



22 October 2013

## **International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II**

1. This paper supersedes UNHCR's December 2012 *Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I*.<sup>1</sup>

### *Humanitarian Situation and Forced Displacement*

2. Since the issuance of UNHCR's December 2012 *Protection Considerations*, the armed conflict in Syria continued to escalate,<sup>2</sup> resulting in a massive humanitarian and protection crisis. The number of persons killed since the violence began has reportedly surpassed 100,000<sup>3</sup>, with 6.8 million persons, or one third of the population in need of humanitarian assistance; a significant increase from 1 million in March 2012.<sup>4</sup> Increases in humanitarian needs of the population have also been noted particularly in the governorates of Aleppo, Rural Damascus, Idlib, Deir Ez-Zour, Hama, Dera'a, Raqqa, Latakia and Damascus. Since January 2013, needs have tripled in Aleppo, while they have doubled in Rural Damascus and Deir Ez-Zour.
3. More than six million persons are estimated to have been displaced internally or to have sought refuge in countries in the region. As of October 2013, more than 2.1 million Syrians are registered or waiting to be registered in the neighbouring countries of Jordan, Lebanon, Turkey and Iraq, as well as Egypt and other countries in North Africa.<sup>5</sup> In addition, over 53,000 asylum applications have been submitted by Syrians in European countries (other than Turkey) since the unrest and violence started in 2011 until the end of August 2013.<sup>6</sup> Within Syria itself, an estimated 4.25 million people have been displaced as of April 2013, with many having been displaced multiple times; indicators show that this number has grown

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<sup>1</sup> UN High Commissioner for Refugees, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I*, December 2012, <http://www.refworld.org/docid/50d457b12.html>.

<sup>2</sup> In July 2012, the ICRC concluded that it considers the conflict in Syria to be a non-international armed conflict, signifying that international humanitarian law applies to all areas where hostilities are taking place. See ICRC, *Syria: ICRC and Syrian Arab Red Crescent maintain aid effort amid increased fighting*, 17 July 2012, <http://www.icrc.org/eng/resources/documents/update/2012/syria-update-2012-07-17.htm>.

<sup>3</sup> See, e.g. UN News Service, *Syria: Head of independent UN panel appeals to Member States to end relentless carnage*, 29 July 2013, <http://www.refworld.org/docid/51f7786559.html>.

<sup>4</sup> See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 34 | 10-23 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2034.pdf>.

<sup>5</sup> For regularly updated figures on registration of Syrians, see: Syria Regional Refugee Response Information Sharing Portal, at <http://data.unhcr.org/syrianrefugees>.

<sup>6</sup> This number includes *sur place* asylum applications. Based on UNHCR statistics (compiled on the basis of data submitted by national authorities to UNHCR). See also: UN High Commissioner for Refugees, *Informal Meeting of the Justice and Home Affairs Council Vilnius, 18 July 2013; Remarks by António Guterres United Nations High Commissioner for Refugees*, 18 July 2013, <http://www.unhcr.org/51f117c39.html>.

significantly since then.<sup>7</sup> Access to food,<sup>8</sup> water,<sup>9</sup> housing,<sup>10</sup> health care,<sup>11</sup> education<sup>12</sup> and non-food items<sup>13</sup> is severely affected by the cumulative effects of armed conflict and the related destruction of infrastructure, disruption of essential services and loss of livelihoods. UN agencies, together with their national and international partners, have further scaled up their humanitarian activities in accordance with

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- <sup>7</sup> See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria, Issue 33 | 27 August – 9 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20Issue%20No%2033%20%281%29.pdf>.
- <sup>8</sup> Four million people are reported to be in need of food aid within Syria. See, e.g. World Food Programme (WFP), *Four million Syrians are unable to produce or buy enough food*, 5 July 2013, <http://www.wfp.org/news/news-release/four-million-syrians-are-unable-produce-or-buy-enough-food>. WFP reported that, across Syria, high food prices, increasing inflation and the steady devaluation of the currency is eroding families' purchasing power and limiting their access to basic food items. Reports also indicate increasing malnutrition rates, see e.g. UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 34 | 10-23 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2034.pdf>. On 25 June 2013, WFP reported that families in Syria are increasingly resorting to begging for food to cope with shortages and high food prices in the market. Among respondents in a WFP survey, 9 per cent had turned to begging for food, up from 4 per cent in March. Respondents identified begging as the only remaining option to cope with the deterioration in living conditions. Many Syrians are also reported to have switched to lower-quality food products in order to cut back on spending. See e.g. UN News Centre, *Syrians resort to begging, eating low quality foods – UN agency*, 25 June 2013, <http://www.un.org/apps/news/story.asp?NewsID=45266>.
- <sup>9</sup> Infrastructure for water supply is badly damaged in many locations as a result of the conflict, and outbreaks of communicable diseases have been reported. See e.g. International Committee of the Red Cross (ICRC), *Millions of Syrians remain dependent on support for water and sanitation*, 9 July 2013, <http://www.icrc.org/eng/resources/documents/statement/2013/07-09-syria-sarc-icrc-joint-statement.htm>. Water availability per capita has decreased to one third of the pre-crisis levels as a result of power cuts, fuel shortages, disruption of production and maintenance of water works, as well as damage to infrastructure; see e.g. UNICEF, *Syria Crisis UNICEF Assessment Findings On The Situation in the Sectors of WASH, Education And Nutrition*, February 2013, [http://www.unicef.org/appeals/files/UNICEF\\_Syria\\_Crisis\\_Assessment\\_Findings\\_Feb\\_2013.pdf](http://www.unicef.org/appeals/files/UNICEF_Syria_Crisis_Assessment_Findings_Feb_2013.pdf).
- <sup>10</sup> “An estimated 1.2 million houses have been damaged or destroyed, according to the United Nations Economic and Social Commission for Western Asia (ESCWA). Some 400,000 houses have been completely destroyed, while 300,000 houses have been partially destroyed. In addition, about 500,000 houses have damaged infrastructure. The overall figure of damage and destruction represents around one third of the total housing stock in Syria, based on the 2004 census. The main concentrations of housing damage are found in what ESCWA identifies as informal settlements – which in most cases means where poor people live – in conflict areas, such as Homs, Damascus, Aleppo, Dera'a and Deir Ez-Zour.” See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria, Issue 22 | 19 March – 8 April 2013*, April 2013, [http://syria.humanitarianresponse.info/system/files/documents/files/Syria\\_Humanitarian\\_Bulletin\\_22\\_130408\\_EN.pdf](http://syria.humanitarianresponse.info/system/files/documents/files/Syria_Humanitarian_Bulletin_22_130408_EN.pdf).
- <sup>11</sup> The Syrian health system has been severely disrupted due to the conflict with 60 percent of public hospitals, 34 percent of public health centres, and 92 percent of public ambulances having been affected. Around 70 percent of pharmaceutical plants in Syria have also been impacted. A collapsed health care infrastructure, reduced workforce and lack of essential medicines, supplies and health professionals have seriously impeded the provision of primary and secondary health care. Health facilities and local pharmacies are increasingly unable to provide medicines for patients who require continuous treatment for chronic diseases. There is also an increased risk of infectious diseases outbreaks due to disruptions in vaccination programmes, overcrowding in public shelters and damage to water and sanitation systems. See e.g. UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 34 | 10-23 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2034.pdf>; World Health Organization, *Syrian Arab Republic, Jordan, Lebanon, Iraq - Situation Report Issue No. 15/5 – 20 June 2013*, June 2013, [http://www.who.int/hac/crises/syr/sitreps/syria\\_regional\\_sitrep\\_5\\_20june2013.pdf](http://www.who.int/hac/crises/syr/sitreps/syria_regional_sitrep_5_20june2013.pdf). In March 2013, ICRC warned that dozens of Syrians are dying every day due to limited access to health care and shortages of essential medical supplies; ICRC, *Syria: Timely access to health-care services a matter of life or death*, 1 March 2013, <http://www.icrc.org/eng/resources/documents/update/2013/03-01-syria-health-care.htm>. For details on “violence against health care”, see also, UN Human Rights Council, *Assault on medical care in Syria*, 13 September 2013, A/HRC/24/CRP.2, <http://www.refworld.org/docid/523c24704.html>.
- <sup>12</sup> Since the start of the 2012 school year, almost two million Syrian children between 6-15 years, nearly 40 percent of all pupils registered in grades 1 to 9, have reportedly dropped out of school. Combined, almost one in five of Syria's 22,000 schools are either damaged or used as shelter for IDPs. According to the Ministry of Education, as of July 2013, 931 schools were being used as collective shelters, while 3,004 schools had been damaged or destroyed, see e.g. UNICEF, *Syria Crisis, Bi-Weekly Humanitarian Situation Report*, 25 July - 8 August 2013, p. 2, [http://www.unicef.org/mena/MENA-UNICEF\\_Syria-SitRep\\_\(Syria\\_Jordan\\_Lebanon\\_Iraq\\_Turkey\)\\_-8\\_AUG\\_2013\(2\).pdf](http://www.unicef.org/mena/MENA-UNICEF_Syria-SitRep_(Syria_Jordan_Lebanon_Iraq_Turkey)_-8_AUG_2013(2).pdf). According to Save the Children, more than 70 per cent of violent incidents globally affecting children's education in 2012 occurred in Syria, see: Reuters, *Syria war imperils education of 2.5 million children: aid agency*, 11 July 2013, <http://www.reuters.com/article/2013/07/11/us-syria-crisis-children-idUSBRE96A14G20130711>.
- <sup>13</sup> These include basic household items, such as hygiene kits, cooking equipment, bedding, clothing, sanitary materials and other essentials including items necessary to prepare for the conditions of winter. For an assessment of needs for non-food items, see: Syrian Arab Republic, *Revised Syria Humanitarian Assistance Response Plan (SHARP), January - December 2013*, Prepared in coordination between the Syrian Government, United Nations System and Other Humanitarian Actors in Syria, [http://syria.humanitarianresponse.info/system/files/documents/files/Revised\\_Syria\\_Humanitarian\\_Assistance\\_Response\\_Plan\\_Jan-Dec\\_2013\\_en.pdf](http://syria.humanitarianresponse.info/system/files/documents/files/Revised_Syria_Humanitarian_Assistance_Response_Plan_Jan-Dec_2013_en.pdf).

the revised Syria Humanitarian Assistance Response Plan.<sup>14</sup> The scale, nature and intensity of the conflict, bureaucratic obstacles, and a lack of adherence to international humanitarian law by all parties to the conflict severely limit humanitarian access to populations in need within the country.<sup>15</sup> Of particular concern are populations in besieged areas that are reported to be virtually cut off from basic supplies and remain largely inaccessible to humanitarian actors.<sup>16</sup>

### *Conflict and Security Situation*

4. Armed hostilities have steadily expanded and leave no area within Syria unaffected by the conflict and its massive humanitarian consequences. Frontlines are reported to be relatively static overall, and any change in control between pro-government forces and armed opposition groups requires major military efforts, inflicting heavy losses of lives and massive destruction of both public infrastructure and private property.<sup>17</sup> Areas under *de facto* control, or with a presence of armed opposition groups are reported to be subjected to shelling by government forces and the authorities are reported to prevent food and medical supplies reaching the population in these areas.<sup>18</sup> Similarly, armed opposition groups have targeted or laid siege on government-held areas.<sup>19</sup>
5. According to reports, both sides of the conflict are dominated by hardliners, with the Government increasingly reliant on loyalist troops and militias, often but not exclusively drawn from minority communities,<sup>20</sup> whilst the armed opposition is increasingly dominated by different extremist Islamist groups.<sup>21</sup> With reportedly at least 1,200 different groups active, armed opposition groups are fragmented,

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<sup>14</sup> Ibid.

<sup>15</sup> As regards lack of compliance with international humanitarian law, see e.g. UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, Violations concerning the conduct of hostilities, Chapter IV. See also numerous references to constraints in access in: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria, Issue 33 | 27 August – 9 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20Issue%20No%2033%20%281%29.pdf>.

<sup>16</sup> See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 34 | 10-23 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2034.pdf>.

<sup>17</sup> According to Peter Harling of the International Crisis Group, momentum "is always shifting enough for both sides to be able to convince themselves that victory is ultimately feasible. In practice, both sides are stuck and can achieve very little militarily;" Associated Press, *Al-Qaeda Linked Syrian Rebels Attack Christian Village*, 5 September 2013, <http://www.breitbart.com/Big-Peace/2013/09/04/Syria-rebels-attack-regime-held-Christian-village>. See also the following analysis: "Because the advantages of the two sides are now more or less balanced, the fighting has bogged down into a predictable (and predicted) stalemate." in: Kenneth M. Pollack, Saban Center at Brookings, Middle East memo number 30, *Breaking the stalemate: the military dynamics of the Syrian civil war and options for limited U.S. intervention*, August 2013, [http://www.brookings.edu/~media/research/files/papers/2013/08/09%20military%20syria%20civil%20war%20us%20intervention%20pollack/08\\_pollack\\_syria.pdf](http://www.brookings.edu/~media/research/files/papers/2013/08/09%20military%20syria%20civil%20war%20us%20intervention%20pollack/08_pollack_syria.pdf). See also: The Guardian, *Syria in ruins: civilians suffer as military stalemate drags on. Ordinary people hope only for end to conflict as regime shells residential areas and democratic influence on rebels wanes*, 19 February 2013, <http://www.theguardian.com/world/2013/feb/19/syria-civilians-military-stalemate>.

<sup>18</sup> See e.g. UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, paras 171 - 186; The Los Angeles Times, *Siege of Syrian capital's districts, suburbs cuts off food, medicine*, 25 August 2013, <http://www.latimes.com/world/middleeast/la-fg-syria-siege-20130826.0.262231.story>.

<sup>19</sup> See UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, paras 187 - 190. The New York Times, *Tightening Siege by Syrian Rebels Stirs Anger*, 10 July 2013, [http://www.nytimes.com/2013/07/11/world/middleeast/tightening-siege-by-syrian-rebels-stirs-anger.html?\\_r=0](http://www.nytimes.com/2013/07/11/world/middleeast/tightening-siege-by-syrian-rebels-stirs-anger.html?_r=0).

<sup>20</sup> See e.g. the analysis contained in the following report: Institute for the Study of War (ISW), Joseph Holliday, Middle East Security Report 8, *The Assad regime. From counterinsurgency to civil war*, March 2013, <http://www.understandingwar.org/sites/default/files/TheAssadRegime-web.pdf>.

<sup>21</sup> See for example, The Long War Journal, *Islamists dominate Syrian insurgency*, 16 September 2013, [http://www.longwarjournal.org/threat-matrix/archives/2013/09/the\\_growing\\_role\\_jihadists\\_in.php](http://www.longwarjournal.org/threat-matrix/archives/2013/09/the_growing_role_jihadists_in.php); The Telegraph, *Syria: nearly half rebel fighters are jihadists or hardline Islamists, says IHS Jane's report*, 15 September 2013, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10311007/Syria-nearly-half-rebel-fighters-are-jihadists-or-hardline-Islamists-says-IHS-Janes-report.html>.

lacking a unified command structure and a common vision.<sup>22</sup> The situation is further complicated by the emergence of localized conflicts among opposition groups, including between Islamists and Kurdish armed groups.<sup>23</sup> The political opposition is also reported to be deeply divided.<sup>24</sup> There is growing concern over aggravating dynamics affecting the conflict, including the active role of external actors,<sup>25</sup> increasing sectarian<sup>26</sup> and ethnic divides,<sup>27</sup> and the use of chemical weapons, including against the civilian population.<sup>28</sup> Overall, the situation appears to have reached a stalemate, with no decisive military gains for either party to the conflict and with an immediate political solution appearing unlikely, despite continued international efforts.

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

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- <sup>22</sup> According to David Shedd, Deputy Director of the U.S. Defense Intelligence Agency, at least 1,200 rebel factions have been identified in Syria; Elise Labott, CNN, *Official: Al Qaeda-affiliated groups gaining strength in Syria*, 21 July 2013, <http://security.blogs.cnn.com/2013/07/21/official-al-qaeda-affiliated-groups-gaining-strength-in-syria/>. See also, The New York Times, *Syrian Rebel Infighting Undermines Anti-Assad Effort*, 12 July 2013, <http://www.nytimes.com/2013/07/13/world/middleeast/syrian-rebel-infighting-undermines-anti-assad-effort.html?pagewanted=all>.
- <sup>23</sup> See e.g. Wall Street Journal, *Rebel-on-Rebel Violence Seizes Syria*, 18 September 2013, <http://online.wsj.com/article/SB10001424127887324807704579082924138453120.html>; Oxford Analytica, *Syria's multiplying conflicts set to prolong stalemate*, 7 August 2013, <https://www.oxan.com/display.aspx?ItemID=DB185075>.
- <sup>24</sup> See e.g. the Economist, *Syria's political opposition. Disarray. The opposition is as divided as ever*, 1 June 2013, <http://www.economist.com/news/middle-east-and-africa/21578721-opposition-divided-ever-disarray>.
- <sup>25</sup> As regards involvement of Hezbollah in Syria, see e.g. Foreign Affairs, Mona Yacoubian, *Hezbollah's Gamble in Syria. The Dangerous Calculation Behind the Group's Decision to Back Assad*, 2 June 2013, <http://www.foreignaffairs.com/articles/136626/mona-yacoubian/hezbollahs-gamble-in-syria>. As regards involvement of Kurdish players from Iraq and Turkey, see e.g. The New York Times, *Kurdish Struggle Blurs Syria's Battle Lines*, 1 August 2013, <http://www.nytimes.com/2013/08/02/world/middleeast/syria.html?pagewanted=all>. As regards the involvement of foreign Islamist and Salafist fighters in Syria, see e.g. The New York Times, *As Foreign Fighters Flood Syria, Fears of a New Extremist Haven*, 8 August 2013, <http://www.nytimes.com/2013/08/09/world/middleeast/as-foreign-fighters-flood-syria-fears-of-a-new-extremist-haven.html?pagewanted=all>. In addition, a number of States are reported to be involved in the Syria conflict in one way or the other, mostly by providing weapons, financial means, or otherwise.
- <sup>26</sup> The Independent International Commission of Inquiry on the Syrian Arab Republic has reported on the increasingly sectarian nature of the conflict in Syria; see its reports, available at <http://www.ohchr.org/EN/HRBodies/HRC/ICISyria/Pages/IndependentInternationalCommission.aspx>. See also Foreign Affairs, *Is this the most disgusting atrocity filmed in the Syrian civil war?*, 13 May 2013, <http://www.hrw.org/news/2013/05/13/most-disgusting-atrocity-filmed-syrian-civil-war>. For example, some of the abuses reportedly committed by armed opposition groups against Alawite civilians in the Latakia countryside in August 2013 "had clear sectarian motivations", according to Human Rights Watch; Human Rights Watch, *"You Can Still See Their Blood" - Executions, Indiscriminate Shootings, and Hostage Taking by Opposition Forces in Latakia Countryside*, 11 October 2013, ISBN: 978-1-62313-0640, <http://www.refworld.org/docid/5257b1e04.html>, p.2.
- <sup>27</sup> Kurds, Syria's largest ethnic minority, have been divided in their reaction to the uprising against the Syrian Government as of early 2011. While many Kurdish youth joined the protests from early on, the majority of the Kurdish parties sought to stay on the sidelines. Starting mid-2012, Syrian government forces abandoned many Kurdish-populated areas, leaving the Kurds, mainly the Democratic Union Party (PYD) and the armed Popular Protection Units (YPG) in control of most Kurdish towns and neighbourhoods in Aleppo and Hassakeh Governorates.<sup>27</sup> This has resulted in the self-administration of Kurds in north and north-eastern Syria and a reassertion of their long suppressed cultural rights. As of 2013, there has been an intensification of tensions between the YPG and anti-government groups, including Al-Qa'eda-linked groups, in ethnically mixed areas, fuelling a mass exodus of mostly Kurds into Iraq's Kurdistan Region. There are reports on "tit-for-tat" kidnappings of both fighters and civilians; see e.g. UN Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, para 62; Foreign Policy, *The Civil War Within Syria's Civil War*, 28 August 2013, [http://www.foreignpolicy.com/articles/2013/08/28/the\\_civil\\_war\\_within\\_syria\\_s\\_civil\\_war\\_kurdish\\_fighters](http://www.foreignpolicy.com/articles/2013/08/28/the_civil_war_within_syria_s_civil_war_kurdish_fighters); The New York Times, *Kurdish Struggle Blurs Syria's Battle Lines*, 1 August 2013, <http://www.nytimes.com/2013/08/02/world/middleeast/syria.html?pagewanted=all&r=0>. See also: International Crisis Group (ICG), *A Struggle Within a Struggle, Middle East Report No. 136*, 22 January 2013, <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/136-syrias-kurds-a-struggle-within-a-struggle>.
- <sup>28</sup> See: UN Secretary-General (UNSG), *Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus on 21 August 2013 - Note by the Secretary-General*, 16 September 2013, <http://www.refworld.org/docid/523993b54.html>.

6. The UN, human rights organizations and media sources continue to report on-going violence and killings in Syria.<sup>29</sup> The conflict is reportedly marked by a disregard for the protection of civilians as parties to the conflict have repeatedly violated international humanitarian law and committed other grave human rights violations and abuses, including but not limited to: arbitrary arrest, torture and other forms of ill-treatment, enforced disappearances, abductions, summary and extrajudicial killings, forced displacement and use of heavy or banned weaponry against civilian populations. The Independent International Commission of Inquiry has issued reports alleging the commission of crimes against humanity, war crimes and human rights abuses,<sup>30</sup> with widespread impunity for the perpetrators.<sup>31</sup> An upsurge in crimes and abuses has been reported recently across northern Syria, allegedly committed by extremist anti-government armed groups jointly with foreign fighters.<sup>32</sup>
7. **Children** are among those most affected by the conflict.<sup>33</sup> In Syria, more than 3 million children require humanitarian assistance. About 80 per cent of these children (over 2.5 million) are between the ages of 4 and 18, and nearly half of them (1.6 million) have been displaced.<sup>34</sup> Nearly 2 million children have dropped out of school due to displacement and violence.<sup>35</sup> Among refugees in the region, one in two is below the age of 18.<sup>36</sup> Large numbers of children have witnessed or experienced traumatic events in Syria.<sup>37</sup> Many children affected by the conflict in Syria have been or may be exposed to child labour, separation from adult family members and/or early marriage. The potential for sexual exploitation and trafficking have been identified as further child-specific risks.<sup>38</sup> Reports of increasing recruitment of youth by all parties, including for engagement in direct hostilities, are of serious concern.<sup>39</sup>

<sup>29</sup> See, e.g. UN News Service, *Syria: Head of independent UN panel appeals to Member States to end relentless carnage*, 29 July 2013, <http://www.refworld.org/docid/51f7786559.html>.

<sup>30</sup> See UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, summary page 1 and further details throughout the report. See also: Human Rights Watch, *"You Can Still See Their Blood" - Executions, Indiscriminate Shootings, and Hostage Taking by Opposition Forces in Latakia Countryside*, 11 October 2013, ISBN: 978-1-62313-0640, <http://www.refworld.org/docid/5257b1e04.html>, pp. 6, 62.

<sup>31</sup> See: reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, available at <http://www.ohchr.org/EN/HRBodies/HRC/IICT/Syria/Pages/IndependentInternationalCommission.aspx>.

<sup>32</sup> See: UN News Service, *Most Syrians killed in unlawful conventional attacks, UN human rights panel says*, 16 September 2013, <http://www.refworld.org/docid/523821674.html>.

<sup>33</sup> "Sizeable numbers of children have been killed and gravely injured in shelling and fighting, while thousands more have seen family members killed or injured or have lived through shelling, missile firing and heavy aerial and artillery bombardment of their homes, schools and hospitals by the government forces, resulting in severe psychological distress. The use of terror tactics by armed opposition groups, such as car and other bombs, in civilian areas, including near schools, and the association of children with such armed groups rose sharply over the reporting period", UN General Assembly, *Children and armed conflict: report of the Secretary-General*, 15 May 2013, A/67/845-S/2013/245, <http://www.refworld.org/docid/51b9864e4.html>, para 150.

<sup>34</sup> For more information, see [www.childrenofsyria.info](http://www.childrenofsyria.info).

<sup>35</sup> See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 34 | 10-23 September 2013*, <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Humanitarian%20Bulletin%20No%2034.pdf>.

<sup>36</sup> See: UN High Commissioner for Refugees and UNICEF, *Joint Press Release, A million refugee children mark shameful milestone in Syria crisis*, 23 August 2013, <http://www.unhcr.org/521628cf9.html>.

<sup>37</sup> "Children constitute about half of the people in need in Syria and continue bearing the brunt of the conflict. According to the OHCHR, at least 6,500 of the estimated 93,000 people killed between March 2011 and April 2013 are minors, including over 1,700 below the age of ten. Children have been injured, detained, tortured, executed and forced to witness or commit atrocities. Many have been recruited as armed combatants with the Independent International Commission of Inquiry on the Syrian Arab Republic reporting 86 child combatants being killed in hostilities since March 2011." See: UN Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Syria Issue 30 | 16 - 29 July 2013*, July 2013, [http://syria.humanitarianresponse.info/system/files/documents/files/Syria\\_Humanitarian\\_Bulletin\\_Issue\\_No\\_30\\_130729\\_en.pdf](http://syria.humanitarianresponse.info/system/files/documents/files/Syria_Humanitarian_Bulletin_Issue_No_30_130729_en.pdf).

<sup>38</sup> See: UN High Commissioner for Refugees and UNICEF, *Joint Press Release, A million refugee children mark shameful milestone in Syria crisis*, 23 August 2013, <http://www.unhcr.org/521628cf9.html>.

<sup>39</sup> See: UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, para 103, 108 and 110. See also: Washington Post, *As Syrian rebels' losses mount, teenagers begin filling ranks*, 25 August 2013, [http://www.washingtonpost.com/world/middle\\_east/as-syrian-rebels-losses-mount-teenagers-begin-filling-ranks/2013/08/24/2bdbdfea-0a8f-11e3-9941-671led662e71\\_story.html?wprss=rss\\_homepage&tid=pp\\_widget](http://www.washingtonpost.com/world/middle_east/as-syrian-rebels-losses-mount-teenagers-begin-filling-ranks/2013/08/24/2bdbdfea-0a8f-11e3-9941-671led662e71_story.html?wprss=rss_homepage&tid=pp_widget); UN General Assembly, *Children and armed conflict: report of the Secretary-General*, 15 May 2013, A/67/845-S/2013/245, <http://www.refworld.org/docid/51b9864e4.html>.

8. **Sexual and gender-based violence** is reported to be one of the features of the conflict, even if delayed reporting and underreporting have made judging the magnitude of this difficult.<sup>40</sup> Fear of rape is allegedly a driving motivation for families fleeing the violence. Rape and other forms of sexual violence are reported to be affecting men, women and children, and are committed mostly in detention and in the context of house searches, military raids and at checkpoints. Reports indicate that the threat of rape is being used as a tool to coerce confessions.<sup>41</sup>
9. The protection and humanitarian situation of **Palestinian refugees** in Syria has deteriorated further over the past months, as nearly all the areas hosting Palestine refugees are directly affected by the conflict. Among the 525,000 Palestine refugees known to be in the country before the escalation of the conflict, UNRWA estimates that 420,000 require humanitarian assistance. UNRWA estimates that over 50 percent of registered Palestinian refugees have been displaced either in Syria or to neighbouring countries,<sup>42</sup> and that at least 44,000 homes of Palestinian refugees have been damaged by the conflict.<sup>43</sup> As with other minorities, there are also reports of Palestinians who have been drawn into the conflict, supporting, or perceived to be supporting, one of the sides.<sup>44</sup>
10. **Refugees with other nationalities** who had sought safety in Syria, including many Iraqis, find themselves in a very vulnerable position as the result of the conflict, as they cannot count on support of extended family members and tribal or community networks. Often, their perceived association with one of the parties to the conflict may serve to exacerbate their vulnerability. As a result of unemployment and loss of livelihoods many have exhausted their financial resources.<sup>45</sup> Between July 2012 and August 2013, some 7,800 registered Iraqi refugees departed spontaneously from Syria. Of these, an unknown number has returned to Iraq. Additionally, over 1,700 registered Iraqi refugees chose to return from Syria to Iraq with UNHCR assistance.<sup>46</sup> On the other hand, during approximately the same period, amidst reports of rising levels of violence in Iraq,<sup>47</sup> substantial numbers of Iraqis reportedly entered Syria.<sup>48</sup> When refugees recognized by UNHCR under its mandate in Syria relocate as a result of the conflict to a country other than their country of origin or habitual residence the fact that they were recognised by UNHCR under its mandate should be accorded considerable weight in state asylum procedures.<sup>49</sup>

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<sup>40</sup> See e.g. UN Human Rights Council, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, 16 August 2013, A/HRC/24/46, <http://www.refworld.org/docid/52302c5c4.html>, para 95.

<sup>41</sup> See the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, available at <http://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/IndependentInternationalCommission.aspx>.

<sup>42</sup> Approximately 235,000 Palestinian refugees are reportedly displaced in Syria with over 200,000 in Damascus, around 6,600 in Aleppo, 4,500 in Lattakia, 3,050 in Hama, 6,450 in Homs and 13,100 in Dera'a. 9,105 Palestinian refugees from Syria have registered with UNRWA for assistance in Jordan and 45,000 in Lebanon. UNRWA tracks reports of 6,000 Palestinian refugees from Syria in Egypt, 1,100 in Libya, 1,000 in Gaza and UNHCR reports up to 1,000 Palestinian refugees having fled to Malaysia, Thailand and Indonesia; see UNRWA, *Syria Crisis Response Update, Issue 60*, 30 September 2013, p. 1, [http://reliefweb.int/sites/reliefweb.int/files/resources/Syriacrisis\\_situationupdate%28issueno60%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Syriacrisis_situationupdate%28issueno60%29.pdf).

<sup>43</sup> See: United Nations relief and Works Agency for Palestine Refugees in the Middle East (UNRWA), *Syria crisis situation update (Issue 55)*, *Weekly Syria Crisis Report*, 22 July 2013, <http://www.unrwa.org/etemplate.php?id=1832>.

<sup>44</sup> See: Integrated Regional Information Networks (IRIN), *Syria: Palestinians being drawn into the fight*, 14 August 2012, <http://www.refworld.org/docid/5031ae66c.html>.

<sup>45</sup> Details, including numbers of third-country refugees and asylum-seekers, are available to UNHCR. As regards the situation of Iraqi refugees in Syria, see also: The Washington Post, *Iraqi refugees in Syria feel new strains of war*, 10 April 2013, [http://articles.washingtonpost.com/2013-04-10/world/38415037\\_1\\_syria-refugees-damascus](http://articles.washingtonpost.com/2013-04-10/world/38415037_1_syria-refugees-damascus).

<sup>46</sup> Statistics available to UNHCR.

<sup>47</sup> See e.g. Associated Press, *Iraq sees highest monthly death toll in 5 years*, 1 August 2013, <http://bigstory.ap.org/article/un-says-over-1000-people-killed-iraq-july>.

<sup>48</sup> See e.g. The Washington Post, *Iraqi refugees in Syria feel new strains of war*, 10 April 2013, [http://articles.washingtonpost.com/2013-04-10/world/38415037\\_1\\_syria-refugees-damascus](http://articles.washingtonpost.com/2013-04-10/world/38415037_1_syria-refugees-damascus).

<sup>49</sup> See: UN High Commissioner for Refugees (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>.

### *Access to Territory and Refugee Character of Flight*

11. UNHCR characterizes the flight of civilians from Syria as a refugee movement. Syrians, and Palestine 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 and conditions for voluntary return in safety and dignity are met. UNHCR appreciates the hospitality extended by countries in the region vis-à-vis the high number of persons fleeing from Syria in spite of the tremendous pressures on host communities, infrastructure and services. However, in addition to concerns over the obstacles people wanting to flee reportedly face within Syria in order to reach the border, there are growing concerns over increasingly strict admission criteria applied by host countries.<sup>50</sup> UNHCR continues to urge all countries to ensure that persons fleeing Syria, including Palestine refugees and other habitual residents of Syria in need of international refugee protection, have the right to seek asylum and are admitted into their territory. The entry and admission of persons having fled Syria needs to be dealt with in a protection-sensitive manner, regardless of whether they resort to seeking entry without appropriate documentation or in an otherwise irregular manner. 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>51</sup> UNHCR appeals to all States to ensure Syrian civilians 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. Syrians and habitual residents of Syria in need of international protection who approach UNHCR and/or the respective host Governments have been, or are being registered as persons seeking international protection.
12. UNHCR has continuously warned that immediate measures must be taken to mitigate the risks of regional spill-over of the conflict, and in order to prevent the destabilization of Syria's neighbours. This includes, *inter alia*, the active engagement of development actors to help host communities so that their infrastructure is bolstered and their burden is eased. Moreover, robust and timely measures of international solidarity (see paragraphs 21 and 22 below) are required to support neighbouring countries and countries in the region in their massive effort to protect and assist those fleeing Syria.<sup>52</sup>

### *Civilian and Humanitarian Character of Asylum*

13. 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 people who have taken part in the hostilities—that is, combatants,<sup>53</sup> and/or armed elements.<sup>54</sup> Whilst aware of the challenges in the current environment, UNHCR nevertheless calls upon concerned Governments to make every effort to

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<sup>50</sup> See: United Nations High Commissioner for Refugees, *UNHCR and WFP chiefs visit Iraq, express gratitude for hosting thousands of Syrian refugees*, 27 August 2013, <http://www.unhcr.org/521cd48a9.html>; UN High Commissioner for Refugees, *UNHCR chief urges states to maintain open access for fleeing Syrians*, 16 July 2013, <http://www.unhcr.org/51e55cf96.html>.

<sup>51</sup> See: UN High Commissioner for Refugees (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>52</sup> See e.g. United Nations High Commissioner for Refugees, *UNHCR and WFP chiefs visit Iraq, express gratitude for hosting thousands of Syrian refugees*, 27 August 2013, <http://www.unhcr.org/521cd48a9.html>; UN High Commissioner for Refugees, *UNHCR chief urges states to maintain open access for fleeing Syrians*, 16 July 2013, <http://www.unhcr.org/51e55cf96.html>.

<sup>53</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 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>.

<sup>54</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. 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>.

identify combatants and armed elements among arrivals from Syria and to house combatants/armed elements separately, consistent with the humanitarian and civilian character of asylum. Individuals identified as combatants 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>55</sup>

### *Assessing Individual Asylum Claims*

14. While the majority of Syrians and others leaving the country remain in the region, there are increasing numbers of individuals who arrive in countries further afield and make claims for international protection. These claims need to be assessed by means of 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 relating to the Status of Refugees*, since they will have a well-founded fear of persecution linked to one of the Convention grounds.<sup>56</sup> 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. 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 which already took place 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 because of who controls the neighbourhood or village where they used to live, or because they belong to a religious or ethnic minority that is associated or perceived to be associated with a particular party to the conflict.
15. In – increasingly exceptional – cases in which the 1951 Convention inclusion criteria will not be met, consideration must be given to broader refugee criteria elaborated in regional refugee instruments,<sup>57</sup> or

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<sup>55</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 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>.

<sup>56</sup> While certain persons are directly targeted, attacked or otherwise subjected to harm because their political opinion or affiliation is known, parties to the conflict reportedly employ broad interpretations of whom they may consider as being associated with the other party, including based on an individual’s family links, religious or ethnic background or mere presence in an area considered as being “pro-” or “anti-Government”. This is illustrated by the methods and tactics of warfare that have been documented in Syria and include, *inter alia*, the systematic besieging, bombarding, raiding, pillaging and destruction of residences and other civilian infrastructure in whole neighbourhoods, purportedly for reason of real or perceived support to the other conflict party. These actions, described by some as forms of collective punishment, together with consistent and reliable reports of other human rights violations or abuses committed by all parties to the conflict directed against segments of the civilian population, indicate that Syrian civilians are likely to have fled Syria because of a well-founded fear based on a real or imputed political opinion. In addition, Syria’s ethnic and religious minority groups are reported to be increasingly drawn into the conflict, which is increasingly sectarian in nature. Members of minority communities may have a well-founded fear of persecution for reason of (imputed) political opinion, and/or race, nationality or religion. Membership of a particular social group may be relevant as a Convention ground, too, depending on the circumstances of the individual case. As regards attacks on whole neighbourhoods and / or examples of collective punishment affecting civilians, see, for example the following statements: “Government forces and affiliated militias have reportedly carried out acts of collective punishment against civilian populations perceived to be sympathetic to the opposition” (and references to “a pattern of extreme acts of collective punishment”), in: United Nations Office of the High Commissioner for Human Rights, *Urgent debate on the human rights situation in Syria - Opening Statement by Ms. Navi Pillay, High Commissioner for Human Rights, Geneva, 29 May 2013*, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13372&LangID=E>. The Independent International Commission of Inquiry on the Syrian Arab Republic also refers to “collective punishment” and states that “Government forces continue to use deprivation of liberty as a weapon of war, and to collectively punish localities perceived to be supporting the armed opposition; see e.g. para. 64 and 69 of its June report: The Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of Commission of Inquiry on Syria*, A/HRC/23/58, 4 June 2013, <http://www.refworld.org/docid/51aee9484.html>.

<sup>57</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>.



other forms of international protection, including subsidiary protection,<sup>58</sup> or protection from *refoulement* derived from universal or regional human rights norms,<sup>59</sup> or based on national legislative standards.

### Risk Profiles

16. 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, are likely to be in need of international protection in the sense of the 1951 Convention, unless, of course, an individual falls under the application on the exclusion clauses (see para 17). Where relevant, particular consideration needs to be given to any past persecution to which applicants for refugee status may have been subjected.<sup>60</sup>
- I. Real or perceived opponents of the Syrian Government, including but not limited to members of political opposition parties; human rights and civil society activists; protestors; civilians residing in urban neighbourhoods, villages and towns (perceived to be) opposing the Government; army defectors and deserters; draft evaders; family members and affiliates of (perceived) Government opponents;
  - II. Real or perceived supporters of the Syrian Government, including for example Government officials; civilians of urban neighbourhoods, towns or villages (perceived to be) supporting the Government; family members of (perceived) Government supporters;
  - III. Persons (perceived to be) opposing armed opposition groups and Kurdish armed groups in areas under the *de facto* control of such armed groups;
  - IV. Professionals, in particular journalists and other media professionals, including citizen journalists and bloggers; doctors and other health professionals; academics; artists; human rights defenders; and humanitarian workers;
  - V. Members of religious groups (Sunnis, Alawites, Shi'ites, Christians, Ismailis, Druze)<sup>61</sup> and persons perceived to be contravening Shari'a law by Islamist opposition groups;
  - VI. Kurds and members of other minority ethnic groups;

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<sup>58</sup> For subsidiary protection, see European Union: Council of the European Union, *Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted*, 19 May 2004, 2004/83/EC, <http://www.unhcr.org/refworld/docid/4157e75e4.html>.

<sup>59</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>60</sup> See relevant considerations on the impact of past persecution in paragraph 26 of the following guidelines; UN High Commissioner for Refugees, *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>.

<sup>61</sup> Members of religious minority groups have reportedly been subjected to threats and intimidation, abduction, torture and summary executions at the hands of armed opposition groups on account of their (perceived) support for or affiliation with the Syrian Government, its armed forces and affiliated militias. To date, attacks on members of religious minorities appear to be largely motivated by political motives, although the victim's religious background may be the only criteria from which his/her (perceived) political opinion is derived. Also, there are increasing reports of members of minority groups having been targeted on the account of their sectarian identity; see e.g. Amnesty International, *Syria: Summary killings and other abuses by armed opposition groups*, 14 March 2013, MDE 24/008/2013, <http://www.refworld.org/docid/514304f42.html>, p.3. Sunnis have reportedly been targeted for arrest, incommunicado detention, torture and other forms of ill-treatment as well as extra-judicial and summary executions by the government forces and affiliated militias for their (perceived) affiliation with Sunni Islamist or Salafist parties or armed groups, including the Muslim Brotherhood, Al-Qa'eda and others. In several instances, Sunnis in religiously mixed areas have reportedly been deliberately targeted on the basis of their religious identity; see e.g. United States Department of State / Bureau of Democracy, Human Rights and Labor, *Syria 2012 International Religious Freedom Report*, 20 May 2013, p. 6, <http://www.state.gov/documents/organization/208624.pdf>.

- VII. Palestine refugees who had their former habitual residence in Syria;
- VIII. Women and girls who are victims of or at risk of sexual violence, early and forced marriage, domestic violence, “honour crimes”, sexual exploitation, and, in particular, women without male protection;
- IX. Children who are victims of or at risk of child-specific forms of violence, underage and forced recruitment, and systematic denial of access to education;
- X. Persons with a lesbian, gay or bisexual sexual orientation and gender-nonconforming persons (lesbians, gay and bisexual persons; transgender and intersex persons [LGBTI]);
- XI. Victims of trafficking in human beings and persons at risk of being trafficked.

#### *Exclusion Considerations*

17. Among Syrian nationals or habitual residents claiming asylum there may be individuals who have been associated with excludable acts in the sense of Article 1F of the 1951 Convention.<sup>62</sup> Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including attacks against civilians, murder, torture and other forms of ill-treatment, kidnappings and hostage-taking or sexual violence.<sup>63</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 the outbreak of the conflict.<sup>64</sup> In 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. 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 to exclude. An individualized assessment is required in all cases.

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

18. As the situation in Syria is likely to remain uncertain for the near future, UNHCR welcomes the fact that several 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.
19. In light of the developments and changed circumstances in Syria, it may be appropriate to reopen case files of Syrians whose asylum claim were rejected in the past, so as to ensure that those who as a result of changed circumstances have a valid *sur place* claim have it appropriately adjudicated, enabling them to benefit from protection and entitlements flowing from refugee recognition. The same applies to new *sur place* claims.
20. UNHCR calls upon Governments to monitor returns of Syrians that have fled to neighbouring or other countries and to assess if they do so based on a free and well-informed decision. In light of the prevailing circumstances in Syria, such returns, which may take place for reasons of personal or family matters or because assistance and/or protection needs are left unmet, should not be a bar to re-entry and should not necessarily restrict access to protection and assistance in the host country. UNHCR, however, calls upon Governments to be vigilant for signs of recruitment for participation in hostilities amongst the refugee population, which may be evidenced by returns to Syria. Persons who have returned to Syria for this

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<sup>62</sup> See: UN High Commissioner for Refugees, *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>63</sup> The different parties to the conflict have reportedly been engaged in human rights violations and serious violations of international humanitarian law. 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>.

<sup>64</sup> See e.g. Annual Reports on Syria by Amnesty International for 2011 or earlier years, available at [www.amnesty.org](http://www.amnesty.org) and reports on Syria contained in Human Rights Watch World Report for 2011 and years prior to 2011, available at <http://www.hrw.org/node/79288>.

reason would need to be identified as combatants or armed elements in accordance with the above guidance (paragraph 13).

### *Solidarity and Burden Sharing*

21. UNHCR calls upon States beyond Syria's immediate region to explore concrete and meaningful ways of expressing solidarity, notably with a view to sharing the immense burden and protection responsibilities currently being assumed by the countries neighbouring Syria. Warning signs in some neighbouring countries testify to the potentially destabilizing impact of the Syrian refugee influx that aggravates the already severe political, security, sectarian and economic repercussions of the Syria conflict. Apart from much-needed solidarity through financial and other contributions to affected countries in the region towards addressing the humanitarian and emergency development needs,<sup>65</sup> solidarity could take the form of humanitarian admission, resettlement or other forms of admission,<sup>66</sup> such as simplified and expedited family reunion, visa procedures and the extension of student or employment-related visas. UNHCR is encouraged by standing offers in this regard,<sup>67</sup> but urges other States to join this effort.
22. Furthermore, solidarity can be expressed by ensuring appropriate treatment and protection for the relatively small numbers of Syrians arriving directly from Syria, through countries in the region or by sea in countries further afield, by ensuring access to territory and to swift and fair asylum procedures. Generous approaches to protection are needed, reflected in non-penalization of those arriving without identity documents (or otherwise in an irregular manner) and high refugee recognition rates coupled with the granting of associated rights. Flexibility in the application of family reunification criteria and procedures would be another appropriate form of solidarity in the current crisis situation, as would be the dispensing with certain visa requirements and facilitation of the entry of Syrians for work, study, family or humanitarian purposes under national programmes. The establishment of strict limits and safeguards on the use of detention, combined with the application of alternatives to detention and any measures improving the conditions for asylum-seekers who are awaiting decisions on their protection claims would also be important elements of the response to Syrian arrivals in these countries.

### *Future Developments*

23. This guidance is meant for States experiencing arrivals from Syria, and will be updated and expanded as the situation in Syria evolves. All decisions in relation to international protection needs for civilians fleeing Syrians must be based on up-to-date information about the security, human rights and humanitarian situation in Syria.

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<sup>65</sup> See: UN High Commissioner for Refugees, *UNHCR and Syria's neighbours announce joint push for expanded international support for countries hosting large refugee populations*, Press Release, 4 September 2013, <http://www.unhcr.org/522747799.html>.

<sup>66</sup> See e.g. UNHCR, *UN refugee agency welcomes Brazil announcement of humanitarian visas for Syrians*, 27 September 2013, <http://www.unhcr.org/524555689.html>. See also: The Federal Council, *Easing of visa requirements for relatives of Syrian nationals living in Switzerland*, Press Release, 4 September 2013, [https://www.bfm.admin.ch/content/bfm/en/home/dokumentation/medienmitteilungen/2013/ref\\_2013-09-041.html](https://www.bfm.admin.ch/content/bfm/en/home/dokumentation/medienmitteilungen/2013/ref_2013-09-041.html).

<sup>67</sup> UNHCR has proposed to submit up to 30,000 Syria refugees for resettlement or humanitarian admission by the end of 2014. States are encouraged to offer places for Syrian refugees in addition to their current resettlement quotas to ensure that resettlement opportunities continue to be available for refugees from the rest of the world. There are currently 16 countries participating in the Syria resettlement/humanitarian admission efforts. The countries that, at the time of writing, have made specific pledges, representing some 10,000 resettlement places in total, are: Australia, Austria, Canada, Finland, France, Germany, Hungary, Ireland, Luxembourg, Moldova, Netherlands, Norway, Spain, Sweden and Switzerland. In addition, the USA is participating, but has not yet provided specific numbers. For details, see: UN High Commissioner for Refugees, *Finding Solutions for Syrian Refugees, Resettlement, Humanitarian Admission, and Family Reunification*, 18 October 2013, <http://www.unhcr.org/5249282c6.html>.