

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report**

**Universal Periodic Review:**

*2nd Cycle, 26th Session*

**SYRIAN ARAB REPUBLIC**

**I. BACKGROUND INFORMATION**

The Syrian Arab Republic (“Syria”) is not a State Party to the *1951 Convention relating to the Status of Refugees*, the *1967 Protocol*, the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*.

**Refugees and asylum-seekers:**

Syria currently lacks a comprehensive national legal framework on asylum. Article 39 of the *2012 Constitution of the Syrian Arab Republic* stipulates, “Political refugees shall not be extradited because of their political beliefs or their defence of freedom.” A new immigration law issued in March 2014 (No. 2/ 2014), refers to refugees with valid UNHCR certificates as one of the categories of individuals who are entitled to obtain residency in Syria. Apart from these provisions, the country does not define the term “refugee” or refer to the protection available to them in its national legal framework. On the other hand, laws, decrees and regulations, which relate to the entry and legal status of foreigners also apply to refugees and asylum-seekers. Consequently, refugees and asylum-seekers admitted into Syrian territory are legally a part of the national immigration framework. If they entered the country through regular channels and possess a passport, they will be issued with a residency valid for up to one year (renewable), depending on the validity of the refugee identity card issued by UNHCR. However, the identity cards issued by UNHCR to refugees and asylum-seekers are also generally respected by law enforcement authorities. As of 31 December 2015, there were 21,113 refugees (47 per cent male, 53 per cent female and 46 per cent children) and 5,251 asylum-seekers (51 per cent male, 49 per cent female and 62 per cent children) registered with UNHCR. In addition, there are some 3,496 individuals from Iraq (Yezidis and Sunni Muslims), for whom basic bio data has been collected by UNHCR and who are residing in two camps (Newroz and Roj), which were established and are managed by the Kurdish autonomous authorities in Hassakeh Governorate. While the majority of the refugees and asylum-seekers in Syria are from Iraq (87 per cent of refugees and 66 per cent of asylum-seekers), there are also refugees and asylum-seekers from Afghanistan, Pakistan, Somalia, Iran, Sudan, South Sudan etc. as well as Palestinians who fled Iraq and are not eligible to register with UNRWA.

In terms of their enjoyment of fundamental rights in Syria, refugees and asylum-seekers have access to public facilities, such as transportation, drinking water, electricity, health care and education (including access to universities), but are not entitled to work.

As the conflict in Syria continues unabated, the protection situation for refugees has significantly deteriorated and local integration in Syria does not appear to be a realistic scenario in the years to come. While voluntary repatriation might be an option in individual cases, it is not considered feasible for the majority of the Iraqi refugees, whose only prospect for a durable solution is therefore resettlement to a third country.

### **Stateless persons:**

In addition to refugee and asylum-seeking populations, Syria also has several historically stateless populations within its territory, including two groups of ethnic Kurds, each with varying rights and statuses prescribed by national law.<sup>1</sup> *Presidential Decree No. 49 of 2011* (“*Decree No. 49*”) allows registered Kurds, known as *Ajanib*, to acquire nationality by application. Unregistered Kurds, known as the *Maktoumeen* (the estimated number of whom was 150,000, but an unknown number may have fled the country and sought refuge elsewhere) are, however, ineligible to apply for nationality under *Decree No. 49*, and therefore remain in need of a solution.

### **Internally displaced persons (IDPs):**

With the conflict in Syria now well into its fifth year, the humanitarian situation in Syria continues to deteriorate with serious violations of international humanitarian and human rights law by all parties to the conflict, including the use of sieges as a weapon of war affecting some 450,000 people. As of December 2015, the UN estimated that 6.5 million people were displaced within Syria, including 2.8 million children. 4.5 million people are estimated to be located in hard-to-reach areas and besieged locations. The *2016 Humanitarian Response Plan for Syria (HRP)*<sup>2</sup> states that a total of 13.5 million Syrian nationals and Palestinian refugees in Syria are in need of humanitarian assistance, which is more than half of the population. As a part of the inter-agency response to the humanitarian crisis in Syria, and as lead agency for the Protection and Shelter/Non-Food Items sectors, UNHCR has been working to enhance the protection for IDPs and other persons of concern in Syria. Notwithstanding on-going issues concerning access, the *HRP* has been discussed and agreed upon by the Syrian Government.

## **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

### **Positive developments linked to 1<sup>st</sup> cycle UPR recommendations**

**Linked to 1st cycle UPR recommendation no. 100.55: “Continue with its policy and good practice to provide assistance and protect the rights of the many Palestinian refugees in the country (Ecuador).”**<sup>3</sup>

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<sup>1</sup> Pursuant to Law No. 93 of 1962 and 1962 census, Kurds who could not prove that they had lived in Syria since 1945 were deprived of Syrian nationality and designated *ajanib*, meaning “foreigner”. Kurds who did not participate in the 1962 census were also deprived of nationality, but were designated *maktoumeen*, meaning “unregistered”.

<sup>2</sup> *2016 Humanitarian Response Plan, January – December 2016, Syrian Arab Republic*, Dec. 2015, available at: [https://www.humanitarianresponse.info/en/system/files/documents/files/2016\\_hrp\\_syrian\\_arab\\_republic.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/2016_hrp_syrian_arab_republic.pdf).

<sup>3</sup> “Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic,” A/HRC/19/11, 24 January 2012, available at: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCRegistration.aspx>.

In 2013, the Ministry of Interior acted on UNHCR's repeated requests to regularize the status of Palestinian refugees from Iraq by granting them six-month residency permits, regardless of their mode or date of entry. While expressing its expectation that UNHCR identifies resettlement opportunities for all Palestinians from Iraq, the Syrian Government continues to renew these residency permits upon expiry for additional six-month periods.

### **Additional achievements and positive developments**

Of particular relevance in relation to the prevention and reduction of statelessness, is the aforementioned *Decree No. 49*, issued on 7 of April 2011 by the Syrian President, which has permitted the majority of Syrian Kurds registered as "foreigners" (*Ajanib*) to acquire nationality by application. Additionally, the drafting and consideration of an amendment to the *Nationality Law* that would allow Syrian women to confer nationality to their children on an equal basis as men was initiated<sup>4</sup>, which is particularly important as the conflict has increased statelessness risks due to the separation of families, the death of many men and the loss of personal documentation.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Issue 1: Lack of legal framework to protect refugees**

In the absence of a national legal framework and asylum procedures for the protection of refugees in Syria, UNHCR currently conducts the registration of asylum-seekers and the assessment of their asylum claims under its mandate.

In 2009, a commitment was made by the Ministry of Foreign Affairs to lead efforts to draft a national asylum law. However, due to the conflict arising in 2011 and the shift in priorities that accompanied it, these efforts were suspended. Despite these setbacks, legal amendments to existing laws could go a long way to improve the legal situation of refugees and asylum-seekers in Syria. For instance, the provision of residency and civil registration should not be conditional on refugees' legal entry and possession of national passports/identity documentation.

While the Syrian Arab Republic maintains a flexible and generous policy towards refugees, laws, decrees and regulations relating to the entry and legal status of foreigners do not explicitly address the particular situation and protection needs of asylum-seekers and refugees, who require safeguards beyond those granted to other foreigners. For instance, residency is one of the most effective protection tools for refugees and asylum-seekers in Syria. However, legal entry to Syria and possession of a valid passport are prerequisites for applying for residency under national law. Consequently, at least 25 per cent of the refugees and asylum-seekers cannot currently obtain residency and are thus at a higher risk of arrest and deportation, which may amount to *refoulement*. UNHCR interventions in such cases have so far been successful and UNHCR is not aware of any cases of *refoulement*.

In June 2014, a Presidential Legislative Decree was issued granting a general amnesty for crimes committed before 9 June 2014. According to administrative instructions related to this decree, foreigners who entered or stayed in Syria illegally could benefit from the amnesty provided they

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(username: hrc extranet, password: 1session).

<sup>4</sup> UNHCR understands that in view of the ongoing conflict, the National Assembly has deprioritized this matter.

presented themselves to the immigration authorities within three months of the issuance date of the decree. However, only a small number of refugees and asylum-seekers approached the immigration authorities within the deadline and UNHCR is still waiting for an official response from the authorities on its request to regularize the status of all asylum-seekers and refugees who entered or remained in the country irregularly.

### **Recommendations:**

UNHCR recommends that the Government of Syria:

- a. Accede to the *1951 Convention relating to the Status of the Refugees* and its *1967 Protocol*, and adopt comprehensive national asylum legislation; and
- b. Amend existing legislation on immigration, as an interim measure, to permit refugees and asylum-seekers to obtain residency and register their newly born children on the basis of UNHCR-issued refugee/asylum-seeker cards, irrespective of their irregular entry or residence status in Syria.

### **Issue 2: Statelessness**

While the reduction of statelessness among the *Ajanib* achieved through the adoption of *Decree No. 49* is a landmark accomplishment that should be highlighted as a good practice and a foundation for further solutions, it is hoped that the situation of the *Maktoumeen* will soon be addressed as well. In this regard, it is notable that Article 3(d) of Syria's *Nationality Law* confers citizenship to anyone born on the territory who did not acquire another nationality at birth. Under this provision, therefore, children born in Syria to the *Maktoumeen* should be entitled to Syrian citizenship.<sup>5</sup> At present, however, such children are not regarded as Syrian nationals, signalling the need for further measures to resolve their situation, which may include a more comprehensive application of Article 3(d) of Syria's *Nationality Law*.

Additionally, under Syrian law, women do not have the right to pass on nationality to their children. Consequently, children are at risk of statelessness where a child's father is not a Syrian national or is unwilling or unable to assist the child in being confirmed as a Syrian national on the basis of its paternity, especially in situations where children are forcibly separated from their fathers, the fathers have disappeared or passed away.<sup>6</sup>

Equally, Syrian children who are born outside the country, including those born as refugees, have no ability under Syrian law to acquire Syrian nationality from their mothers. This creates a significant risk of statelessness, especially for new-born refugee children who are forcibly separated from their fathers; as such children may lack evidence proving their Syrian paternity and their right to nationality on this basis. Approximately 25 per cent of Syrian refugee households are headed by women, with Syrian men separated from refugee families due to conflict, death, forced displacement and other factors<sup>7</sup>, making the need for reform in this area particularly important.

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<sup>5</sup> See Article 3(d), *Legislative Decree 276 - Nationality Law [Syrian Arab Republic]*, *Legislative Decree 276*, 24 November 1969, available at: <http://www.refworld.org/docid/4d81e7b12.html> (establishing that "The following shall be considered as Syrian Arabs ipso facto...[a]nyone born in the country and was not, at the time of his birth, entitled to acquire a foreign nationality by virtue of his parentage").

<sup>6</sup> UN High Commissioner for Refugees (UNHCR), *Background Note on Gender Equality, Nationality Laws and Statelessness* 2015, 6 March 2015, available at: <http://www.refworld.org/docid/54f8369b4.html>.

<sup>7</sup> UN High Commissioner for Refugees (UNHCR), *Woman Alone: The fight for survival by Syria's refugee women*, 2 July 2014, available at: <http://www.refworld.org/docid/53be84aa4.html>.

Syrian children born inside Syria are, in principle, permitted to acquire nationality from their mothers under certain limited circumstances—namely, when the child’s paternity has not been established. However, provisions of this nature are difficult to utilize in practice due to the significant stigma and protection risks women may face for coming forward to report births out of wedlock, which includes threats of violence from non-State actors.

In light of these challenges UNCHR welcomes and supports the ongoing initiatives undertaken by national actors to recognize women’s nationality rights, which notably include the drafting of an amendment to the *Nationality Law*, which has been proposed for consideration before the National Assembly.<sup>8</sup>

### **Recommendations:**

UNHCR recommends that the Government of Syria:

- a. Resolve the situation of the residual stateless Kurdish population, known as the *Maktoumeen*, in a manner consistent with its practice concerning the *Ajanib*;
- b. Consider adopting legislation permitting Syrian women to transmit Syrian nationality to their children and also to apply Article 3(d) of the *Nationality Code*, which ensures the right of every child born in the country who would otherwise be stateless to acquire a nationality, in a consistent and systematic manner so to ensure the right of every child born in the country which would otherwise be stateless to acquire nationality; and
- c. Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

### **Issue 3: Documentation and civil registration of internally displaced persons**

UNHCR welcomes the 2007 amendment of the *Personal Status Code* (Law No. 376 of 1957) which made birth registration compulsory. Certain notable challenges remain, however, in relation to ensuring that all children born in Syria enjoy their right to be registered and documented at birth. Of particular concern is the situation of vulnerable children, such as those born out of wedlock and from situations of sexual and gender-based violence (SGBV), as well as those born in inter-faith marriages not recognized under the *Personal Status Code*<sup>9</sup>, and those born in isolated areas.<sup>10</sup> Furthermore, ethnic Kurds who have not acquired Syrian nationality also face difficulties in registering vital events, including marriages and births<sup>11</sup> as do refugees who do not have identity documents from their country of origin. Reportedly, the relevant authorities are in the process of reforming the *Personal Status Code* to remove gender-discriminatory provisions.

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<sup>8</sup> See UN Committee on the Elimination of Discrimination Against Women (CEDAW), *UN Committee on the Elimination of Discrimination against Women: Concluding Comments, Syrian Arab Republic*, 11 June 2007, CEDAW/C/SYR/CO/1, at para. 17, available at: <http://www.refworld.org/docid/468b5bf02.html>.

<sup>9</sup> See UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Syrian Arab Republic*, 9 February 2012, CRC/C/SYR/CO/3-4, at para. 43, available at: <http://www.refworld.org/docid/5305e86f4.html>.

<sup>10</sup> See UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Syrian Arab Republic*, 9 February 2012, CRC/C/SYR/CO/3-4, available at: <http://www.refworld.org/docid/5305e86f4.html>.

<sup>11</sup> See UN Committee on Economic, Social and Cultural Rights (CESCR), *UN Committee on Economic, Social and Cultural Rights: Concluding observations: Syrian Arab Republic*, 24 September 2001, E/C.12/1/Add.63, at para. 30, available at: <http://www.refworld.org/docid/3cc7ff454.html>; UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Syrian Arab Republic*, 9 February 2012, CRC/C/SYR/CO/3-4, available at: <http://www.refworld.org/docid/5305e86f4.html>.

Conflict, insecurity and internal displacement are also posing serious challenges to registering new vital events and obtaining civil status documentation, such as birth, custody, divorce and marriage certificates. Since some 50 per cent of civil affairs departments in Syria have reportedly been destroyed, obtaining civil registration has become very difficult. Lack of access to civil status documentation has been well documented and thus identified as a leading protection concern in Syria.<sup>12</sup> Despite these challenges, the Government of Syria should be commended for its decision in 2015 to allow Syrians to obtain new or duplicate personal documents (to replace lost documentation) in all locations rather than only in the place of civil records as was required in the past.

Regarding birth certificates, IDPs and conflict-affected families are often unable to reach areas where civil registration services remain intact and functional or, because the destruction of hospitals, large numbers of pregnant women give birth to their children under dire conditions and without receiving the medical birth notification documents necessary to register new births. In addition to helping to prevent statelessness, ensuring greater access to birth certificates would help facilitate child tracing and reunification in cases of possible separation, it would deter child trafficking and illegal adoption, it would help prevent the denial of healthcare and education and it would combat other protection risks that are known to increase in situations of conflict, forced displacement and family separation. Similarly, marriage certificates support family unity and women's rights in cases of divorce, separation or the death of the husband to, *inter alia*, child custody, property, and inheritance. Additionally, identity documentation improve access to vital services, livelihoods and freedom of movement and which may aid the ability IDPs to move to safer locations.<sup>13</sup>

Of additional concern is the situation of those whose civil status events occurred in areas held by armed opposition groups (AOGs) and/or who have no access at all to legal documentation due to the conflict, as well as those who were issued civil status documentation by entities established by the relevant AOGs and which are not recognized by the Government of Syria. A mechanism needs to be identified to permit individuals to exchange or transfer AOG-issued documentation and to compile and harmonize civil registries from the different parties to the conflict.

### **Recommendations:**

UNHCR recommends that the Government of Syria:

- a. Adopt measures to improve the availability of efficient civil registration/documentation services, including through mobile registration services; and
- b. Develop a practical and safe way for Syrians living in areas controlled by AOGs to pursue the replacement of documents, which have been issued to them by AOGs, with Government-issued documents.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**March 2016**

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<sup>12</sup> Global Protection Cluster, *2015 Protection Needs Overview: Whole of Syria Protection Sector*, October 2015.

<sup>13</sup> 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>.

# ANNEX

## Excerpts of Recommendations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

### SYRIAN ARAB REPUBLIC

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Syrian Arab Republic.

#### I. Universal Periodic Review

Recommendation <sup>14</sup>	Recommending State	Position <sup>15</sup>
<b>Refugees</b>		
100.55. Continue with its policy and its good practice to provide assistance and protect the rights of the many Palestinian refugees in the country;	Ecuador	Supported
100.56. Continue its contribution to the efforts in alleviating the suffering of the vulnerable group of refugees until they return to their homeland;	Algeria	Supported
100.57. Continue to seek support from the international community and relevant United Nations agencies in meeting its challenges in hosting the refugee population;	Thailand	Supported
<b>Ratification of the OPCAT, and of the 1951 Refugee Convention and its 1967 OP,</b>		
103.2. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearances, and accede to the 1951 Refugee Convention on Refugees and its 1967 Optional Protocol;	Peru	Noted <sup>16</sup>
103.3. Sign and ratify OPCAT and establish a national preventive mechanism;	Maldives	Noted <sup>17</sup>
103.9. Withdraw the reservations to Article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and consider ratifying the Optional Protocol to this Convention;	Mexico	Noted <sup>18</sup>

<sup>14</sup> All recommendations made to Syrian Arab Republic during its 1st cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic," (24 January 2012) [A/HRC/19/11](#).

<sup>15</sup> As of 9 October 2015, the English version was unavailable online for: *Addendum*, A/HRC/19/11/Add.1. Information on the positions taken by the State in the *Addendum* have been sourced from the UPR-Info Database, available at: <http://www.upr-info.org/database/> [accessed 9 October 2015].

<sup>16</sup> See Note 2.

<sup>17</sup> See Note 2.

<sup>18</sup> See Note 2.

103.10. Implement the obligations undertaken on signing the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;	Switzerland	Supported <sup>19</sup>
104.1. Ratify or accede, as appropriate, to the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights;	Uruguay	Noted <sup>20</sup>
<b>Discrimination against minorities</b>		
101.8. Comply with commitments enshrined in the Durban Declaration and Plan of Action, particularly as regards the prevention and punishment of discrimination against the population of Kurdish origin;	Mexico	Supported
104.35. Comply with its legal obligations concerning the rights of minorities and guarantee the civil, political, economic, social and cultural rights of persons belonging to the Kurdish minority;	Canada	Noted
<b>Prevention of torture</b>		
101.9. Take all necessary steps to ensure that torture and other inhuman and degrading treatment of civilians do not occur (Sweden);	Sweden	Supported
102.3. Immediately end all acts of torture and hold accountable those responsible for such acts;	Norway	Supported
102.4. Conduct a credible and impartial investigation and address all allegations of human rights violations with a view to bringing the perpetrators to justice;	Thailand	Supported
102.7. Bring to justice those who commit arbitrary killings, acts of torture and other human rights violations;	Switzerland	Supported
102.8. Promptly undertake measures to address allegations relating to instances of involuntary disappearances, arbitrary arrests, the routine use of torture, violence against women and girls, lack of judicial independence, impunity granted to the members of intelligence agencies, persecution of human rights defenders, and restriction of freedoms of expression and assembly, and carry out fundamental reforms of its laws, policies and practices with a view to improving the current dire human rights situation and preventing its recurrence;	Republic of Korea	Supported
103.5. Adopt a definition of torture in conformity with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;	Brazil	Supported <sup>21</sup>
103.6. Incorporate in the domestic legislation the definition of torture, in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that no statement made	Mexico	Supported <sup>22</sup>

<sup>19</sup> See Note 2.

<sup>20</sup> See Note 2.

<sup>21</sup> See Note 2.

<sup>22</sup> See Note 2.



as a result of torture can be invoked as evidence in any judicial proceedings, in conformity with Article 15 of this Convention		
<b>Trafficking in persons</b>		
100.3. Maintain the positive momentum in improving legislation and institutions, and ensure the execution of its laws in practice, in particular in the areas of education, women rights, childhood, persons with disabilities and victims of trafficking in persons;	Venezuela	Supported
100.38. Step up efforts to prevent and combat trafficking in persons, in particular women and children;	Belarus	Supported
<b>Discrimination against women</b>		
100.36. Consider strengthening all measures aimed at promoting gender equity and the full and effective participation of women in the political, social, economic and cultural spheres of life, including through legislative and administrative means;	South Africa	Supported
100.35. Strengthens efforts to further promote empowerment of women;	Bangladesh	Supported
100.37. Immediately adopt and implement necessary legislative and administrative measures to promote a greater inclusion of women in the country's public and political life, ensuring that they effectively participate in the decision-making process, and lift the reservations made to the Convention on the Elimination of All Forms of Discrimination Against Women;	Mexico	Supported
101.6. Take measures to address the low levels of representation of women in public and political life and in decision-making;	Slovenia	Supported

## II. Treaty Bodies

### Committee on the Elimination of Discrimination against Women

Concluding Observations, (18 July 2014) [CEDAW/C/SYR/CO/2](#)

#### **Nationality**

37. The Committee acknowledges the steps taken by the State party to amend article 3 of the Nationality Law (Decree No. 276/1969) as well as the implementation of Decree No. 49/2011 which grants nationality to Syrian Kurds. However, the Committee is concerned at:

- (a) Considerable delays in adopting the amendment to article 3, in order to prevent Syrian women and their children from becoming stateless. In the context of the conflict, the Committee is concerned at the adverse impact of statelessness on women and girls and their children, including children born as a consequence of rape, jihad al- nikah (marriages in the name of jihad) as well as child and/or forced marriages, due to their exclusion from services which are restricted to nationals and at the heightened risks of abuse for women and girls in displacement contexts; and
- (b) The slow pace implementation of Decree No. 49/2011 which grants nationality to Syrian Kurds and the fact that many women who should benefit from this Decree are stateless.

38. **The Committee recalls its General Recommendation No. 21 (1994) on equality in marriage and family relations and its General Recommendation No. 30 (2013) and urges the State party to:**

- (a) Immediately amend its Nationality Law (Decree No. 276/1969), in particular article 3, in order to ensure that women and men enjoy equal rights to acquire, transfer, retain and change their nationality, in line with article 9 of the Convention; and ensure its implementation;
- (b) Fully implement Decree No. 49/2011 so as to ensure that it covers all Syrian Kurds who are still stateless, in particular women and girls and their children; and
- (c) Guarantee the right of conflict-affected women and girls to obtain all personal documents necessary for the exercise of their rights including their right to have such documentation issued in their own names, and ensure the prompt issuance or replacement of documents without imposing unreasonable conditions, such as requiring displaced women and girls to return to their area of original residence to obtain such documents.

### **Committee against Torture**

Concluding Observations, (29 June 2012), [CAT/C/SYR/CO/1/Add.2](#)

20. The Committee expresses its grave concern about the prevalence, continuation and un-rebutted occurrence of violations of the Convention in the State party, as documented in the above-mentioned reports:

- (a) Widespread use of torture and cruel and inhuman treatment of detainees, individuals suspected of having participated in demonstrations, journalists, web bloggers, defectors of security forces, persons wounded or injured, women and children (arts. 2, 11, 13 and 16);
- (b) The habitual use of torture and cruel and inhuman treatment as a tool, which appears to be deliberate and part of State's policy, to instil fear and to intimidate and terrorize civilian population (arts. 2 and 16) and the complete disregard by State party authorities of the requests from authoritative international bodies and experts to cease these violations (art. 2);
- (c) The extensive reports of sexual violence committed by public officers, including against male detainees and children (arts. 2, and 16);
- (d) The extensive gross violations of children's rights committed by the Syrian authorities, including the torture and ill-treatment of children, the killing of children during demonstrations and their arbitrary detention;
- (e) Reports of at least 47 missing children, some as young as 15 years old who may have disappeared since their detention (art. 16);
- (f) Cruel, inhuman or degrading conditions of detention, including severe overcrowding of facilities (arts. 11 and 16);
- (g) The reported existence of secret places of detention; as well as reports on the lack of access to places of detention by international and national monitors and organizations; such secret detention centres are per se breaches of the Convention and lead inevitably to cases of torture and ill-treatment contrary to the Convention (arts. 2, 11, 12, 13 and 16);

- (h) Large-scale attacks by security forces against civilians across the country, resulting in numerous summary executions, including the killings of the elderly, women and children trying to flee the attacks on towns and villages (art. 2);
- (i) The appalling and tragic events which took place in El-Houleh, on 25 May 2012, in which more than 100 persons, including at least 34 children under the age of 10 were killed as a result of an indiscriminate attack to the village (art. 2);
- (j) Excessive use of force, including use of heavy lethal weapons against demonstrators participating in peaceful manifestations, and the artillery bombardments of residential areas, used consistently by units of the Syrian armed forces and diverse security forces, and the coordinated nature of these attacks, including the deliberate demolition and destruction of houses, as a mean of retaliation or punishment (arts. 2 and 16);
- (k) Regular raids conducted by security forces in hospitals to search for and kill injured demonstrators; as well as routine denial of access to medical assistance for wounded protesters, sometimes resulting in death (arts. 2, 11, 12, 13 and 16);
- (l) Killings of journalists, lawyers, human rights defenders and activists (arts. 2, 13 and 16);
- (m) Widespread attempts to cover up killings by the security forces, including the use of mass graves (arts. 12 and 13);
- (n) Widespread practice of arbitrary and unlawful arrest and subsequent unlawful detention of civilians, including the elderly, children and women (arts. 2 and 16);
- (o) The entry into force, on 21 April 2011, of the Legislative Decree No. 55/2011 amending article 17 of the Code of Criminal Procedure to allow for suspects to be held for up to seven days pending investigation and the interrogation of suspects for certain crimes, renewable for up to a maximum of 60 days (arts. 2 and 16);
- (p) Arbitrary arrests not formally acknowledged and suspects often held incommunicado without their families being notified about their arrest or whereabouts (arts. 2 and 16);
- (q) Numerous reports of enforced disappearances and death in custody of detainees following severe infliction of torture (arts. 2, 11, 12, 13 and 16);
- (r) Arbitrary arrests of activists who participated or helped to organize demonstrators and whose names appeared on security forces lists; arbitrary arrests of family and acquaintances of wanted individuals as a measure of intimidation and retribution (arts. 2, 12, 13 and 16);
- (s) Continued granting of immunity from prosecution for members of the security forces which promotes a long-standing culture of abuse and impunity, as evidenced by the fact that Legislative Decree No. 14, of January 1969, and Decree No. 69, of September 2008, are still in force (arts. 12 and 13).

21. The Committee is also seriously concerned by the allegations received concerning acts of torture, and cruel and inhuman treatment, summary executions and abductions committed by armed opposition groups.

#### **D. Recommendations**

22. The Committee reiterates its previous recommendations addressed to the Syrian Arab Republic (CAT/C/SYR/CO/1) following its first periodic report to:

- (a) Unambiguously reaffirm the absolute nature of the prohibition against torture and immediately cease and publicly condemn widespread and systematic practices of torture, especially by security forces, accompanied by a clear warning that anyone

- committing such acts, or otherwise complicit or participating in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties;
- (b) As a matter of urgency, take vigorous steps to revoke the decrees affording immunity for crimes committed on duty which result, in practice, in impunity for acts of torture committed by members of security services, intelligence agencies and police;
  - (c) Establish a national independent system to effectively monitor and inspect all places of detention and follow up on the outcome of such systematic monitoring, including by allowing regular and unannounced visits by national and international monitors, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
  - (d) Release all persons arbitrarily detained and ensure that no one is detained in secret detention facilities under the de facto effective control of States authorities; investigate and disclose the existence of any such facilities, the authority under which they have been established and the manner in which detainees are treated in such facilities; as well as proceed immediately to close all such facilities;
  - (e) As a matter of urgency, investigate every case of reported enforced disappearances and communicate the results of the investigations to the families of missing persons;
  - (f) Immediately cease all attacks against journalists and human rights defenders and advocates, and take all necessary steps to ensure that all persons, including those monitoring human rights, are protected from any intimidation or violence as a result of their activities and exercise of human rights guarantees, to ensure the prompt, impartial and effective investigation into such acts, and to prosecute and punish perpetrators and provide redress including compensation to victims;
  - (g) Immediately adopt protective measures for all victims of torture and ill-treatment, including expedite access to medical care; and provide all victims of torture and ill-treatment with redress, including fair and adequate compensation and as full rehabilitation as possible.

23. Furthermore, the Committee stresses as a matter of urgency, and in view of the extensively documented actions in violation of the Convention that continue unabated, that it is necessary that the Syrian Arab Republic:

- (a) Immediately fulfil its obligations under the Convention to prevent and protect all individuals under its jurisdiction from torture and other cruel, inhuman and degrading treatment or punishment; the Committee recalls, in this regard, that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;
- (b) Put an immediate end to all attacks against its population, especially peaceful demonstrators, women, children and the elderly; ensure that all acts in violation of the Convention are brought to a halt; and cease widespread, gross and continued human rights violations of all persons under its jurisdiction, especially the systematic denial, in some areas, of the basic requirements of human life, such as food, water and medical care;
- (c) Establish, with the assistance of the international community, an independent commission of inquiry into the serious allegations of human rights violations committed by security forces and armed groups acting under the control or with the consent or acquiescence of State authorities; suspend members of the security

forces against whom there are credible allegations of human rights abuse pending completion of investigations; and ensure that individuals or groups who cooperate with the commission of inquiry are not subjected to any reprisals, ill-treatment or intimidation as a consequence of this cooperation;

- (d) Ensure prompt, impartial and thorough investigations into allegations of summary execution, enforced disappearance, arbitrary arrest and detention, torture or cruel, inhuman or degrading treatment or punishment, by State agents or non-State actors, prosecute those responsible before independent and impartial courts that meet international fair trial standards, and punish them according to the severity of their crimes. Prosecution of members of security forces involved in serious human rights violations and alleged crimes against humanity should comprise investigations up to the highest levels in the chain of command.

24. The Committee calls upon the authorities of the Syrian Arab Republic to cease its clear breach of the obligations under the Convention. The Committee requests the State party to end its current practices in violation of the Convention, which are completely unacceptable, and to undertake an immediate and vigorous programme to establish compliance with the Convention, including through prompt and direct cooperation with the Committee. To this effect, the Committee, pursuant to article 19, paragraph 1, in fine, of the Convention, requests that the Syrian Arab Republic submit a special follow-up report to the Committee on the measures taken to implement the above-mentioned recommendations no later than 31 August 2012.

### **Committee on the Rights of the Child**

Concluding Observations, 58<sup>th</sup> session (9 February 2012) [CRC/C/SYR/CO/3-4](#)

#### **Non-discrimination**

32. The Committee expresses concern at the persistence of legal and societal discrimination against girls in the State party. In particular, the Committee is concerned about discriminatory provisions contained in personal status laws, such as those relating to the inheritance rights of girls. The Committee is also concerned that insufficient measures have been taken by the State party to change discriminatory attitudes and stereotyping of gender roles.

33. The Committee also expresses concern about the discrimination of Kurdish children, especially girls, children living in remote areas, children in institutional care, children born out of wedlock and children in street situations.

34. **The Committee urges the State party:**

- (a) **To repeal legal provisions that discriminate against girls, and take all the necessary measures to eliminate societal discrimination against them through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media to combat the stereotyping of gender roles in line with the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/SYR/CO/1, paras. 28 and 34);**
- (b) **To amend all legal provisions which discriminate against children born out of wedlock;**

- (c) **To closely monitor the situation of children exposed to discrimination, in particular those belonging to the above-mentioned disadvantaged groups, and develop, on the basis of the results of this monitoring, a comprehensive strategy containing specific and well-targeted actions, including affirmative social actions, aimed at eliminating all forms of discrimination against them.**

## **Nationality**

41. The Committee welcomes Legislative Decree No. 49 of 7 April 2011 regulating the status of Syrian Kurds. The Committee is however concerned that this Decree might benefit only Kurds registered as “Foreigners” (*Ajanib*) and not the stateless Kurds known as “*Maktoumeen*”. The Committee is also concerned that the amendment to article 3 of the Syrian Nationality Act (No. 276 of 1969), which denies children of Syrian women married to non-nationals the right to acquire Syrian nationality, is still pending endorsement by the parliament.

42. **The Committee recalls the responsibilities of the State party, in accordance with articles 2 and 7 of the Convention, to ensure that all children within the State party’s jurisdiction have the right to be registered and acquire a nationality, irrespective of the child’s or his or her parents’ or legal guardians’ sex, race, religion or ethnicity, social origin or status. The Committee therefore urges the State party:**

- (a) **To take immediate steps to guarantee that all children of Syrian-born Kurdish parents, including children of stateless Kurds known as Maktoumeen promptly acquire Syrian nationality and enjoy their rights without discrimination;**
- (b) **To proceed with the amendment of the Nationality Act to allow children of Syrian mothers married to foreign nationals to acquire the nationality of their mothers;**
- (c) **To ratify the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961.**

## **Birth registration**

43. The Committee notes as positive the efforts made by the State party to ensure that every child is registered at birth, in particular the 2007 amendment of the Personal Status Code (Law No. 376 of 1957) which makes birth registration compulsory. The Committee is however concerned that:

- (a) According to the Personal Status Code, the marriage of a Muslim woman with a non-Muslim man is not considered as valid, and, as a result, children born within such a marriage are not always recognized, nor registered;
- (b) Children born out of wedlock cannot be affiliated to their father, a situation which often leads to their abandonment and subsequent institutionalization;
- (c) A mother who wants to register her child born of rape or incest or out of wedlock is required to request a police report to initiate an investigation into the circumstances of the conception of the child;
- (d) Birth registration of children born in remote areas continues to be problematic.

44. **The Committee urges the State party to strengthen its efforts to ensure the effective registration of all children born in the State party, regardless of their origin and without any discrimination. To this aim, the Committee urges the State party to amend the Personal Status Code, to fully recognize all mixed marriages and to take all the**

**necessary measures to protect and properly register children born out of wedlock and children from remote areas.**

### **Asylum-seekers and refugee children**

73. The Committee commends the State party for its continuous efforts to ensure that refugee children have access to child-friendly centres, primary health care and education. The Committee is however deeply concerned about reported consistent and corroborated reports that at least 7,000 Palestinian refugees, including children, had to flee their camp situated in Latakia's El Ramel district due to heavy gunfire from security forces into the camp and surrounding areas in August 2011, and that several refugees were killed during these military operations.

74. The Committee is also concerned that there is still no legal and institutional framework in place relating to asylum-seekers and refugees, and that refugee children and their families encounter difficulties in obtaining identity documents, which, in some cases, has led them to become stateless and/or to be forcibly returned to their countries of origin. The Committee is, in addition, concerned at reported cases of refugee children who have been separated from their families during refoulement procedures.

**75. The Committee strongly urges the State party to cease military operations within and outside refugee camps and to provide humanitarian agencies with full access to the refugees. The Committee also urges the State party to speed up the adoption process of a national law for refugees and asylum-seekers. The Committee also urges the State party:**

- (a) To ensure that refugee children and their families are guaranteed speedy processing of their registration and identity documents;**
- (b) To refrain from separating foreign children from their families either by expelling or otherwise forcibly returning them or their family members to their country of origin;**
- (c) To consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;**
- (d) To continue and strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and take guidance from the 2009 UNHCR guidelines on child asylum.**

### **Sale and trafficking**

82. The Committee welcomes the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2009, the promulgation in 2010 of Legislative Decree No. 3 concerning the prohibition of human trafficking, and the establishment of two shelters for victims of trafficking in Damascus and Aleppo. The Committee is however concerned about the limited progress made by the State party to implement the recommendations of the Committee (CRC/C/OPSC/SYR/CO/1) under the Optional Protocol on the sale of children, child prostitution and child pornography.

**The Committee is further concerned about:**

- (a) The absence of a clear definition of trafficking in the new legislation and the lack of clear procedures for the identification, interview and referral of child victims of trafficking;**

- (b) The absence of specific provisions criminalizing the sale of children and child pornography in domestic legislation, in conformity with the provisions of the Optional Protocol;
- (c) The persistent practice of temporary marriages, involving girls as young as 12 years who are given in marriage in exchange for money;
- (d) The limited efforts of the State party to investigate and punish trafficking offenses, to inform the public about the practice of human trafficking and to provide anti-trafficking training to law enforcement officials;
- (e) Cases of child victims of trafficking being charged with prostitution and sent to juvenile detention facilities or back to the country where they were trafficked from.

83. The Committee calls upon the State party to take all the necessary measures to implement the Committee recommendation under the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee also urges the State party:

- (a) To amend its anti-trafficking legislation to clearly define trafficking and referral procedures and systematically provide training for law enforcement officials on the anti-trafficking laws;
- (b) To amend the penal code in order to explicitly define and criminalize all the offences covered by the Optional Protocol as previously recommended (CRC/C/OPSC/SYR/CO/1, para. 15 (a));
- (c) To address the issue of temporary marriages, including by raising awareness among children, families and within the community of the negative impact of such marriages on the physical and mental health and general well-being of girls, and ensure that legal proceedings are engaged against those who organize those marriages;
- (d) To increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination, especially through information exchange, to prevent trafficking.
- (e) To actively prosecute and punish child traffickers, protect children victims of trafficking and ensure that child victims of trafficking are no longer sent to prison or to reform centres for juvenile delinquents;
- (f) To strengthen its efforts to ensure the physical and psychological recovery and social reintegration of child victims of exploitation and trafficking;
- (g) To ensure that all persons working with and for children are provided with training and awareness-raising programmes that can increase their knowledge and help prevent trafficking of children.

**Follow-up under the Optional Protocol on the involvement of children in armed conflict**

84. The Committee reiterates its recommendation (CRC/C/OPAC/SYR/CO/1, paras. 9 (a) and (d)) to explicitly prohibit by law the violation of the Optional Protocol on the involvement of children in armed conflict regarding the recruitment and involvement of children in hostilities, and to ratify the Rome Statute of the International Criminal Court.

### **III. Special Procedures**



**Report of the Special Rapporteur on the human rights of internally displaced persons on the situation of internally displaced persons in the Syrian Arab Republic (15 July 2013)**  
**[A/HRC/24/58](#)**

**Particularly vulnerable groups**

53. The Special Rapporteur notes key protection and assistance concerns specific to particularly vulnerable internally displaced person groups, including children, women and girls, and Palestine refugees displaced in the Syrian Arab Republic.

Owing to limited available information and space constraints, the present report does not cover the serious protection challenges likely to affect other groups of internally displaced persons, such as persons from different religious, national or ethnic groups, and elderly or disabled persons. The Special Rapporteur encourages further work in this area by relevant actors

**Palestine refugees**

54. The conflict in the Syrian Arab Republic has taken a heavy toll on the estimated 525,000 Palestine refugees in the country. Palestine refugee camps and neighbourhoods in Aleppo, Damascus, Dara'a, Rural Damascus and Homs have experienced some of the most intense armed engagements of the Syrian conflict, with casualties occurring on a daily basis. According to information received, at least 50 per cent of all Palestine refugees in the Syrian Arab Republic have been displaced once during the conflict, including over 54,000 children, and many have experienced multiple displacements. With limited external flight options into neighbouring countries, the majority have become internally displaced. As of May 2013, over 420,000 Palestine refugees in the Syrian Arab Republic were unable to meet their basic food needs.

55. The civilian character and neutrality of Palestine refugee camps is no longer respected, thereby breaching international law, under which refugees are protected during armed conflict, in all circumstances and without adverse distinction. Humanitarian actors report that every Palestine refugee camp in the Syrian Arab Republic has been affected by armed conflict, with shelling and clashes occurring inside settlements or in their immediate vicinity, armed groups establishing their presence inside camps, Government forces positioned at camp entrances and their peripheries and disruptions in access to food and essential supplies as a result of fighting and movement restrictions. Those circumstances have created serious humanitarian needs and provoked conflict-related displacements from Palestine refugee camps, including at Dara'a, Yarmouk, Husseiniyeh, Khan Eshieh, Sbeineh and Seida Zaynab.

56. Although they have remained largely neutral in the conflict, there are concerns that Palestine refugees remain vulnerable to discrimination and are increasingly targeted owing to perceptions that they are affiliated with one or the other party to the conflict. Nearly 46,000 families have had their homes damaged or destroyed. While many have sought temporary shelter in facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), such as schools, along with non-Palestinian internally displaced persons, others have been located at non-UNRWA facilities. Their displacement and loss of livelihoods have had a severe impact on their overall resilience and social safety nets and on their access to adequate housing, medical coverage and education services. The Special Rapporteur encourages the efforts of UNRWA in trying to address the latter, including through such measures as temporary health points in areas of displacement and alternative educational

facilities. He further notes that migrants and other refugees and asylum-seekers in the Syrian Arab Republic, including those from Iraq, Afghanistan, Somalia and the Sudan, are also vulnerable to the combined effects of conflict, secondary displacement and increasing humanitarian needs.

The Special Rapporteur makes the following recommendations:

**76. To all parties to the conflict:**

- (a) Join and participate in the peace process in a constructive spirit, guided by a commitment to human rights, a genuine desire for peace, and to establishing conditions which will prevent further displacement and promote durable solutions;
- (b) Call for, and enforce, strict compliance with international humanitarian law and human rights law, including the prohibition of forced displacement for reasons related to armed conflict, and with the humanitarian rules of distinction (affording protection to civilians), proportionality and precaution in attack. This should include, inter alia, taking measures to ensure the prevention of indiscriminate attacks on the civilian population; giving timely and proper warning ahead of military operations; ensuring safe passage out of the theatre of hostilities and the evacuation of wounded persons; and ensuring the delivery of humanitarian assistance. Institute the preceding elements as confidence-building measures to facilitate dialogue and pave the way to a political solution;
- (c) Facilitate the safe and unimpeded access of humanitarian aid to internally displaced persons and all persons in need, in all areas of the Syrian Arab Republic through the most efficient routes, in line with obligations under international law and the duties and standards provided in the Guiding Principles on Internal Displacement. In particular, take all necessary measures to facilitate cross-line relief aid convoys and assistance, protect humanitarian workers and facilitate their humanitarian mission. Ensure that internally displaced persons are received in satisfactory conditions, with dignity, shelter, food and hygiene;
- (d) Provide space to United Nations agencies, international non-governmental organizations and non-governmental organizations to develop adequate responses to meet the needs of internally displaced women, children and other groups with specific needs; implement prevention activities through empowerment of the community, psychosocial support and awareness-raising to mitigate risks; and enhance community resilience;
- (e) Reject extreme elements and sectarian rhetoric as a tactic of war, and reassert the principle of legitimacy through respect for international law, including international human rights and humanitarian law, to avoid further displacement or mitigate it.

**77. To the Government of the Syrian Arab Republic:**

- (a) In line with the primary responsibility of national authorities to provide protection and humanitarian assistance to internally displaced persons and persons at risk of displacement or harm or in need, take all necessary actions to facilitate and scale up humanitarian assistance and protection to all affected persons, without distinction and in line with humanitarian principles, international law and the Guiding Principles. Remove bureaucratic hurdles which impede the timely provision of assistance to internally displaced persons and other persons in need, as follows:

- i. By accelerating the issuance of visas to humanitarian workers and fast-tracking customs procedures for humanitarian goods and equipment, including communications tools and armoured vehicles;
  - ii. By lifting the current requirement for Government signatures to authorize humanitarian convoys;
  - iii. By accelerating approval for the implementation of humanitarian projects, including granting blanket approval for access to sites, and projects in the Syrian Humanitarian Assistance Response Plan;
  - iv. By immediately lifting restrictions on the delivery and distribution of medical supplies to people in need wherever they are;
  - v. By authorizing the operationalization of additional humanitarian hubs in key locations, including Dara'a and Qamishly;
  - vi. By fast-tracking administrative procedures for the establishment of newly approved international non-governmental organizations in the Syrian Arab Republic, and by increasing their overall number;
  - vii. By expanding the list of national non-governmental organizations allowed to partner with United Nations agencies, and by easing requirements to operationalize implementation of agreements with them;
  - viii. By authorizing cross-border operations, where these can facilitate the provision of assistance to people, including internally displaced persons, in hard-to-reach locations;
  - ix. By sharing all available and relevant Government and SARC data on displacement with humanitarian partners;
- (b) Allow the Independent International Commission of Inquiry to enter the country and conduct investigations, including in relation to internally displaced persons;
  - (c) In cooperation with the international community and civil society, take steps to protect the human rights of internally displaced persons in the Syrian Arab Republic, including vulnerable groups, through measures to address personal documentation, property, education and other needs.

**78. To the international community, humanitarian actors in the Syrian Arab Republic, and donors:**

- (a) Redouble efforts to support the peace process on the basis of the final communiqué issued by the Action Group for Syria, the work of the United Nations and the Arab League Joint Special Representative for the Syrian Arab Republic, and international diplomatic efforts with and between neighbouring States and other States with influence on the parties to the conflict, with the aim of arriving at an inclusive Syrian-led national dialogue and political solution that can provide human rights guarantees for all. Include considerations relating to internally displaced persons, in consultation with them;
- (b) Take measures to counter further militarization of the conflict and resulting displacement by restricting arms transfers, the deployment of foreign fighters and the influence of extremist factions;
- (c) Sustain and increase support for humanitarian agencies and operations in the Syrian Arab Republic, including financially, by securing the \$1.5 billion of aid pledged at the donor conference held in Kuwait on 30 January 2013. Such support is essential to ensure timely and effective humanitarian assistance;
- (d) Together with relevant national and international actors, including internally displaced persons and affected communities, develop a protection strategy for

internally displaced persons and returnees based on a human rights-based approach and in line with international law and the Guiding Principles, which is relevant to protection from forced displacement, protection during displacement and in the context of durable solutions;

- (e) Enhance humanitarian assistance efforts, in particular as follows:
  - i. By increasing the quantity and quality of material assistance to internally displaced persons and affected communities, including through expansion of field presences and partnerships with local non-governmental organizations and community-based organizations and other grass-roots organizations;
  - ii. By supporting efforts with regard to the collection of data on displacement and returnee figures and patterns and the profiling of needs and intentions, including of vulnerable groups, to enhance responses;
- (f) Promote the participation of internally displaced persons, and the integration of considerations relating to internally displaced persons and durable solutions, in early recovery, national development and other national strategies, reforms or programmes;
- (g) Strengthen the presence of United Nations agencies and international organizations with diverse mandates in the country, including human rights organizations such as OHCHR (including the Special Procedures), to more effectively address the variety of assistance, human rights, protection, durable solutions and recovery needs in the Syrian Arab Republic. Together with this increased presence, develop distinct, but complementary, implementation strategies towards the various elements of the response to the Syrian crisis and internally displaced persons, including protection in the context of humanitarian assistance; protection more broadly of rights under international human rights and humanitarian law; and an early recovery and development programme inclusive of displacement-affected communities (including women) and based on a partnership between humanitarian and development actors. Articulate and preserve the distinction between the humanitarian, political and human rights entities of the United Nations and other organizations to ensure effectiveness and prevent key processes from being traded off or otherwise diluted in return for space to undertake humanitarian activities;
- (h) Concerned Governments should consider undertaking more research and a review of the sanctions regime in order to identify ways to avoid or mitigate the negative effects of sanctions and other measures on the Syrian population.

#### **79. To neighbouring countries:**

Ensure respect for the institution of asylum by maintaining an open border policy in recognition of the right of internally displaced persons to seek asylum in another country (Guiding Principle 15), and the principle of non-refoulement. The establishment of makeshift camps on Syrian territory, even if provided with humanitarian assistance across international borders, cannot be a substitute for the right of internally displaced persons to seek asylum.

#### **80. To the General Assembly, the Human Rights Council and the Security Council:**

- (a) Promote and commit to concrete measures with the aim of achieving a peaceful Syrian-led solution for the country, with the full participation of all stakeholders, as well as displaced persons, including, in particular, displaced women;
- (b) Support efforts to ensure individual accountability for serious violations of international human rights and humanitarian law, including efforts to stem the

- prevailing culture of impunity, which is helping to prolong the conflict, and encourage parties to distance themselves from groups responsible for violations;
- (c) Strengthen efforts to assist and protect the rights of internally displaced persons in the Syrian Arab Republic, including by enabling the Special Rapporteur on the human rights of internally displaced persons to brief the General Assembly and the Human Rights Council periodically on developments related to internal displacement in the Syrian Arab Republic.