



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

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International Protection Considerations with regard to people fleeing the Syrian Arab Republic

1. Unrest in the Syrian Arab Republic has been mounting since March 2011, leading to displacement of large numbers of civilians. As of early June 2012, more than 81,000 people are estimated to have fled to the neighbouring countries of Jordan, Lebanon, Turkey and Iraq,¹ while over 10,800 asylum applications made by Syrians were registered in Western European countries since April 2011.² In addition, according to some estimates, over 400,000 persons are reported to have been displaced within Syria,³ while thousands are believed to be detained.⁴ Furthermore, findings of a recent joint government and UN mission revealed the serious humanitarian situation in certain parts of the country. It estimated that as many as one million Syrians are in need of humanitarian assistance. In responding to these findings, a Humanitarian Assistance Response Plan led by the Government of Syria, in coordination with the UN, was drawn up.⁵
2. While in early April 2012 cessation of violence was agreed as part of the six-point peace plan put forward by the Joint Special Envoy of the UN and the League of Arab States for Syria, Kofi Annan,⁶ the UN and media outlets continue to report ongoing violence and killings in Syria.⁷ Since the start of the unrest in March 2011, there have been reports of grave, widespread and systematic human rights violations and many persons arbitrarily detained and mistreated, with a death toll that has surpassed 9,000.⁸ The International Committee of the Red

¹ Regional Response Plan for the Syria Situation Web Portal: <http://data.unhcr.org/syrianrefugees>.

² This number includes *sur place* asylum applications and repeat applications. Based on data on asylum applications in the EUROSTAT database, http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database, accessed 31 May 2012.

³ UN News Service, Syria: *New UN response plan awaits government agreement*, 23 April 2012, <http://www.unhcr.org/refworld/docid/4f9921302.html>.

⁴ UN News Service, *General Assembly demands Syria halt violence without delay*, 16 February 2012, <http://www.unhcr.org/refworld/docid/4f3e283e2.html>.

⁵ UN News Service, *One million Syrians in need of humanitarian assistance - UN-backed survey*, 29 March 2012, <http://www.unhcr.org/refworld/docid/4f7587062.html>; UNifeed News and Media, *Geneva/Syria Humanitarian Aid*, <http://www.unmultimedia.org/tv/unifeed/d/20379.html>.

⁶ UN News Service, *UN official stresses need for humanitarian aid in Syria amid diplomatic efforts*, 13 April 2012, <http://www.unhcr.org/refworld/docid/4f97b53b2.html>.

⁷ UN News Service, *Ongoing violence and killing in Syria 'unacceptable,' says Ban*, 26 April 2012, <http://www.unhcr.org/refworld/docid/4f9a527e2.html>. Reports of media outlets, e.g., BBC, *Syria violence 'leaves 30 dead' despite UN monitors*, 1 May 2012, <http://www.bbc.co.uk/news/world-europe-17906618>.

⁸ See Media Centre, Office of the High Commissioner for Human Rights, *Statement by Navi Pillay, High Commissioner for Human Rights to the Human Rights Council 19th Special Session on "The deteriorating human rights situation in the Syrian Arab Republic and the killings in El-Houleh"* Geneva, 1 June 2012, <http://www.ohchr.org/en/NewsEvents/Pages/Media.aspx>; UN News Service, *Security Council strongly condemns massacre of civilians in Syria*, 27 May 2012, <http://www.unhcr.org/refworld/docid/4fc5f1112.html>; Human Rights Council, 19th session, A/HRC/19/L.38/Rev.1, *Situation*

Cross has qualified the fighting in areas of Homs and Idlib as ‘localized civil war’.⁹ The violence is affecting some of the most vulnerable populations, such as children, with the reported number of child victims having surpassed 500.¹⁰ Sexual violence, including against men and boys, has also been reported.¹¹

3. UNHCR appreciates measures already taken by Governments, most notably in the neighbouring countries, to provide protection to those having fled the country. Those fleeing Syria will continue to require protection until such time as the situation in Syria improves and allows for voluntary return in safety and dignity. Given the current situation in Syria, persons who left Syria and have approached UNHCR and the respective host Governments have been registered as persons seeking international protection and are being assisted. Arrivals need to be afforded international protection and associated rights, the form of which may vary, depending on how the situation in Syria unfolds and on the processing and reception capacity of countries receiving them.
4. Protection provided to those fleeing Syria should entail treatment which respects the fundamental humanity and dignity of the individuals concerned and guarantees minimum humanitarian standards, including:
 - a. Access to the territory and to safety;
 - b. Protection from *refoulement*;
 - c. Access to the necessities of life, including
 - i. Adequate shelter with appropriate sanitary arrangements (whether provided in dedicated sites or ensured through community hosting arrangements)
 - ii. Food
 - iii. Health care facilities
 - iv. Access to primary education;
 - d. Identity documentation;
 - e. Respect for family unity and where needed, special protection for children, in particular those who are unaccompanied/separated, including family tracing arrangements; and
 - f. Respect for the principles of non-discrimination and freedom of movement.¹²

In addition, the psychological, protection and other needs of specific groups, such as victims of torture, trauma or sexual violence, should be addressed. This may include counseling and protection arrangements including with regard to accommodation and psychological and physical well-being.¹³

of human rights in the Syrian Arab Republic, 22 March 2012, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/; UN News Service, *Syria: Security Council urges rapid deployment of military observers*, 24 April 2012, <http://www.unhcr.org/refworld/docid/4f9a4b5f2.html>.

⁹ See for example Reuters, Stephanie Nebehay, *Some Syria violence amounts to civil war - Red Cross*, 8 May 2012, <http://www.reuters.com/article/2012/05/08/us-syria-redcross-idUSBRE8470D920120508>.

¹⁰ UNICEF, *UNICEF steps up its response to children affected by the crisis in Syria*, 23 March 2012, http://www.unicef.org/media/media_62075.html.

¹¹ UN New Centre, *UN human rights chief urges General Assembly to act now to protect Syrians*, 13 February 2012, <http://www.un.org/apps/news/story.asp?NewsID=41216>.

¹² See, for example, Executive Committee of the High Commissioner’s Programme, *Conclusion No. 22 (XXXII), Protection of Asylum-Seekers in Situations of Large-Scale Influx, 1981*, in: *UN High Commissioner for Refugees, A Thematic Compilation of Executive Committee Conclusions*, 6th edition, June 2011, <http://www.unhcr.org/refworld/docid/4f50cfbb2.html>.

¹³ See, for example, Executive Committee of the High Commissioner’s Programme, *Conclusion No. 93 (LIII), 2002, Conclusion on reception of asylum-seekers in the context of individual asylum systems*, <http://www.unhcr.org/3dafdd344.html>.

5. Given the situation of violence and conflict, there is the possibility that among those departing the country and seeking international protection in neighbouring states there may be people who have taken part in the hostilities – that is, combatants¹⁴ or armed elements.¹⁵ Combatants or armed elements need to be identified and separated upon arrival in order to preserve the humanitarian and civilian character of asylum. As part of this effort, mechanisms to identify instances in which facilities of host countries might be misused by combatants may need to be put in place. The individuals so identified, including children associated with armed forces or armed groups, need to be treated in accordance with existing standards in applicable international law.¹⁶
6. While the majority of Syrians and others currently leaving the country appear to remain in the region, there are cases of individuals who arrive in countries further afield and make claims for international protection. Where such arrivals occur in countries with established asylum systems, they should be received appropriately (see paragraph 4 above) and their claims should be processed according to existing procedures.
7. This guidance needs to be read in light also of UNHCR's *Position on Returns to the Syrian Arab Republic*, which indicates that returns to Syria are not advisable at this time.¹⁷
8. This guidance is offered by UNHCR for the benefit of states experiencing arrivals from Syria, and will be updated as the situation in Syria evolves.

UNHCR
June 2012

¹⁴ 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 UN High Commissioner for Refugees, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, p.17. <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

¹⁵ 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-defense or reasons related to any military activities. While all armed elements need to be disarmed upon crossing the border into a host State, only combatants need to be separated and interned. See UN High Commissioner for Refugees, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, p.17. <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

¹⁶ 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 humanitarian law and human rights law, See UN High Commissioner for Refugees, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.unhcr.org/refworld/docid/452b9bca2.html>.

¹⁷ See UN High Commissioner for Refugees, *UNHCR Position on Returns to the Syrian Arab Republic*, 2 March 2012, <http://www.unhcr.org/refworld/docid/4f50db552.html>.