, of course, exclusion clauses were to apply (see para 39). Family members or persons otherwise closely associated with persons in any of the profiles below are, depending on the individual circumstances of the case, also likely to be in need of international refugee protection. Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected.<sup>167</sup>

The profiles listed here are not necessarily exhaustive and may overlap. There is no hierarchy implied in the order in which the profiles are presented. The profiles are based on information available at the time of writing, and hence,

<sup>161</sup> See above, para. 10.

<sup>162</sup> See above, para. 17.

<sup>163</sup> Eurostat, *Asylum Quarterly Report - First Instance Decisions in the EU-28 by Outcome, Selected Citizenships, 2nd Quarter 2015*, 16 September 2015, <http://bit.ly/1MjEZWG>. See also European Asylum Support Office (EASO), *Newsletter September 2015*, October 2015, p. 3, <http://bit.ly/1NSaVHd>.

<sup>164</sup> For regional refugee criteria, see Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* (“OAU Convention”), 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>; *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (“Bangkok Principles”), 31 December 1966, <http://www.unhcr.org/refworld/docid/3de5f2d52.html>.

<sup>165</sup> For subsidiary protection, see, European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PDF>.

<sup>166</sup> Such as: the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, [Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1)], <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>; *International Covenant on Civil and Political Rights* [Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49], <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; European Convention on Human Rights, [*Convention for the Protection of Human Rights and Fundamental Freedoms*, Rome, 4.XI.1950], [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf).

<sup>167</sup> See relevant considerations on the impact of past persecution in paragraph 26 of the following guidelines; UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.unhcr.org/refworld/docid/3f2791a44.html>.

a claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here.

- ***Persons opposing or perceived to be opposing the government***, including, but not limited to, members of political opposition parties; protestors, activists and others perceived to be sympathizing with the opposition; members of anti-government armed groups, or persons perceived to be members of anti-government armed groups; draft evaders and deserters from the Armed Forces; Government and Ba’ath Party officials who abandoned their positions; family members and others who are associated with persons opposing or perceived to be opposing the government; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be opposing the government.<sup>168</sup>
- ***Persons supporting or perceived to be supporting the government***, including, but not limited to, government officials and members of government-affiliated parties; members and perceived members of government forces and civilians perceived to be collaborating with government forces; family members of persons supporting or perceived to be supporting the government; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be supporting the government.<sup>169</sup>
- ***Persons opposing, or believed to oppose, ISIS in areas under its de facto control or influence.***
- ***Persons opposing, or believed to oppose, anti-government armed groups in areas under their de facto control.***
- ***Persons opposing, or believed to be opposing, the PYD/YPG in areas under their de facto control.***
- ***Certain professionals***, in particular journalists and other media professionals, citizen journalists; doctors and other health professionals; human rights defenders; humanitarian workers; artists; and businessmen and other people (perceived to be) of means or influence.
- ***Members of religious groups***, including Sunnis, Alawites, Ismailis, Twelver Shi’ites, Druze, Christians, and Yezidis.
- ***Persons perceived as contravening Shari’a Law in areas under the control or influence of extremist Islamist groups.***
- ***Members of minority ethnic groups***, including Kurds, Turkmen, Assyrians, Circassians, and Armenians.
- ***Women***,<sup>170</sup> in particular women without male protection, women who are victims of or at risk of sexual violence, early and forced marriage, domestic violence, “honour crimes” or trafficking.
- ***Children***,<sup>171</sup> in particular children who are at risk of detention or have previously been detained; children victims of or at risk of underage and forced recruitment, sexual and domestic violence, child labour, trafficking, and systematic denial of access to education.
- ***Individuals of diverse sexual orientation and/or gender identity.***<sup>172</sup>
- ***Palestinian refugees.***<sup>173</sup>

### ***Exclusion Considerations***

39. Among Syrian nationals or habitual residents seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951

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<sup>168</sup> See above, para. 17.

<sup>169</sup> Ibid.

<sup>170</sup> See above, para. 18.

<sup>171</sup> See above, para. 19.

<sup>172</sup> See above, para. 20.

<sup>173</sup> See above, para. 21.

Convention.<sup>174</sup> Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence since March 2011, including unlawful attacks against civilians, attacks on schools and hospitals and destruction of cultural and religious sites, murder, torture and other forms of ill-treatment, kidnappings, hostage-taking, rape and other forms of sexual violence, forced displacement and recruitment and use of children.<sup>175</sup> Exclusion considerations would also be triggered in cases of claimants who may have been involved in human rights violations or other acts within the scope of Article 1F of the 1951 Convention before March 2011.<sup>176</sup> In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes which may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be applied with caution. Participation in armed conflict is not, as such, a ground for exclusion. Similarly, mere membership in a group or organization is not a sufficient basis as such to exclude. A full assessment of the circumstances of the individual case is required in all cases.<sup>177</sup>

### *Returns, Moratorium on Forced Returns and Consideration of Sur Place Claims*

40. In light of the ever-worsening security, human rights and humanitarian situation in Syria and the absence of a political solution at this point in time, UNHCR welcomes the fact that many Governments have taken measures to suspend the forcible return of nationals or habitual residents of Syria, including those whose asylum claims have been rejected. Such measures should remain in place until further notice. UNHCR also considers that it would generally not be appropriate to return nationals or habitual residents of Syria to neighbouring countries and non-neighbouring countries in the region. In some cases, such return may not be safe for the individuals concerned, and it may be impossible for their (specific) needs to be met. More broadly, however, UNHCR considers that States, by refraining from forced returns to neighbouring countries and countries in the region, would both acknowledge the significant contribution of these States to the protection and assistance of those who have fled Syria and express international solidarity with them, recognizing that the large majority of persons having fled Syria continues to be hosted in the region.
41. In light of the developments in Syria, it would be appropriate to reopen case files of Syrians and Palestinians who have habitually lived in Syria whose asylum claims were rejected in the past, to the extent that it has not yet been done, so as to ensure that those who as a result of the changed circumstances have a valid *sur place* claim have it appropriately adjudicated, enabling them to benefit, if warranted, from protection and entitlements flowing from refugee recognition.
42. UNHCR calls upon Governments to monitor any returns of Syrians or habitual residents of Syria to Syria from neighbouring or other countries and to assess whether these returns are based on a free and well-informed decision, or if they are induced or forced in nature. In light of the prevailing circumstances in Syria, such returns, which may take place because assistance and/or protection needs are left unmet,<sup>178</sup> should not be a bar to re-admission and should not necessarily restrict access to protection and assistance in the host country. UNHCR, however, calls upon

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<sup>174</sup> UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

<sup>175</sup> There have been reports of human rights violations (pre- and post-2011) and serious violations of international humanitarian law (as of July 2012) on all sides. See in particular the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, available at: <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>. With regards to ISIS and JAN, see also UNSC, *Security Council Adopts Resolution 2170 (2014) Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria*, 15 August 2014, <http://www.un.org/press/en/2014/sc11520.doc.htm>.

<sup>176</sup> See e.g. Annual Reports on Syria by Amnesty International for 2011 or earlier years, available at: <http://www.refworld.org/publisher,AMNESTY,ANNUALREPORT,SYR,,,0.html> and reports on Syria contained in the HRW World Report for 2011 and years prior to 2011, available at: <http://www.refworld.org/publisher,HRW,COUNTRYREP,SYR,,,0.html>.

<sup>177</sup> In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003, <http://www.refworld.org/docid/3f5857684.html>; and *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>.

<sup>178</sup> See above, para. 11.



Governments to be vigilant for signs of recruitment for participation in hostilities amongst the refugee population, which may in some cases be evidenced by returns to Syria.<sup>179</sup>

### *Solidarity and Responsibility Sharing*

43. Over the past years, the severity of conflict and violence in Syria and some of its neighbouring countries have affected the stability of the region, as well as the capacity of refugee hosting countries to cope and respond to the growing humanitarian needs and massive displacement amidst dwindling resources and related aid cuts. UNHCR has continuously pointed out that robust and timely measures of international solidarity must be taken to support neighbouring countries and countries in the region in their efforts to protect and assist those fleeing Syria and to preserve the protection space and social cohesion in the region.<sup>180</sup> This includes, *inter alia*, the more robust, timely and sustained funding of humanitarian and development actors to help host communities in bolstering their infrastructure and public services, supporting the absorption of high numbers of refugees within these communities.
44. Against the background of the ongoing refugee crisis in the region and beyond, UNHCR repeats, with renewed urgency, its call on States beyond Syria's immediate region to explore concrete and meaningful ways of expressing solidarity and sharing the responsibility for the protection of the Syrian refugees. Neighbouring States will be unable to sustain the immense burden and protection responsibilities they are currently shouldering without meaningful and substantial solidarity measures, which need to go beyond offers made so far. Apart from much-needed solidarity through further financial and other contributions to affected countries in the region towards addressing the humanitarian and emergency development needs,<sup>181</sup> there is a need to substantially increase legal pathways for Syrians, as well as Palestinians and other refugees in Syria to access safety and protection. Resettlement, humanitarian admission and other legal entry programmes provide lifesaving protection for the most vulnerable refugees as they permit access to a durable solution in a third country where refugees can rebuild their lives in safety and dignity.<sup>182</sup> Other forms of admission, such as academic scholarships, labour mobility schemes, humanitarian visas, extended family reunion, and community-based private sponsorships, can provide further opportunities to refugees, offering complementary contributions to families and communities, including through remittances.<sup>183</sup> Academic scholarships, for instance, can provide a mechanism for refugee students, who would like to study or who had had their studies interrupted, to continue their education. Likewise, labour mobility allows re-establishment of a normal life, and helps refugees to live in dignity, attain an adequate standard of living, and realise their potential. Strengthening complementarity between resettlement and other forms of admission can provide safer options to refugees and can lead to durable solutions.<sup>184</sup> UNHCR is encouraged by standing offers representing different forms of solidarity,<sup>185</sup> but urges these States to do more, and other States to join this effort,<sup>186</sup> in the face of a crisis of unprecedented dimensions in an increasingly volatile regional environment.

<sup>179</sup> Persons who have returned to Syria for this reason would need to be identified as combatants or armed elements in accordance with the above guidance (see para. 35).

<sup>180</sup> See, e.g., UNHCR, *United Nations Security Council (7433<sup>rd</sup> Meeting), Open Briefing on the Humanitarian Situation in Syria, Remarks by António Guterres, United Nations High Commissioner for Refugees, 24 April 2015*, 24 April 2015, <http://www.unhcr.org/553a3fc39.html>; UNHCR, *UNHCR Chief Warns that Syria Crisis at Dangerous Tipping Point, as Humanitarian Needs Outpace Funding*, 31 March 2015, <http://bit.ly/1ORZD4i>.

<sup>181</sup> See, for example, UNHCR, *Ministerial Coordination Meeting of Major Host Countries for Syrian Refugees in Jordan*, 4 May 2014, <http://shar.es/1anw9P>.

<sup>182</sup> According to UN High Commissioner for Refugees, António Guterres, "(...) Resettlement and other humanitarian admission programmes are critical and can be life-saving for the victims of the conflict in Syria. This represents another expression of solidarity with the host countries and the communities that have been suffering the impact of this terrible conflict on their economy and society"; UNHCR, *New Resettlement Places Offered for Syrian Refugees*, 27 June 2014, <http://www.unhcr.org/53ad92ff6.html>.

<sup>183</sup> UNHCR, *UNHCR Urges Europe to Change Course on Refugee Crisis*, 16 September 2015, <http://www.refworld.org/docid/55fa85705.html>; UNHCR, *Legal Avenues to Safety and Protection through other Forms of Admission*, 18 November 2014, <http://www.refworld.org/docid/5594e5924.html>.

<sup>184</sup> UNHCR, *UNHCR Urges Europe to Change Course on Refugee Crisis*, 16 September 2015, <http://www.refworld.org/docid/55fa85705.html>; UNHCR, *Legal Avenues to Safety and Protection through other Forms of Admission*, 18 November 2014, <http://www.refworld.org/docid/5594e5924.html>. UNHCR, *UNHCR's Proposals in Light of the EU Response to the Refugee Crisis and the EU Package of 9 September 2015*, 10 September 2015, p. 2, <http://www.refworld.org/docid/55f280774.html>.

<sup>185</sup> "Following the recent events in the Mediterranean Sea, resettlement countries have offered additional resettlement places for Syrian refugees in the MENA region. The 2015 resettlement submission target for Syrians has increased by 11,590 or over 42 per cent (from 27,500 to 35,750). As part of international burden and responsibility sharing, these offers serve to protect vulnerable refugees from further harm and help them to re-establish their lives. Since 2013, States have generously pledged a total of 130,408 places"; UNHCR, *Syrian Refugees Inter-Agency Regional Update, September 2015*, 30 September 2015, <http://www.refworld.org/docid/562611cf4.html>.

<sup>186</sup> UNHCR, *Syrian Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity*, 11 July 2014, <http://www.refworld.org/docid/53b69f574.html>.