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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by The Next Century Foundation, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

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\* Issued as received, in the language(s) of submission only.



## **Upholding the standards of the Guiding Principles on Internal Displacement: The need to strengthen IDPs' right to return in the Syrian Arab Republic**

As the war in the Syrian Arab Republic (SAR) passes its ten-year anniversary, the conflict continues to leave mass displacement in its wake. The International Organization for Migration (IOM) estimates that there are currently 6.6 million internally displaced persons (IDPs) in the country, the highest number in the world. IDPs can be found in rebel-controlled territory in northern Syria and are often living in IDP sites with inadequate access to basic services; but displaced persons are also present across the fourteen governates, with the majority residing in regions controlled by the SAR government.

The population of Syrian IDPs fluctuates, and is affected by factors including further migration caused by conflict or economic necessity, as well as spontaneous returns (returning to one's community of origin without help from formal assistance programs). The Office for the Coordination of Humanitarian Affairs (OCHA) recorded a total of 448,019 IDP returnees in 2020. The most recent available data from OCHA (April 2021) traced 12,000 IDP returnees across one month, with 55 per cent moving within or between Aleppo and Idlib governates. IDP returns have a substantial impact on government-controlled regions, with certain communities in Rural Damascus, Hama, and Homs governate receiving up to 600 returnees each in April.

The Next Century Foundation highlights the vulnerability of many of these IDP returnees, in both government and non-government held areas, who have to make their return journey and reintegration into their area of origin without formal assistance.

The rights of IDP returnees are recorded in the Guiding Principles on Internal Displacement. These Principles, which were first presented at the UN Human Rights Commission in 1998, made explicit the protections already accorded to IDPs in international law. While this is not a legally binding document, the Guiding Principles have amassed significant authority as they were endorsed as 'an important international framework' in the 2005 World Summit in New York. Jean-Philippe Lavoyer, a former lawyer with the International Committee of the Red Cross, further pointed out that several of the Principles are duplicates of international humanitarian law, and are thus legally binding.

The Next Century Foundation therefore draws attention to the 1998 Guiding Principles as the standard to which the international community should aspire to adhere, highlighting these Principles as particularly important for the rights of Syrian IDP returnees.

- 25.2: International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced.
- 28.1: Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.
- 29.1: Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced.
- 29.2: Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement.

However, the Next Century Foundation is concerned that Syrian IDP returnees are not being accorded enough of the important protection stipulated by the Guiding Principles. Indeed, we believe that in several important respects, the SAR is hindering or discouraging IDPs' attempts at return, rendering their sustainable integration into society more difficult.

While measures to protect returnees are evidently rendered more difficult by the protracted conflict, the Next Century Foundation respectfully calls upon the Syrian government and

member states with influence in the region to strengthen Syrian IDPs' right of return, through the implementation of several key measures:

### **Access to civil documentation**

The right of IDPs to 'return voluntarily . . . to their homes' (Principle 25.2) is hindered by difficulties in accessing civil documentation, with the OCHA reporting in 2020 that 61 per cent of assessed communities had a lack or loss of official documentation, such as birth or marriage documents. The lack of such documentation stifles IDPs' ability to move freely through checkpoints or within governates as it is otherwise not possible to prove one's identity.

This lack of documentation can be owed to several factors: certificates not being issued for births or marriages in non-government areas; documentation created by various groups in northern Syria being unrecognised elsewhere, and documents disappearing during forced displacement. Concerningly, reports have also mentioned identification documents being confiscated at checkpoints.

The inability to prove one's identity provides further challenges to IDP returnees' sustainable reintegration because reclaiming 'property and possessions' (Principle 29.2) becomes more difficult, as ownership cannot be demonstrated to judicial authorities; resulting, in some cases, in squatters who cannot be evicted.

The Next Century Foundation respectfully urges the SAR government to investigate claims that some IDPs have had their documentation confiscated at checkpoints as this presents a serious contravention of their right of return. We suggest wider provisioning of civil documentation centres, both in SAR-controlled territory and northern Syria respectively, by the Syrian government and NGO associations (such as the Whole of Syria Protection Sector) to help IDPs access the documentation they need. This is particularly important in non-government controlled areas where the infrastructure for providing birth, marriage, and death certificates is not as established. This extended program should be supported by reaching out to displaced communities to notify them of the chance to obtain new documentation.

### **Arbitrary detention and arrest**

IDPs who manage to return to government-controlled territories from elsewhere in SAR-controlled areas or opposition governed northern Syria, are faced with several challenges to sustainable reintegration. The Next Century Foundation is worried about reports of arrests and detentions carried out against returnees by the government, which contravene Guiding Principle 29.1: IDPs 'shall not be discriminated against as a result of their having been displaced'. The April 2020 report by the European Asylum Support Office (EASO) stated that returnees arriving from rebel-controlled areas to the town of Zabadani were arrested, with some still missing. There are claims that since the beginning of 2020 at least 67 IDP returnees were arrested.

In order to return to government-controlled territories, a security clearance is required. A form called the 'Syrian Information Bulletin' must be completed, which contains questions such as 'political orientation' and detained relatives. However, the June 2021 EASO report argues that this is only an entry permit, and returnees can be further instructed to visit a security branch upon return, increasing the risk of arrest.

The Next Century Foundation calls upon the SAR government to further investigate these claims, and to respect the right of IDP returnees to resettle, without fear of persecution, into their communities of origin. We draw particular attention to the reported cases of arbitrary detention.

### **Humanitarian aid**

The Next Century Foundation welcomes the unanimous adoption of Resolution 2585 renewing the use of Bab al-Hawa crossing between Turkey and Syria for humanitarian aid, a

measure which will continue to support IDPs in northwest Syria (following Guiding Principle 25.2).

However, this sole crossing is insufficient and IDPs both in SAR-controlled territories and in opposition controlled areas as a rule receive severely inadequate levels of humanitarian aid, which is especially troubling as most returnees need financial, practical, and legal help to reintegrate. An additional problem is that of the restrictions placed upon humanitarian actors operating in the region by the Syrian government, through the selective approval of projects, or a requirement that humanitarian agencies work alongside security vetted local actors. This is particularly important in provinces with high densities of displacement under government control, such as Sweida, where local community services are already overburdened, thus requiring more humanitarian aid for its IDP population.

The Next Century Foundation hopes that the Syrian government will permit an increase in the number of humanitarian agencies permitted to work in Syria with IDP returnees, to foster an environment that permits sustainable reintegration, economic self-sufficiency and social stability. We call for more dialogue between the SAR and humanitarian organisations, to reach the Guiding Principles standard of humanitarian assistance to IDPs. The relationship between existing humanitarian aid-givers and local security actors should be reconceptualised as a working partnership to help IDPs, rather than as a tool for internal monitoring.

## **Conclusion**

This decade of war in Syria has wrought immense turmoil, not least in the case of displaced peoples trying to return to their homes. The Next Century Foundation urges the Syrian government, and other member states with a presence in Syria, to adopt measures which follow the Guiding Principles in regard to their support for IDP returnees, and to work towards a durable solution in which returnees can live in safety.

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