REFUGEE PROTECTION WATCH

“I have not known the taste of safety for ten years”

SYRIANS TRYING TO SURVIVE IN LEBANON & SYRIA

refugeeprotectionwatch.org

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Abbreviations

COI: Country of Origin Information
CPSS: Comprehensive Protection and Solutions Strategy
CSO: Civil Society Organization
EASO: European Asylum Support Office
ESCWA: United Nations Economic and Social Commission for Western Asia
EU: European Union
GDP: Gross domestic product
GoS: Government of Syria
GSO: General Security Office
HDC: Higher Defense Council
HLP: Housing, land and property
HNAP: Humanitarian Needs Assessment Programme
HTS: Hayat Tahrir al Sham
ICRC: International Committee of the Red Cross
IDPs: Internally displaced persons
IED: Improvised explosive device
INGOs: International non-governmental organizations
MoSA: Ministry of Social Affairs
NDICI: Neighbourhood, Development and International Cooperation Instrument
NGOs: Non-governmental organizations
OECD-DAC: The Organization for Economic Co-operation and Development's Development Assistance Committee
OHCHR: The Office of the United Nations High Commissioner for Human Rights
RPW: Refugee Protection Watch
SACD: Syrian Association for Citizen's Dignity
SDF: Syrian Democratic Forces
SGBV: Sexual and gender-based violence
SNA: Syrian National Army
SNHR: Syrian Network for Human Rights
SYP: Syrian pound
UN OCHA: United Nations Office for the Coordination of Humanitarian Affairs
UN: United Nations
UNHCR: United Nations High Commissioner for Refugees
USD: United States dollar
WHO: World Health Organization

Acknowledgments

Refugee Protection Watch (RPW) would like to thank all the individuals who took the time to participate in this research, without whose input we would not have been able to complete this report. We look forward to discussing the findings with them.

Disclaimer

Refugee Protection Watch (RPW) made all possible efforts to represent only accurate data, crosscheck all the information in this report, and translate all Arabic data obtained during the research phase into English as carefully as possible. This does not rule out the possibility of inaccuracies or oversights, for which the team hereby expresses its regrets.

Executive Summary

The ongoing conflict in Syria has resulted in the largest forced displacement crisis in the world. 6.6 million Syrians have fled the country and a further 6.7 million have been internally displaced within Syria since 2011. The vast majority of refugees from Syria are hosted in neighboring countries, which places an unequal and unsustainable responsibility on these countries compared to countries further away. One of these neighbouring countries is Lebanon, which is currently experiencing overlapping economic, health, and political crises, which have overwhelmed the country's limited resources and put a huge strain on people who live there.[1]

Despite the continued lack of safety in Syria - and devastating deterioration in conditions for refugees and host communities in Lebanon - international interest, cooperation, and funding are waning. Harmful practices - such as pushbacks at European borders, and policies that deprive Syrian refugees of protections - are increasing. It is essential that all actors recognise the continuing risks and pressures refugees from Syria face, and to take ambitious steps, in partnership with locally led civil society organisations (CSOs), to ensure durable solutions for the Syrian forced displacement crisis.

Since 2019, the Refugee Protection Watch (RPW) coalition has conducted research into the conditions inside Syria and Lebanon in order to analyze whether safe, voluntary, dignified, and informed return to Syria is currently possible. Furthermore, RPW has been assessing the protection risks which returnees to Syria, and refugees in Lebanon, face, and advocating on related protection and other human rights issues.

RPW employs qualitative face-to-face research in Syria (in Damascus City, Rural Damascus – including Douma – and Homs) to assess the situation for refugee returnees to Syria. RPW also engages in quantitative online research across Lebanon with a large group of refugees from Syrian and Lebanese host communities. The UNHCR Protection Thresholds and Parameters for Refugee Return to Syria (UNHCR Protection Thresholds) are used as the main analytical framework through which this research is conducted. RPW aims to assess and clarify respondents' current living conditions, experiences and perceptions of return, and prospects for the future.

1 https://www.unhcr.org/5fc504d44.pdf ; https://data2.unhcr.org/en/situations/syria_durable_solutions.

Some key findings include

NO SAFE RETURN

» Respondents within Syria frequently reported fears of the security forces, forced conscription to the military, arbitrary detentions, the remnants of war, as well as increased thefts.[2]

» 70% of returnee respondents in Syria are concerned that either they themselves, friends or relatives will be forcibly conscripted into the Syrian Arab Army. 43% of respondents also know someone or were themselves at risk of being re-enlisted, despite already having served in the army.

» Due to safety concerns regarding military conscription, men experienced more restrictions on freedom of movement at checkpoints.

» 60% of women returnee respondents reported not feeling safe moving during the night, due to fears such as being afraid of sexual violence or abuse.

LACK OF VOLUNTARY RETURN

» Push factors hinder Syrian refugees in Lebanon from taking true voluntary decisions to return.

» In this vein, 72% of returnee respondents in Syria reported that the difficulties of living in Lebanon were the main reason that pushed them to go back to Syria. These difficulties include the general deterioration of the situation, the high cost of living, economic difficulties in the job market, as well as increased racism and harassment and security concerns in Lebanon.

» 72.4% of Syrian respondents in Lebanon stated that fear of deportation was one of their top concerns. Only 0.8% of all respondents planned to leave Lebanon and return to Syria despite their fears of the situation within Lebanon. On the other hand, 57.7% wished to leave Lebanon for a third country.

» 70.5% of all respondents in Lebanon reported not having received any kind of humanitarian assistance since January 2020.

» 90.5% of Syrian respondents in Lebanon reported feeling increased tension within their communities.

LACK OF INFORMED RETURN

» 26% of returnee respondents in Syria reported not having had access to enough information about the situation inside Syria before they returned, usually because they had returned in a rush. For many respondents the situation turned out to be different on the ground when they arrived.

» Meanwhile, only 27.8% of Syrian respondents in Lebanon stated that they have reliable information about their areas of origin in Syria.

LACK OF DIGNIFIED RETURN

» Syria's dire and deteriorating economic situation has resulted in enormous levels of poverty, widespread hunger and lack of many essential services.

» Only 29% of respondents in Syria were able to cover their basic household necessities and needs.

» Access to services in Syria such as electricity, water, food, education and healthcare is highly limited, either as they are non-existent, non-affordable or in bad quality.

» 74% of returnee respondents in Syria reported that their houses had been damaged or robbed.

2 In that vein, it is of note that in recent months several reports by human rights organisations and UN agencies have also warned that Syria is currently still not safe for return.

PROSPECTS AND RE-RETURNS

» 40% of returnee respondents in Syria are thinking about leaving Syria again as soon as they can. In a similar vein, 63% of returnee respondents in Syria and 44.6% of Syrian respondents in Lebanon know someone who has re-returned to Lebanon from Syria.

» 93% of returnee respondents in Syria state that their relatives abroad do not currently think about returning to Syria.

MONITORING OF RETURNS

» 54% of returnee respondents in Syria stated that they were not followed up with by anyone after their return. Only 3% had been followed up on by UNHCR.

» When asked if anyone would contact the UNHCR in case of any problems, only 12% reported that they would do so. Most respondents (88%) would not contact UNHCR because they think they are not capable of solving their issues, because UNHCR does not have a presence on the ground, and because they do not know how to contact them. Furthermore, 16% of respondents specifically stated that they do not trust UNHCR.

» In contrast to UNHCR return monitoring mechanisms in other major forced displacement crises (Afghanistan, South Sudan, Myanmar and Venezuela), the UNHCR currently does not have any system in place to systematically monitor whether current returns to Syria can be considered safe, voluntary, informed and dignified, in line with the international standards outlined in UNHCR's protection thresholds.

This research concludes that Syria is still not a safe destination for return, and that conditions within Syria are further deteriorating. At the same time, living conditions within Lebanon continue to deteriorate severely, and pressure to return to Syria is increasing. Refugees lack reliable and up-to-date information on conditions inside Syria. Viable and sustainable alternatives to return, such as resettlement, or self-sufficiency within Lebanon, remain elusive. The lack of durable solutions has led an increasing number of people to "re-return" from Syria to Lebanon, or to try to reach Europe through land and sea routes, where they have frequently been met with violent pushbacks by European border guards.

Urgent action is required to address the deteriorating situation for Syria's displaced people. RPW therefore recommends that:[3]

» All states must **maintain the position that Syria is not a safe destination for return,** and that any (future) returns must be safe, voluntary, dignified, and informed.

» Asylum seekers from Syria must **continue to be granted refugee status,** those with protected status should not have it revoked, and forced deportations and acts of refoulement must be halted.

» An **ambitious strategy in support of durable solutions** to the Syrian forced displacement crisis must be pursued, including an increase in resettlement places, and the provision of **legal residency in Lebanon with the right to work.**

» A **robust international monitoring mechanism** must be established to closely monitor conditions within Syria, and the experiences of returnees.

» A **diverse set of local CSO actors** should be systematically included in the design, planning, coordination, implementation, and evaluation of international cooperation interventions related to refugees, displaced people and host communities.

3 See also full list of recommendations on p.60

- Donors commit to and accelerate the provision **of sufficient, predictable, flexible and multi-annual humanitarian, development, and peacebuilding funding to refugees** from Syria and host communities, taking into account the 2019 OECD-DAC recommendation regarding the "triple nexus".
- Donors should ensure that humanitarian organisations in Lebanon **receive the full value of donor funding, with access to U.S. Dollars and/or other foreign currency.** Additional funding must also be provided to meet COVID-19 related needs.
- **Equal access to vaccinations and healthcare,** in light of the COVID-19 pandemic, must be supported and facilitated, with no discrimination based on immigration status or nationality. This includes providing alternatives to online registration for vaccines, removing documentation requirements to receive the vaccine, and delivering vaccines to hard to reach communities. Donors should ensure international policies increase global vaccine production and work towards global vaccine equity and donate vaccines to low-income countries.

1. Introduction

The RPW coalition conducts research and advocacy on protection issues and living conditions for Syrians and host communities in Lebanon, and on the conditions for safe, voluntary, informed and dignified return to Syria. The coalition was formed in 2019 by **ALEF – Act for Human Rights**, **Basmeh and Zeitooneh**, **PAX**, **Upinion**, and **11.11.11**. The coalition utilises the knowledge and strengths of Lebanese, Syrian and European organisations, each working in the human rights, peacebuilding, development and humanitarian fields.

The coalition's research and reports aim to tackle the information gap that currently exists on protection and return dynamics in the context of the Syrian forced displacement crisis. RPW uses ongoing conversations with respondents to provide detailed, long-term and reliable information. The coalition specifically seeks to enhance clarity on how Syrian refugees (including Palestinian Syrians) and host communities themselves assess the protection situation and living conditions in Lebanon, the motivations and processes behind individual decision-making processes, and the reality of experiences on return to Syria.

In 2020, RPW published its first annual report, "**Trapped in Between: the Absence of Durable Solutions for Syria's Refugees**".[4] The report focused on the absence of durable solutions for refugees from Syria, outlined the serious protection and human rights concerns for returnees to Syria, and documented protection and human rights issues facing refugees in Lebanon. The 2020 report was supplemented throughout the past year by a series of policy updates on specific topics.[5]

This year's report, "*"I have not known the taste of safety for ten years": Syrians trying to survive in Lebanon and Syria*", aims to complement the findings and recommendations provided in 2020 with further research that was conducted over the past twelve months, as well as to shed light on new issues facing refugee and host communities in Lebanon and Syria.

RPW's main analytical framework for research is the UNHCR Protection Thresholds and Parameters for Refugee Return to Syria (UNHCR Protection Thresholds), which were published by the UN Refugee Agency UNHCR in February 2018. The UNHCR Protection Thresholds – the importance of which have been repeatedly reiterated during the Brussels Conferences on the Future of Syria and the Region – are the internationally accepted standard to assess whether conditions for a safe, voluntary, informed and dignified return of Syrian refugees to Syria are met.

4 https://reliefweb.int/report/lebanon/trapped-between-lebanon-and-syria-absence-durable-solutions-syria-s-refugees.

5 https://refugeeprotectionwatch.org/briefs-reports-and-visuals/.

As such, RPW aims to provide answers regarding the following research questions:

- What are the current realities of return for Syrian returnees from Lebanon?
- To what extent can current refugee returns from Lebanon be considered safe, voluntary, informed and dignified?
- What are the priority needs and concerns of Syrian refugee returnees from Lebanon?
- To what extent are the UNHCR Protection Thresholds and Parameters for Refugee Return to Syria being met within Syria, and what are the main gaps experienced by refugee returnees?

In addition, RPW aims to address and provide targeted policy recommendations on the following issues:

- The severe risks that returnees face in Syria, including the lack of safe, voluntary, informed and dignified return to Syria, and the continued need for international protection for Syrian refugees. Additionally, the reasons behind so-called "re-returns" from Syria to Lebanon.
- The ongoing financial, economic and political crises in Lebanon, and the impact of this relentless deterioration on conditions for refugees from Syria, and host communities. Specific difficulties include lack of work, government assistance or humanitarian assistance, healthcare concerns, rising social tensions and high levels of discrimination. In this context, there is a need for a more ambitious and effective commitment by the international community to UNHCR's durable solutions framework, and localised funding to affected communities.
- The development of an independent monitoring mechanism to assess conditions inside Syria and the experiences of returnees, in relation to the requirements for safe, voluntary, dignified and informed return to Syria.
- The impacts of the COVID-19 pandemic on refugees from Syria and host communities, and the need for equitable access to healthcare and vaccines.
- The systematic inclusion of local civil society actors in debates, decisions, and interventions which impact affected refugee and host communities.

2. Methodology

In order to monitor changes in the refugee return context, RPW has adopted a longitudinal research approach (i.e. monitoring the same variables over a longer period of time). While applying such approach, we employ a combination of qualitative (i.e. interviews) and quantitative (i.e. large scale surveys) research methodologies, in order to reach a gradually expanding sample of respondents across all governorates in Lebanon and in three Government (GoS) held areas of Syria (Homs and Rural Damascus Governorates, and Damascus City). These research methods are also partially chosen due to operational access and security considerations within GoS-held areas.

The data that is gathered through this methodology contributes to a better understanding of the extent to which the UNHCR Protection Thresholds are being met in the research areas inside Syria. Furthermore, this research provides additional insights on refugee protection and the particular impact of recent developments with a specific focus on the protection and rights concerns for Syrians, including Palestinian-Syrians, inside Syria and Lebanon.

As a longitudinal study, this current research builds on the first two cycles of research conducted within Syria and the first four cycles conducted in Lebanon between 2019 and 2020, as reported in RPW's first report[6]. In addition to RPW's own data collection in Lebanon and Syria, RPW has also conducted thorough desk research, in which reports by other Syrian CSOs, UN agencies, INGOs and other experts were reviewed and analysed.

2.1 Qualitative methodology inside Syria

As with the first two rounds of research in Syria that were conducted in 2019-2020, in the past 12 months RPW aimed to capture refugee returnees' experiences, attitudes, current living conditions and perspectives on their future by **conducting face-to-face interviews** with refugee returnees currently residing in Homs and Rural Damascus Governorates (including a focus on Douma), as well as in Damascus City. Respondents live in different (sub)districts, to exclude or detect the influence of highly localized dynamics. All interviews were held in colloquial Arabic. All interviewees were informed about the purpose of the research, the confidentiality of their answers, and that they could withdraw at any time if they would like not to answer a question.

! A "refugee returnee" is defined as a Syrian who spent at least one year in exile in Lebanon and who went back to Syria with the aim to re-settle there and re-establish his or her life.

In the **third round of data collection in March 2021**, 119 refugee returnee respondents who live across Rural Damascus, Douma, Homs Governorate and Damascus City were interviewed at the individual level. Respondents were 70% (84) male respondents and 30% (35) female. The average age of all respondents was 42 years. All of these refugee returnees were new respondents to RPW's interviews.

6 https://paxforpeace.nl/media/download/trapped-in-between-lebanon-and-syria.pdf

In the **fourth round of data collection in August 2021**, 135 returnee respondents were included from Rural Damascus Governorate, Douma, Damascus City and Homs Governorate. 110 of these returnee respondents had been interviewed in the third round of data collection, and the remaining 25 were new interviewees. 90 respondents were male and their average age was 44, whereas the average age of the 45 female respondents was 41. The majority of respondents had returned to Syria between 2019-2020, with the exception of a few who had returned in 2018 or 2021.

WOMEN RETURNEE RESPONDENTS IN NUMBERS

In the third round of data collection within Syria, a total of 35 women were interviewed, 3 from Rural Damascus, 7 from Douma, 15 from Damascus and 10 from Homs. The average age was 42 years old. 51% of the women were housewives, 40% were employed mainly in education, the medical sector or in clothing (for instance tailoring, seamstresses, cloth selling) and 9% did not work. All interviewed women in Rural Damascus worked, slightly more than 50% of the women in Damascus City worked, 43% in Douma, and no one in Homs.

In the fourth round of data collection within Syria, a total of 45 women were interviewed, 7 from Rural Damascus, 10 from Douma, 21 from Damascus City and 7 from Homs. The average age was 41 years old. 49% of the women were housewives, 47% were employed - with the majority working in education, the medical sector, textiles (producing, tailoring or selling clothes), or engineering - and 4% were neither employed nor housewives. Most interviewed women in Rural Damascus worked, a little over 50% of the women in Damascus City worked, 30% in Douma, and no one in Homs.

In terms of research limitations and constraints for data collection inside Syria, a number of factors should be highlighted. First, it should be emphasized that the returnee respondents included in the research sample inside Syria have all been able to return to regime-controlled areas. Therefore the sample excludes those who were unable to return for various reasons, which adds to the built-in bias of the sample[7]. Our findings show that most people crossed the border back to Syria legally which further confirms this bias. The percentages mentioned under the sections where research within Syria is conducted are therefore emblematic of this sample bias, and should be read as such. It is also unclear to what extent respondents could express themselves in a critical and open way, considering the risks involved for them and their families.[8]

Second, another constraint proved to be the place and atmosphere of the in-person interviews. 45% of the interviews were occurring in public or only semi-private areas (such as the workplace), which diminished the ability to speak freely. Furthermore, the atmosphere was sometimes described by the interviewers as being noisy, and tense for both the interviewer and the interviewee.

7 See also chapter 3.4. Procedures and requirements for return to Syria on page 26 for more information about some needed requirements in order to be allowed to return to Syria.

8 See also a recent Human Rights Watch report on conditions for return to Syria, which states that: "Returnees told Human Rights Watch that information on safety and security risks is very hard to obtain, as family members and friends inside Syria do not want to disclose sensitive information over the telephone (...) A fear of government surveillance and a lack of stable internet connection due to electricity cuts, means that many returnees do not or cannot report the truth of their situation when they are back in Syria." https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf, p 22-23.

Third, the process of designing, collecting, translating and analysing the research by different people in a challenging and repressive context like Syria adds further constraints to this research. Moreover, much of the data that has been collected qualitatively has been quantified throughout the analysis. However, building quantitative categories with qualitative data also means having to simplify answers, while the allocation of the data can be influenced by the interpretation of the analysers.

All findings of this report should be considered with reference to these methodological restrictions.

2.2 Quantitative methodology inside Lebanon

After the first annual report published in 2020, RPW continued to engage with the same research respondents from Upinion's platform in Lebanon, and in addition new respondents joined (see box below). Through online conversations, RPW aimed to capture the main reflections and concerns of Syrian refugees in Lebanon, what they considered the largest obstacles for (re-)return, and what their level of access to information about conditions of return inside Syria looks like.

In addition, the Upinion platform monitored the livelihoods of Lebanese communities and their perceptions towards Syrian refugee communities. Finally, as COVID-19 kept the world in its grip, insights from all panelists regarding the restrictions and its impact on their lives have also been monitored.

ONGOING DIALOGUE WITH SYRIAN AND LEBANESE RESPONDENTS IN LEBANON

Upinion is an engagement platform that allows continuous conversations with the same people over time, even if they move houses and/or cross borders. Due to this possibility, RPW has been able to keep a dialogue with the same Syrian and Lebanese communities since January 2020. In addition, to grow the Upinion panel further, we have recruited additional respondents since November 2020. This resulted in a total of 1.338 respondents, including those who were there from the start and those who joined from November 2020 onwards. Respondents have the option to opt-in to different conversations, so each conversation contains a sub-set of respondents. The newly-joined participants received the same demographic questions, in order to make comparisons possible.

The data of the first four conversations in Lebanon have been described in the first annual report of RPW, while this report builds further on the findings of the next 5 conversations rounds, including input from new respondents.

Since October 2020, an additional 5 conversations have been held (conversations 5- 9). The responses per conversation were as follows:

- The **fifth** conversation (October/November 2020) was only sent to Syrian refugees to invite them for a Syria Core Donor Group meeting and yielded 237 responses (during this research round);
- The **sixth** conversation (November 2020) yielded 432 responses;

» The **seventh** conversation (March 2021) received 571 responses;
» The **eighth** conversation (July 2021) received 614 responses; and
» The **ninth** and final conversation (September 2021) received 408 responses.

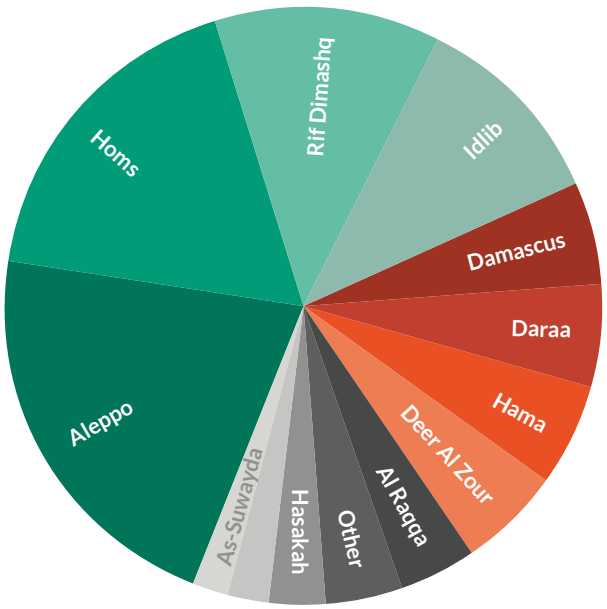
As the same respondents continued to engage with the Upinion platform in these conversations, but new respondents were added to the platform as well, the ratios of gender, geographic location and nationality were as follows:

» **Gender:** the average male-female ratio was 6:5, as the percentage of men became slightly higher (57% men versus 43% women) than in 2020 (where the gender ratio was equal). However, there are differences in the gender ratio between Lebanese and Syrian respondents. Among the Lebanese respondents the male:female ratio was 5:6 (43% men versus 56% women), whereas the ratio among Syrian respondents was 3:2 (65% men versus 42% women).

Gender ratio among Lebanese and Syrian respondents

Lebanese		Syrian		All	
Male	Female	Male	Female	Male	Female
43%	56%	66%	33%	56%	42%

» **Geographic location:** the majority of the respondents' living area remained the same, as the highest responses were still from the following five governorates: Beirut, Mount Lebanon, North Lebanon, Beqaa and South Lebanon, which is representative for the population distribution in Lebanon (both for Syrians and Lebanese).
» **Nationality:** for each conversation, more than half of the respondents were Syrians (56.5%). The second-highest number were respondents of Lebanese origin (37.5%), and the rest were equally distributed between Palestinians from Lebanon (2.8%) and from Syria (1.5%). The majority of Syrian respondents, including Syrian Palestinians, were from Aleppo (21.3%), Homs (17.4%), Rural Damascus (12.0%) and Idlib Governorates (10.8%).



Which province of Syria are you from?

21.3% Aleppo
17.4% Homs
12% Rif Dimashq
10.8% Idlib
5.5% Damascus
5.5% Daraa
5.4% Hama
5.4 % Deer Al Zour
4.1% Al Raqqa
4.1 % Other (not from Syria, another country)
3.2% Hasakah
2.1 % I prefer not to answer
1.8% As-Suwayda

In terms of research limitations and constraints for data collection inside Lebanon, it should be noted that Upinion is a digital platform that mostly collects quantifiable data. As such, it does not have the advantages that face-to-face interviews have with regard to probing, or explaining of questions. Hence, the answers should be interpreted carefully. Moreover, only respondents with internet access and a Facebook account are included in the online panel, which limits the inclusion of people who don't use the internet or social media, or who cannot read and write.

Additionally, during the period of data collection, internet access throughout Lebanon was compromised due to increased electricity cuts and the high prices of internet subscription. Finally, it should be noted that the fifth conversation has only been sent to Syrian refugees in the Upinion platform and consisted of different topics than the usual conversations on livelihoods and return. The focus during the Syria Core Donor Group meeting was on their perceived levels of engagement in debates about them, therefore these answers have not been included in this report, but shared with the stakeholders during the meeting.

3. Setting The Scene

3.1 The largest forced displacement crisis in the world

Syria has been the largest forced displacement crisis in the world since 2014. At the end of 2020, 13.3 million Syrians lived in displacement, including 6.6 million refugees and 6.7 million Internally Displaced Persons (IDPs). The 6.6 million Syrian refugees are the largest refugee population in the world, accounting for 25 percent of the global refugee population in 2020. Similarly, Syria is the country with the second highest level of internal displacement.[9]

Syria's neighboring countries have been disproportionately affected by the Syrian forced displacement crisis. The vast majority of Syrian refugees (83%) live in host countries in the region, who continue to bear a vastly unequal responsibility for hosting Syrian refugees. Lebanon, which hosts 1.5 million Syrian refugees (including 851,717 Syrian refugees who are officially registered with UNHCR)[10] is a particular case in point. The impacts of the economic and political breakdown, the Beirut explosion, and COVID-19 have overwhelmed Lebanon's limited resources, and Syrian refugees feel increased pressure to relocate.

Syrian and international organisations have repeatedly highlighted that Syrian refugees in neighboring host countries currently do not have access to any of the three durable solutions that UNHCR is promoting to address international refugee crises: safe, voluntary, informed and dignified return; local integration in the host country; or resettlement to a third country[11].

Safe, voluntary, informed and dignified return: the overwhelming majority of Syrian refugees consistently indicate their desire to go home if safety prevails and basic conditions for a dignified life are guaranteed, but do not see any signs of such conditions being met in the (near) future. In UNHCR's sixth Intention Survey on Syrian Refugees' Perceptions and Intentions on Return to Syria (March 2021, covering Lebanon, Jordan, Iraq and Egypt) 70% of Syrians hope to go back to Syria one day, while 20% of refugees indicated they have no hope to return to Syria. Only 2.4 per cent of total respondents stated that they plan to return within the coming year.[12] Widespread and reliable data on conditions inside Syria remain elusive and many refugees must make decisions without clear information. The survey also notes that 89% of respondents stated that they could not meet their basic needs in the host country. [13]

Local integration: Lebanon has clearly demonstrated its unwillingness and inability to permanently settle a Syrian refugee population that could seriously impact the extremely fragile sectarian balance in the country, making citizenship and (temporary) legal residency unattainable for most Syrians.

Resettlement and other legal pathways: the possibility of resettlement to a third country has also become less and less available for Syrian refugees. Resettlement in third countries reached a record low in 2020, with only 9,377 Syrian refugees being resettled, less than 0.2% of the total number of Syrian refugees. As of early 2021, UNHCR estimates that 579,031 Syrian refugees are in need of resettlement.[14] However, in the period between 1 January and 30 September 2021, only 11.158 Syrian refugees (including 3.700 Syrian refugees residing in Lebanon) were resettled to third countries.[15]

9 https://www.unhcr.org/5fc504d44.pdf

10 https://data2.unhcr.org/en/situations/syria_durable_solutions. In 2015 UNHCR stopped registering new Syrian refugees at the request of the Government of Lebanon.

11 See for example Joint Agency NGO Report (2020): "Into the unknown: Listening to Syria's displaced in the search for durable solutions." https://dsp-syria.org/sites/default/files/2020-06/Into%20the%20Unknown.pdf

12 https://data2.unhcr.org/en/documents/details/85739

13 Although there is currently no existing UN-facilitated voluntary return process (on the basis of a bipartite or tripartite "Voluntary Repatriation Agreement"), at least 282,283 Syrian refugees have returned in a self-organised way (so-called "spontaneous returns") between 2016 and 31 May 2021. See https//:data2.unhcr.org/en/documents/details.85739/

14 https://www.nrc.no/resources/reports/the-darkest-decade-what-displaced-syrians-face-if-the-world-continues-to-fail-them/, p. 11

15 https://rsq.unhcr.org/en/#lq6b

The Syrian forced displacement crisis is also having a particular impact on women and girls. Forcibly displaced Syrian women and girls have been subjected to many rights violations before their displacement, and continue to live in challenging and abusive situations. They are often suffering from trauma and lacking documentation, which constrains movement and access to basicservices.[16]

Moreover, many refugees' lack of documents limit their ability to generate an income, forcing them to adopt dangerous coping mechanisms. In addition, this puts women at risk of being detained or deported and makes them vulnerable to sexual and gender-based violence. Most forcibly displaced women have also lost the social networks which they had previously, and lack the knowledge, support and tools to advocate for their rights at local and international level.[17]

3.2 Renewed hostilities in Syria

Despite claims by the Syrian government and its allies that Syria has become safe to return to, recent months have seen increased fighting and violence across Syria.

According to United Nations numbers, in 2020 on average 76 explosive incidents occurred per day, and one in two Syrians are at risk of explosive ordnance.[18] In June and July 2021 alone, at least 153 civilians (including 24 women and 49 children) were killed and at least 286 civilians were injured as a result of hostilities, compared to at least 2,059 civilian casualties in 2020.[19] "There has been an increase in hostilities in the past six months, with the number of incidents affecting civilians recorded by OHCHR doubling compared with the previous six months", the UN Secretary-General wrote in an August 2021 report to the UN Security Council.[20] Previously, in March 2021, the Secretary-General called the situation in Syria a "living nightmare".[21]

In early 2021 the Idlib ceasefire agreement between Turkey and the Russian Federation – concluded in March 2020 - started to unravel. **Idlib governorate** is once again experiencing aerial bombardments and shelling. Medical facilities, markets, residential areas, gas facilities and vital economic supply routes have been deliberately and indiscriminately attacked, resulting in numerous civilian casualties.[22] Over 20,000 people were displaced in June 2021 alone, the largest displacement in Northwest Syria since the March 2020 ceasefire was concluded.[23] Alongside these attacks by pro-government forces, armed opposition groups such as Hayat Tahrir al Sham (HTS) also intensified their ground attacks on government-controlled areas, resulting in the death of civilians. HTS members also continue to target activists and journalists across Idlib and to arbitrarily detain civilians, as part of a wider effort to stifle political dissent and to curtail freedom of expression.[24]

16 https://women-now.org/report/Position-paper-on-Perspectives-of-Forced-Displaced-Syrian-Women-on-their-Conditions,Rights,and-Demands.pdf

17 https://women-now.org/report/Position-paper-on-Perspectives-of-Forced-Displaced-Syrian-Women-on-their-Conditions,Rights,and-Demands.pdf?fbclid=IwAR1AR103sSKqALpOLSGBL4INM3dIDQytTqDpZqRK8KFCcC8d4kdiYr1x1IY

18 https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf, p.6-8

19 https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/221/77/PDF/N2122177.pdf?OpenElement, p.2, https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf, p.6

20 https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/221/77/PDF/N2122177.pdf?OpenElement, p.15

21 https://news.un.org/en/story/2021/03/1086872.

22 https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27456&LangID=E, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement p.8-10

23 https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/221/77/PDF/N2122177.pdf?OpenElement, p.2

24 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.8, 11-12. https://www.refworld.org/docid/606427d97.html, p. 67-69

In **areas under Turkish control/influence across Northern Syria,** the UN Commission of Inquiry has documented how civilians live in constant fear of improvised explosive devices (which resulted in the killing and maiming of at least 243 persons between 1 July 2020 and 30 June 2021), while indiscriminate shelling also continues. Civilians living in these areas, in particular Kurdish persons, continue to be the victim of arbitrary detention, torture, looting, and rape and sexual violence at the hands of the Syrian National Army. [25]

Meanwhile, several governorates in **Southwest Syria** (Dar'a, Quneitra and Rural Damascus) have witnessed the return of sieges and siege-like tactics. Among other cases, the UN Commission of Inquiry has documented how pro-government forces imposed a siege on Dar'a al-Balad, which was characterised by heavy artillery shelling; limited access to food, water and health care; and the forced displacement of thousands of men, women and children.[26] UNHCR, in its "International Protection Considerations with regard to people fleeing the Syrian Arab Republic" (March 2021), has also documented how the security situation remains particularly vulnerable in southern Syria.[27] The continued fighting between the government and anti-government forces has led to government-led arrest campaigns, the violent suppression of popular protests, and regular Improvised Explosive Devices and other attacks. As a result of widespread lawlessness, criminality, including kidnappings, is also reported to be on the rise.[28]

In areas under control of the Syrian Democratic Forces (SDF) in Northeast Syria, there has also been a sharp increase in attacks by Islamic State (IS) remnants, conflict with Turkish forces, and mounting discontent and popular protests against SDF-imposed regulations, in particular in Arab populatedareas.[29]

3.3 The policies of return

3.3.1. Return policies in Lebanon

In the past year, Syrian refugees in Lebanon have come under increased pressure to return to Syria. As summarised in a recent Human Rights Watch report (October 2021), local authorities have:

> *"pursued an aggressive returns agenda, regularly introducing new decrees and regulations designed to make Syrian refugees' lives difficult, and ultimately to pressure them to leave. They have forced Syrian refugees to dismantle their concrete shelters, imposed curfews and evicted refugees from some municipalities, obstructed the renewal of residency permits, and summarily deported Syrian refugees they deemed to have irregularly entered Lebanon after April2019."*[30]

25 https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27456&LangID=E, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.12-15 https://www.refworld.org/docid/606427d97.html, p.35-40, p.70-74

26 https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27456&LangID=E, https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-situation-dar-governorate-situation-report-no-02, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.4-6

27 https://www.refworld.org/docid/606427d97.html

28 https://www.refworld.org/docid/606427d97.html, p 25-27

29 https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27456&LangID=E, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.15-19 https://www.refworld.org/docid/606427d97.html, p. 28-32, p. 61-66

30 https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf, p.4

Such change in policies also coincides with regional efforts to promote a return agenda. In November 2020, the Syrian government – with the active support of the Russian Federation - organised a two-day conference in Damascus on refugee return. Out of the neighbouring host countries, only Lebanon and Iraq participated. In total, around 20 countries attended the conference, including Russia, Iran and China. The United Nations only sent an observer, while the European Union and other Western countries refused to attend. EU High Representative Josep Borrell, in a joint statement on behalf of the EU and its member states, called the conference "premature", and stated:

> *"the European Union is of the view that the priority at present is real action to create conditions for safe, voluntary, dignified and sustainable return of refugees and internally displaced persons to their areas of origin, in line with international law and the Protection Thresholds and Parameters for Refugee Return to Syria, as issued by the UN in February 2018, with the UNHCR enjoying full and unhindered access throughout Syria."*[31]

During the conference, the Lebanese government also stressed the importance of its so-called "return plan", which was first issued in July 2020. The Return Plan promises to respect the principle of non-refoulement, yet contends that Syria is now safe for return, in spite of protection threats being widely reported. Additionally, the plan states that returns should be managed by the Ministry of Social Affairs (MoSA), in cooperation with the Syrian regime and UNHCR, yet later goes on to describe a system of registering displaced Syrians with the MoSA through various government bodies, with no mention of UNHCR involvement.[32] A policy that excludes full monitoring and cooperation with UNHCR and other impartial international bodies or humanitarian organizations is inherently problematic, as it is likely to result in the unlawful expulsion of refugees with legitimate asylum claims.

In practice, rights groups have already reported a sharp increase in the number of forced deportations of Syrians living in Lebanon. On 13 May 2019 the Lebanese Higher Defence Council issued a decision that required the deportation of anyone arrested and found to have entered Lebanon illegally after 24 April 2019, despite Lebanon's earlier commitment to refrain from conducting deportations. The Directorate General Security reported it had deported 2,731 Syrians under this order between 21 May and 28 August 2019 alone, while Amnesty International has stated that over 6,000 Syrians have been deported from Lebanon since 2019.[33] Although deportations largely came to a halt in 2020 (due to the COVID-19 pandemic and the closure of the borders), in 2021 the number of deportations has again increased.

In June 2021, for example, 15 Syrian refugees were deported by the Lebanese authorities, including 5 Syrians who were intercepted on 16 May 2021 when they tried to reach Cyprus by boat. Another 13 Syrians who were on the same boat were detained by Lebanese General Security, and many of them still face potential deportation. According to Access Center for Human Rights, a local refugee rights group, the five Syrians who were deported were detained upon arrival in

31 See https://www.consilium.europa.eu/en/press/press-releases/2020/11/10/syria-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-refugee-conference-in-damascus/

32 Lebanese Republic Ministry of Social Affairs, Policy Paper for the Return of Displaced Persons, 3rd version, July 2020. See also https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.12

33 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.6

Syria.[34] In August 2021, the Lebanese army also arrested six Syrians, who had gone to pick up their new passports at the Syrian embassy in Beirut. They were detained for "illegally entering" Lebanon and were at risk of immediate deportation, but deportation orders were stayed (held off) as a result of media attention and pressure from civil society and stakeholders to stop the deportations.[35]

3.3.2 .UN policies

UNHCR's overall approach towards Syrian refugees is anchored in a Comprehensive Protection and Solutions Strategy (CPSS) for the region, issued by UNHCR in February 2018. This CPSS has four strategic objectives, including to "plan for the repatriation of refugees to Syria, when conditions for a safe, voluntary and dignified return are in place".[36] In the CPSS, UNHCR also explicitly recognises that many Syrians may not return in the near future, and some may not return at all. Sustaining and enhancing support to host countries and local communities remains critical, as does expanding access to resettlement and complementary pathways.

In terms of return, UNHCR has outlined three criteria that need to be met inside Syria before UNHCR could move from "phase 1" (the current phase according to UNHCR as of November 2021 - where limited self-organized returns are occuring, but are not encouraged by UNHCR, and UNHCR assistance is limited[37]) to "phase 2", the phase in which "a large-scale, facilitated refugee repatriation operation will be supported":

1. Legal frameworks, guaranteeing rights of returnees and unhindered access to them as well as return areas, must be in place;
2. There is clear evidence that a list of 22 protection thresholds are being met in the place of return, including a substantive and sustainable improvement in conditions in return areas;
3. Refugees actively request support from UNHCR to return, "in large numbers", with UNHCR able to provide counselling, and confirm the voluntary character of return through access to areas of return and monitoring.

However, rather than explicitly reiterating UNHCR's stated policies on return and making clear that conditions in Syria currently do not allow for safe return, UNHCR chief Filippo Grandi, during an October 2021 visit to Syria, declared that he "discussed with the Syrian Government ways to strengthen coordination as we address internal displacement, and to cooperate in removing obstacles to the return of refugees."[38] In November 2021, UNHCR also announced its intention to review its "Regional Operational Framework for Refugee Return to Syria".[39]

34 https://www.achrights.org/en/2021/06/03/12277/, https://www.amnesty.org.uk/press-releases/lebanon-authorities-must-not-send-six-recently-arrested-syrians-back-syria, https://today.lorientlejour.com/article/1264031/lebanon-has-deported-15-syrian-refugees-five-of-whom-had-attempted-to-reach-cyprus-rights-monitor.html

35 https://today.lorientlejour.com/article/1273078/six-syrians-reported-as-kidnapped-at-their-embassy-remain-in-the-custody-of-lebanese-general-security.html?utm_source=rss&utm_medium=rss&utm_campaign=six-syrians-reported-as-kidnapped-at-their-embassy-remain-in-the-custody-of-lebanese-general-security

36 https://data2.unhcr.org/en/documents/details/63223, p.3

37 https://data2.unhcr.org/en/documents/details/63223, p.1

38 https://twitter.com/FilippoGrandi/status/1449775706267922433, https://www.unhcr.org/en-us/news/press/2021/10/616d0f284/unhcrs-grandi-urges-increase-scope-humanitarian-assistance-syria-including.html, https://www.unhcr.org/admin/hcspeeches/615ac6ca4/opening-statement-72nd-session-executive-committee-high-commissioners-programme.html

39 https://data2.unhcr.org/en/documents/details/71524

3.3.3. EU policies

On 29 and 30 March 2021, the European Union and the United Nations organised the fifth "Brussels Conference on the Future of Syria and the Region." Donors pledged a total of 5.3 billion euros (3.6 billion for 2021 and 1.7 billion for 2022 and beyond). This is 1.6 billion euros less than the previous Syria Conference (June 2020), and even 3 billion euros less than the 2019 Syria Conference.

In other words: although needs increased dramatically in 2020 and 2021, and are "higher than ever"[40] according to the United Nations, pledges decreased by 23% compared to the 2020 Syria Conference. Moreover, the amount pledged is only a fraction of the 8.5 billion euros requested by the United Nations ahead of the Brussels V Conference.[41]

During the conference, participants "underscored that conditions inside Syria have not been met for the promotion or organisation of large-scale, safe and dignified voluntary return in line with international law", while also "reiterating the importance of the Protection Thresholds and Parameters for Refugee Return to Syria, issued by the UN in February 2018."[42]

The outcome document of the conference further underlined the importance of a comprehensive protection and durable solutions strategy in Syria and the region, and explicitly recognised resettlement to third countries as a "fundamental component of international responsibility-sharing and an essential protection tool for refugees."[43]

EU MEMBER STATES' POLICIES: DENMARK

In February 2019 the Danish Immigration Service published a Country of Origin Information (COI) report on the security situation in government areas across Syria, which claimed that the security situation in Damascus governorate had "improved significantly" since May 2018. Shortly after, the Danish government announced that the temporary protection status of Syrian refugees originating from Damascus would be re-evaluated. Moreover, in February 2021, the Danish Immigration Service stated that it also considered Rural Damascus governorate to be safe for return.

As a result, in the first five months of 2021, at least 402 Syrians living in Denmark had their residence permits revoked or were not able to renew their permit, in addition to at least 170 Syrians whose requests for residence permit extension were rejected in 2020.[44] In practice, however, Syrians living in Denmark cannot be sent back to Syria, given that Denmark does not maintain diplomatic relations with Syria. Syrians who had their residency permit revoked or their renewed residency permit rejected instead face two options: either they accept cash assistance to return in a "voluntary" way, or they are forced to move to deportation centres. The European Committee for the Prevention of Torture has described the living conditions in such centres as "unacceptable."[45]

40 https://news.un.org/en/story/2021/03/1088592

41 https://news.un.org/en/story/2021/03/1088592

42 https://www.unocha.org/sites/unocha/files/20210330%20B5C%20CO-CHR%20FINAL%20EN.pdf

43 https://www.unocha.org/sites/unocha/files/20210330%20B5C%20CO-CHR%20FINAL%20EN.pdf

44 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.14, https://coar-global.org/2021/04/26/point-of-no-return-recommendations-for-asylum-and-refugee-issues-between-denmark-and-damascus/, p.3-4

45 https://rm.coe.int/1680996859, p.6, https://coar-global.org/2021/04/26/point-of-no-return-recommendations-for-asylum-and-refugee-issues-between-denmark-and-damascus/, p.4-5

The Danish decision to revoke residence permits of certain Syrian refugees originating from Damascus and the Rural Damascus area have been widely criticised. Amnesty International called it an "unconscionable decision", further stating: "it beggars belief that Danish authorities could deem certain parts of Syria – a country where people are routinely detained, disappeared and tortured- safe for return (...) Forcing them back to Syria, even indirectly, would put them at real risk of torture and other serious abuses and would constitute a violation of international law."[46] This claim is also backed up by an Amnesty report published in September 2021, which documents how 66 Syrian refugee returnees have been subjected to detention, torture, sexual violence or enforced disappearance. One third of the cases documented by Amnesty took place in Damascus or the wider Damascus area.[47]

In a joint statement, eight researchers and experts – who were consulted for the Danish COI report but publicly distanced themselves from the final report - also warned that most key drivers of displacement from Syria are still in place, including the government's security apparatus, arbitrary arrest and detention, torture, military conscription, harassment, and discrimination. "Flawed Country of Origin reports lead to flawed refugee policies", these experts concluded.[48]

In addition, in a resolution adopted in March 2021, the European Parliament condemned the Danish authorities. In this resolution, the parliament "reminds all Member States that Syria is not a safe country to return to; believes that any return should be safe, voluntary, dignified and informed, in line with the EU's stated position; calls on all EU Member States to refrain from shifting national policies towards depriving certain categories of Syrians of their protected status, and to reverse this trend if they have already applied such policies."[49]

This criticism is also echoed by UNHCR. In its "International Protection Considerations with regard to people fleeing the Syrian Arab Republic", published in March 2021, UNHCR warns that it:

> *"considers that* ***changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status*** *on the basis of Article 1C(5) of the 1951 Convention. The status of recognized refugees should thus be reviewed only if there are indications, in an individual case, that there are grounds for: (i) cancellation of refugee status which was wrongly granted in the first instance; or (ii) revocation of refugee status on the grounds of Article 1F of the 1951 Convention."*[50] *(emphasis added)*

Further, UNHCR explains that the fear of persecution cannot be individualised in the Syrian context:

> *"A particular feature of the conflict in Syria is that different parties to the conflict frequently impute a political opinion to larger groups of people, including families, tribes, religious or ethnic groups, or whole towns, villages or neighbourhoods, by association. As such, members of a larger entity, without individually being singled out, may become the target of repercussions by different actors for reason of real or perceived support to another party to the conflict. The perception of sharing a political opinion or affiliation in relation to the*

46 https://www.amnesty.org/en/latest/news/2021/04/denmark-hundreds-of-refugees-must-not-be-illegally-forced-back-to-syrian-warzone/

47 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.8

48 https://www.hrw.org/news/2021/04/19/denmark-flawed-country-origin-reports-lead-flawed-refugee-policies

49 https://www.europarl.europa.eu/doceo/document/RC-9-2021-0177_EN.html

50 https://www.refworld.org/docid/606427d97.html, p.10

> *conflict is often based on little more than an individual's physical presence in a particular area (or the fact that he/she originates from a particular area), or his/her ethnic or religious background.* ***In those situations, the risk of being harmed is serious and real, and in no way diminished by the fact that the person concerned may not be targeted on an individual basis."***[51] *(emphasis added)*

This is also evidenced by the recent Amnesty International report (September 2021), which documented how dozens of refugee returnees have been subjected to arbitrary detention, torture, sexual violence or enforced disappearance, on the basis of their perceived affiliation. According to Amnesty, "Syrian officials have viewed refugees returning as having been disloyal to their country, either because of the fact that they fled or because of the place where they sought refuge."[52] Returnees are often arrested and charged with vague accusations of "terrorism", because it is assumed that one of their relatives is affiliated with the political or military opposition, or because the returnee used to live in an area that was under opposition control.[53]

As a result, Amnesty states, "Syrian authorities perceive individuals who left the country as generally supportive of the opposition and/or armed groups (...) Such perceptions are not based on individual circumstances, rather, it is a broad assumption that applies to the whole group of returnees returning from Syria"[54]

EU MEMBER STATES' POLICIES: CYPRUS

According to UNHCR, between January 2020 and May 2021 at least 1,162 people have tried to leave Lebanon by boat. This represents a sharp increase from 2019 (270 persons) and 2018 (490 persons). In the first 6 months of 2021, at least 659 persons (including 654 Syrians) tried to leave the country through smuggler vessels.[55] In August 2021, UN OCHA warned that the rapidly deteriorating situation in Lebanon might lead to even more departures: "The situation also threatens to trigger a substantial increase in irregular migration of all population groups via dangerous maritime routes, predominantly to Cyprus."[56]

While an increasing number of Syrians (as well as Lebanese citizens) are trying to reach Europe through this new maritime route, local authorities in Cyprus are increasingly conducting so-called "pushbacks", which are illegal under international law.[57] According to Cypriot media, at least 108 people were sent back to Lebanon on three boats between 6 and 8 September 2020. In response, UNHCR Cyprus officials expressed their concern and have called on the Cypriot government to immediately end such practices. On 9 September 2020, the European Court

51 https://www.refworld.org/docid/606427d97.html, p.94

52 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.6

53 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.7

54 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.6, 46

55 https://today.lorientlejour.com/article/1264031/lebanon-has-deported-15-syrian-refugees-five-of-whom-had-attempted-to-reach-cyprus-rights-monitor.html, https://today.lorientlejour.com/article/1268037/the-worst-adventure-in-my-life-those-desperate-to-leave-a-collapsing-lebanon-seek-ever-riskier-routes-out.html

56 https://reliefweb.int/sites/reliefweb.int/files/resources/Lebanon_ERP_2021_2022_378M_Final.pdf, p.6

57 https://euromedrights.org/wp-content/uploads/2021/04/EN_Chapter-6-Pushbacks-and-expulsions-from-Cyprus-and-Lebanon_LAYOUT.pdf, p.11-14

of Human Rights submitted questions to the Cypriot government related to these events.[58] A 2020 Human Rights Watch report documented how Cypriot coast guard forces "summarily pushed back, abandoned, expelled, or returned more than 200 migrants, refugees, and asylum seekers coming from Lebanon during the first week of September 2020 without giving them the opportunity to lodge asylum claims."[59]

In March 2021, the Council of Europe's Commissioner for Human Rights urged the Cypriot authorities to investigate allegations of pushbacks and of ill-treatment, but in May 2021, a new round of pushbacks was documented by local rights groups.[60] In June 2021, the Cypriot Interior Minister also met with the head of Lebanese General Security, to discuss "the issue of illegal immigration to Cyprus and how to deal with this phenomenon in the best and most effective way possible."[61]

PUSHBACKS FROM OTHER EU MEMBER STATES

Numerous other EU member states have repeatedly conducted pushbacks against migrants and refugees, including Syrians. Throughout the last year, the European Commission has raised severe concerns about the treatment of certain member states towards asylum seekers.

Indeed, Amnesty International and many CSOs have accused the Greek border forces of illegally detaining migrants coming from Turkey before returning them.[62] Despite the European Commission declaring having deep concerns about the allegations of pushbacks in Greece and requesting the local authorities to set up "an independent mechanism to monitor and avoid pushbacks of migrants"[63], the Greek government declared Turkey as a safe country for asylum seekers in June 2021. On this basis, refugees from Syria and other countries that travel from Turkey to Greece can be deported back to Turkey by the authorities. Nevertheless, several questions have been raised regarding the consideration of Turkey as a safe country. Moreover, a joint investigation by Bellingcat, Lighthouse Reports, Der Spiegel, ARD and TV Asahi found that vessels from the European Border and Coast Guard Agency, Frontex, have been complicit in maritime pushback operations to drive away refugees and migrants attempting to enter the European Union via Greek waters.[64]

58 https://reliefweb.int/sites/reliefweb.int/files/resources/trapped-in-between-lebanon-and-syria.pdf, p.14-15

59 https://www.hrw.org/news/2020/09/29/cyprus-asylum-seekers-summarily-returned, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/106/33/PDF/G2110633.pdf?OpenElement, p.10

60 https://www.coe.int/fr/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/cypriot-authorities-should-investigate-allegations-of-pushbacks-and-ill-treatment-of-migrants-improve-reception-conditions-and-ensure-an-enabling-envi?_101_INSTANCE_ugj3i6qSEkhZ_languageId=en_GB, https://www.achrights.org/en/2021/06/03/12277/

61 https://today.lorientlejour.com/article/1268037/the-worst-adventure-in-my-life-those-desperate-to-leave-a-collapsing-lebanon-seek-ever-riskier-routes-out.html

62 https://www.euractiv.com/section/justice-home-affairs/news/commission-asks-greece-for-transparency-on-pushbacks-to-release-migration-funds/

63 https//:www.euractiv.com/section/justice-home-affairs/news/commission-asks-greece-for-transparency-on-pushbacks-to-release-migration-funds/

64 https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/.

The Polish government has also been criticized over its treatment of migrants stuck on its border with Belarus[65]. Many migrants have tried to travel to Poland, Lithuania and Latvia through Belarus. Lithuania has proposed the legalisation of pushbacks of irregular migrants in extreme situations in order to prevent illegal entrance, while Poland has been accused of illegally turning back asylum seekers and failing to guarantee fundamental human rights safeguards. In the border zone between Poland and Belarus, migrants have been left in inhuman conditions, prevented from crossing the border by armed Polish border guards. Regarding both states, members of the European Commission have stressed the need for national border protection and the respect of EU fundamental rights.

Some victims of pushbacks have even filed complaints or brought cases before courts. In December 2020, the case of a Syrian refugee[66] trying to cross the border from Bosnia to Croatia and being violently pushed back by armed Croatian police officials was the first time that a complaint of a pushback was submitted to the UN Human Rights Committee. More recently, in July 2021, the European Court of Human Rights ruled that Poland had illegally pushed back three Syrian nationals to Belarus.[67]

The above cases are not a comprehensive overview of pushbacks by EU member states, but give further details of some of the pushbacks which have occurred.

3.4 Procedures and requirements for return to Syria

> *" My father encouraged me to return because the damage in our house was repairable. I had overstayed despite my residence permit expiring and was hiding for fear of imprisonment. The Lebanese General Security issued a decision exempting the violators of the conditions from fines and imprisonment so I gave my name and surname to the Lebanese General Security as they were organizing the return of refugees to Syria; our request was accepted after a while and we returned to Syria in buses they had secured for us. We got on big buses and left from an area close to the Lebanese border where we had gathered along with our belongings. The bus drove us to the Syrian border. Everyone stepped down there for the stamp, name check and inspection. They thoroughly searched our belongings. We stayed for around five hours at the border for this process to be over." Male, 33, Damascus City*

Despite the wide-spread pressures to return to Syria, there are many obstacles and procedures that refugees must go through if they do decide to return. A June 2021 report by the European Asylum Support Office (EASO) details several obstacles that refugee returnees face during their return journey, as well as the different procedures they need to follow. Syrians who participate in group returns organised by the Lebanese General Security Office (GSO), need to undergo a security check. They also need to pay a fee for each year that they have overstayed their residency permit. In the case of a person who had entered Lebanon after 5 January 2015, the person also receives a re-entry ban for one year. Syrians who never received any residency permit, and entered Lebanon "illegally", need to pay a fine and receive a permanent re-entry ban. In addition,

65 https://www.theguardian.com/world/2021/oct/01/poland-extends-state-of-emergency-migrants-belarus

66 https://www.ecchr.eu/en/case/push-backs-croatia-complaint-un-human-rights-council/

67 https://www.infomigrants.net/en/post/33514/european-court-of-human-rights-accuses-poland-of-illegal-pushbacks

when crossing the border into Syria, returnees are obliged by the Syrian authorities (since July 2020) to exchange USD 100 for Syrian pounds at the official rate.[68]

For the Syrian government, having left the country is a matter that needs to be settled, before return, through a formal procedure, variously referred to as "status settlement" (Arabic: "taswiyat al-wadaa") or "security clearance" (Arabic: "muwafaka amniya"). Without such a settlement/ security clearance, a returnee risks being arrested immediately upon return. Through this process, Syrian authorities check whether a person is on a wanted list or is to be considered a "security threat", and whether there are any issues that need to be "settled", such as having left the country in an illegal way, having participated in anti-government protests or activities, having posted and/or liked posts on social media that are critical of the Syrian government, or having evaded military service. The returnee needs to fill in a form, which is then forwarded to the Syrian security/intelligence apparatus (according to the EASO report, this involves the military security branch 291 in Damascus). [69]

Obtaining such a security clearance, however, does not guarantee a safe return to Syria.[70] Several cases have been documented in which returnees have been arrested, detained and tortured after return, including those who had settled their status in advance. According to sources consulted by EASO, the following profiles are particularly at risk to face harassment after return: persons who have engaged in anti-government protests and/or who are opposition members; persons whose relatives have engaged in anti-government protests and/or are opposition members; persons with a security record and/or are on a wanted list; persons who had exited Syria illegally; persons originating from former opposition strongholds; persons returning from countries that are perceived to be hostile towards Syria; persons who still need to serve in the military; and women and children whose husband, father and/or brother went missing.[71] "Having "settled one's status" does not guarantee that the individual is safe from arbitrary arrest (....) Arrests are also reported to have occurred despite the individual having obtained security approval from the Syrian Government prior to returning", UNHCR also concluded in its "International Protection Considerations with regard to people fleeing the Syrian Arab Republic", published in March 2021.[72]

UNHCR further confirms that the Syrian government "employs very broad criteria when determining what constitutes political dissent: any criticism, opposition or insufficient loyalty to the government expressed in any way or form regularly results in serious repercussions for the individual."[73]

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68 https://easo.europa.eu/news-events/easo-publishes-coi-report-syria---situation-returnees-abroad, p.14-15, https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.18

69 https://easo.europa.eu/news-events/easo-publishes-coi-report-syria---situation-returnees-abroad, p.18, https://www.refworld.org/docid/606427d97.html, p.105_107, https://syriaaccountability.org/wp-content/uploads/S.-F.-ENG_SJAC-refugees-report.pdf, p.4, https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.16-17, https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf, p.47-51

70 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.17, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.6

71 https://coi.easo.europa.eu/administration/easo/PLib/2021_06_EASO_Syria_Situation_returnees_from_abroad.pdf, p.27-28, https://syriaaccountability.org/wp-content/uploads/S.-F.-ENG_SJAC-refugees-report.pdf, p.5-6

72 https://www.refworld.org/docid/606427d97.html, p.106, 113

73 https://www.refworld.org/docid/606427d97.html, p.95

Moreover, as highlighted by the EASO, a security clearance merely permits a person to go back to Syria. Returnees who have received a security clearance also receive a written instruction (Arabic: "waraket mourajaa") to visit a particular security branch after their return. According to the EASO report, "this practice puts the returnee in an unwinnable situation. If the returnee presents himself or herself at the security branch in case, he or she might get exposed to serious harm. However, if the returnee does not adhere to the written instruction to visit a security branch, an arrest warrant will be issued against him or her."[74] In addition, it should be noted that Syria's security apparatus is highly fragmented, and consists of four main agencies: the Air Force Intelligence Directorate, the Military Intelligence Directorate, the Political Security Directorate, and the General Intelligence Directorate. As a result, it might very well be that a person receives a security clearance from one intelligence agency, but is still arrested after returning because he/she is on another intelligence agency's wanted list.

74 https://coi.easo.europa.eu/administration/easo/PLib/2021_06_EASO_Syria_Situation_returnees_from_abroad.pdf, p.27

4. Data Findings

4.1. Safety and Security

UNHCR Protection Threshold 3: "The government / actors in control of the return area provide genuine guarantees that returnees will not face harassment, discrimination, arbitrary detention, physical threat or prosecution on account of originating from an area previously or currently under de facto control of another party to the conflict; for having left Syria illegally; for having lodged an asylum claim abroad, or; on account of any (individual or family) diversity characteristic."

4.1.1. Perception of (relative) safety

"We feel relatively safe at home but we are scared of the security forces and the detentions of those who had left Syria and then returned." Female, 31, Homs

"No, I don't feel safe at all. I'm a woman with 4 children without a man. My relatives are nice but I don't know until when they will tolerate my presence." Female, 35, Damascus city

"I relatively feel safe because I'm in the family home. I won't leave Syria ever again because what we've been through in Lebanon was very bad. But the bad living conditions make life unstable and there is always a fear of the security forces and the army and there is no law to protect you as a person." Male, 33, Damascus City

"I have fears of checkpoints, since I hear that they cause trouble and take revenge on those who flee to Lebanon. I do not know if they know us. Nothing happened so far [...] Because of my situation and being displaced, and a man, they question me on checkpoints all the time. I fear that something may happen." Male, 40, Damascus City

"I have not known the taste of safety for ten years. There is no safety as long as people are in this state of poverty, injustice and displacement. The darkness and the cut off electricity also frightens me and stresses me out." Female, 36, Damascus City

In round three (March 2021), when asked if they feel safe in their area of return, one in four respondents – mainly in Homs and Damascus City – explicitly reported not feeling safe in Syria. Respondents reported being afraid of the security forces, as well as ongoing (random) detention and raids, the remnants of war, robberies and forced conscription. In round four (August 2021) the security situation still appeared to be similar in Homs and Rural Damascus, while several respondents - especially in Douma and some in Damascus City - reported an increase of thefts in the area during the past five months.

In this regard, it should be emphasized that although a large number of respondents did not directly report that they feel unsafe, they still brought up several concerns about the general safety and security situation in their area during other questions such as the omnipresent fear of forced military conscription (see chapter 4.1.2.). Furthermore it is important to underscore that our research participants are people who have been able to (mainly legally) return to

government-controlled areas, which for most Syrian refugees is not possible at all. Additionally almost half of the interviews have taken place in public, which limited the possibility to speak openly about direct safety concerns.

Moreover, many of the respondents who reported feeling safe in their area of return, mentioned that this is because they live among relatives and friends. In contrast to Lebanon, they therefore felt supported by their immediate surroundings and could resort to each other in case of hardships. Safety seems in this case to be closely tied to a sense of community rather than full physical security.

When asking respondents whether it is safe to move around their areas at night, a third (34%) of the respondents of round three did not at all or very rarely move during the night, as they did not feel safe in the dark. This varied greatly by gender and region, as a majority (60%) of female respondents, as well as 72% of the respondents from Homs, reported not feeling safe moving around at night. One female respondent from Homs, specifically mentioned that she would never go out at night because she was afraid of sexual violence or abuse.

> *"We would never leave the house after dark no matter what happens." Female, 22, Homs*

> *"Yes I am concerned about sexual violence or abuse, especially in the dark. So I never go out after sunset." Female, 31, Homs*

In a similar vein, in recent months several reports by human rights organisations and UN agencies have also warned that Syria is currently not safe for return.

A report by Amnesty International, published in September 2021, has documented how Syrian intelligence officers have subjected at least 66 women, children and men returning to Syria to unlawful or arbitrary detention, torture and other ill-treatment, including rape and sexual violence, and enforced disappearance. According to Amnesty, "no part of Syria is safe for returnees to go back to, and people who have left Syria since the beginning of the conflict are at real risk of suffering persecution upon return. Therefore, any return to Syria at this time would be in violation of the international obligation of non-refoulement, as stated in Article 33 of the 1951 Refugee Convention (...)."[75]

One month after Amnesty, Human Rights Watch also issued a 71-page report that documented how Syrian refugees who returned to Syria between 2017 and 2021 from Lebanon and Jordan faced grave human rights abuses and persecution at the hands of the Syrian government and affiliated mlitias, including torture, extra-judicial killings, and kidnappings.[76]

75 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.5

76 https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf, p.1

In a similar vein, UNHCR in March 2021 has warned that "in all areas under government control, arbitrary arrests, incommunicado detention, ill-treatment including torture, and extra-judicial executions continue to occur, with reports describing a pervasive climate of fear among civilians."[77] The UN refugee agency has further warned that:

> *"There are reports on the targeting of real or perceived government opponents following their return to Syria from abroad (...) Across government-held areas, returnees are reported to be among those subjected to harassment, arbitrary arrest, enforced disappearance, torture and other forms of ill-treatment, as well as property confiscation, including on account of individuals' perceived anti-government opinion."* [78]

Further, the Syrian Network for Human Rights (SNHR) has documented 972 cases of arbitrary detention in the first six months of 2021, including 45 children and 42 women.[79] SNHR has also documented the arrest of at least 1.916 refugee returnees (including 219 children and 157 women) in the period between 2014 and August 2019, and at least 62 cases of arrests and enforced disappearance of Syrian refugees who returned from Lebanon in 2020.[80]

Moreover, the UN Commission of Inquiry, in a report issued in September 2021, found that incidents of deaths in detention continued to take place, and that "tens of thousands of people remain in incommunicado arbitrary detention or (were) forcibly disappeared by government forces."[81] Consequently, the Commission of Inquiry concluded that "the Syrian Arab Republic does not yet offer a safe and stable environment for sustainable and dignified returns of refugees, nor for the 6.7 million displaced persons inside the country."[82] This point was also emphasised by Commissioner Karen Koning AbuZayd, who during the report launch explicitly warned that "this is no time for anyone to think that Syria is a country fit for its refugees to return."[83]

Finally, in a survey among more than 500 Syrians, published by the Syrian Association for Citizen's Dignity (SACD) in August 2021, 51% of respondents in government-controlled areas don't feel safe. This number is even higher among refugee returnees: 67% of people who returned to Syria from abroad do not feel safe after returning.[84] Similarly, in a report published by the Humanitarian Needs Assessment Programme (HNAP) in September 2021, 45% of assessed return communities in government-controlled areas indicated "severe or less suitable" safety and security conditions, with only 8% of return communities describing security conditions as "more suitable."[85]

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77 UNHCR has further stated that "In areas retaken by the government, be it as a result of military offensives and/or reconciliation agreements, previous patterns of human rights violations are reported to have re-emerged with harassment, arbitrary arrest, incommunicado detention, torture and other forms of ill-treatment, enforced disappearance, and forced conscription a frequent occurrence. Assurances given by the government as part of reconciliation agreements, including the reinstating of basic services and freedom of movement, the release of detainees, the return of government employees to their jobs and the postponing of military service, have not been fulfilled by the government." See https//:www.refworld.org/docid606427/d97.html, p23, p59

78 https://www.refworld.org/docid/606427d97.html, p.60, 113

79 https://sn4hr.org/wp-content/pdf/english/972_Cases_of_Arbitrary_Arrest_Detention_Documented_in_the_First_Half_of_2021_Including_45_Children_and_42_Women_en.pdf

80 https://sn4hr.org/wp-content/pdf/english/The_Syrian_regime_continues_to_pose_a_severe_barbaric_threat_and_Syrian_refugees_should_never_return_to_Syria_en.pdf, p.5, https://sn4hr.org/wp-content/pdf/english/The_Syrian_regime_prevents_hundreds_of_Syrian_citizens_from_returning_from_Lebanon_to_their_homeland_en.pdf

81 https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/ReportoftheCommissionofInquirySyria-48thsession.aspx, p.6-7

82 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.19

83 https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27456&LangID=E

84 https://syacd.org/normalisation-of-horror/

85 Humanitarian Needs Assessment Programme (HNAP) (September 2021): "Community of Return Profiling. Syrian Arab Republic"

4.1.2. Forced military conscription

The main fear factor among male and female respondents that resonates over time is the reality of forced military conscription in Syria. An overwhelming majority of respondents (70%) were concerned that either they themselves and/or friends or relatives will be forcibly conscripted into the Syrian Arab Army. 43% of respondents also knew someone or were themselves at risk of being re-enlisted, despite already having served in the army.

70%
of respondents are concerned that either themselves, or friends and/or relatives, will be forcibly conscripted.

43%
of respondents know of people that have already done their military service and are now at risk of being re-enlisted.

Being at risk of forced conscription or re-enlistment drastically reduces the freedom of movement and access to rights of concerned men. It furthermore limits the possibility to pursue work, and hence strongly impacts the livelihood of those families.

For that reason several respondents had their names checked for service before returning to Syria, in order to ensure that they were not wanted for the military or for any other security reasons. However, as our data and other research shows (see section 3.4), when respondents cross the border into Syria, simply checking their name for a record does not provide a full guarantee of safety, especially for military aged men.

> *"They recently took one of my relatives for an unknown reason; they called him from the military detachment for a follow-up, he went but never returned." Male, 37, Douma*

> *"[Border procedures include] inspecting the bags and the tools in the car and checking the names of those arriving; they informed me at the border that I was called for reserve service in the military and that I should enroll within 3 months knowing that I had completed my mandatory service by the beginning of the Syrian crisis." Male, 31, Rural Damascus*

> *"[The main barrier for a stable income in our family is that my siblings] are incapable of crossing checkpoints and going to work because they're wanted for reserve service." Male, 40, Rural Damascus*

> *"Yes, I am subjected to being arrested at any moment. If my house was stolen I can't report it, because if I did they would know I have to serve in reserve." Male, 38, Douma*

4.1.3. Acceptance in community

The great majority (92%) felt accepted in their communities and did not report experiencing discrimination. There are a few significant exceptions where respondents did feel discriminated against or generally felt uncomfortable in their town right after returning. One respondent specifically mentioned that he felt pressured because of the elections that took place in May 2021. Furthermore, one woman who returned without her husband remarked that she felt uncomfortable because of speculation about her husband:

"I don't feel comfortable as I'm a woman alone. Everyone has comments about me and interferes with me. Some say that my husband is running away from the security forces and this makes me fear for my children." Female, 38, Damascus City

This again underscores an individualised fear of persecution that is very complex in the Syrian case.

4.2. Voluntary and informed return

UNHCR Protection Threshold 4: Every individuals' decision to return is informed and genuinely voluntary, without any coercion.

During the Brussels V Conference on the Future of Syria and the Region (March 2021), the co-chairs statement issued by the EU and the UN underscored that "return is a right to be exercised based on an individual's free and informed decision (...) Support should be guided by their (displaced Syrians) needs, views, concerns and decisions, based on accurate and factual information whether to return or not at the present time."

The co-chairs statement further noted that "sustaining and increasing assistance levels and access to protection, livelihoods and services in host countries as well as reinforcing them inside Syria are key components in enabling a voluntary decision by refugees to return, free from push factors, and to support local solutions."

Conditions are however not currently in place within Syria or countries of asylum for refugees to make return discussions on an informed and truly voluntary basis: "push factors" from host countries, negative pull factors inside Syria (such as the need to protect assets and properties), and most notably the lack of objective and reliable information about the conditions for return to Syria undermine the voluntariness of the vast majority of returns.

In what follows, and based on RPW's data findings in Lebanon and Syria, the minimal conditions for an "informed" and "voluntary" return are discussed, as well as different push and pull factors at play in Lebanon and Syria.

4.2.1. General push factors in Lebanon

Since 2019 Lebanon has endured a series of simultaneous crises that have led to a dramatic deterioration of the humanitarian situation in the country: a collapse of the economic and financial system; the explosion at the Beirut port on 4 August 2020; the COVID-19 pandemic; and ongoing political deadlock that has completely paralysed the country's institutions. These crises came on top of the continued displacement of an estimated 1.5 million Syrian refugees and over 200,000 Palestinians in Lebanon, and has led to a further deterioration of existing vulnerabilities among refugee communities. According to the World Bank (June 2021), Lebanon is enduring a "severe and prolonged depression", which is "likely to rank in the top 10, possibly top 3, most severe crises globally since the mid-nineteenth century."[86]

86 https://www.worldbank.org/en/news/press-release/2021/05/01/lebanon-sinking-into-one-of-the-most-severe-global-crises-episodes

UN OCHA (August 2021) has described the current situation in Lebanon as an "economic and financial meltdown". The Lebanese pound has lost more than 90% of its value since October 2019, leading to an inflation rate of 120% between May 2020 and May 2021. Between January and December 2020, food prices have increased by 400%, while unemployment levels reached almost 40% in 2020. Food poverty has increased three-fold, from 8% in 2019 to 23% in 2020, while GDP is estimated to have fallen by 20.3%. In March 2021, 78% of the Lebanese population (3 million people) were estimated to be living in poverty, while an estimated 36% (1.38 million) were living in extreme poverty.[87] The country has been grappling with daily electricity cuts that have lasted over 22 hours/day, resulting in de facto internet blackouts across Lebanon. On 22 August 2021 the government also announced a 66% rise in fuel prices.[88] The acute shortage of fuel has left various sectors, most notably the health and food sector, in critical shape. In the words of UN OCHA: "Basic rights are being denied as people are unable to afford or access basic goods and services including health, food, education, electricity, water and wastewater management."[89]

WHAT CONSTITUTES AN INFORMED AND VOLUNTARY RETURN?

The principle of "voluntariness" is clarified in UNHCR's Handbook on Voluntary Repatriation:

> "The principle of voluntariness must be viewed in relation to both conditions in the country of origin (calling for an informed decision) and the situation in the country of asylum (permitting a free choice) (...) The issue of voluntariness as implying an absence of any physical, psychological, or material pressure is, however, often clouded by the fact that for many refugees a decision to return is dictated by a combination of pressures due to political factors, security problems or material needs" (...) One of the most important elements in the verification of voluntariness is the legal status of the refugees in the country of asylum. If refugees are legally recognized as such, their rights are protected and if they are allowed to settle, their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, if they are subjected to pressures and restrictions and confined to closed camps, they may choose to return, but this is not an act of free will (...) As a general rule, UNHCR should be convinced that the positive pull factors in the country of origin are an overriding element in the refugees' decision to return rather than possible push factors in the host country or negative pull factors, such as threats to property, in the home country" (...) Conditions of asylum may be so severe as to border on coercion, or refugees may be faced with unjustifiable restrictions on access to other durable solutions. In such situations UNHCR should intervene to ameliorate such conditions and eliminate coercive factors".[90]

However, questions remain regarding the voluntariness of return decisions in the Syrian context, given the many "push factors" at play in Syria's neighbouring countries. A careful individual analysis of push factors and negative pull factors is thus of key importance to determine the voluntariness of an individual return decision. Yet governments in countries of asylum have actively blocked UNHCR efforts to assess the voluntariness of return decisions. Given these constraints, UNHCR has acknowledged that its current pre-return interviews do not meet the standards of a comprehensive "Voluntary Return Assessment". In March 2021, UNHCR also

87 https://reliefweb.int/report/lebanon/lebanon-emergency-response-plan-2021-2022-august-2021, p.5-6

88 https://www.reuters.com/world/middle-east/lebanon-raises-95-octane-gasoline-prices-by-66-2021-08-22/

89 https://reliefweb.int/report/lebanon/lebanon-emergency-response-plan-2021-2022-august-2021, p.6

90 https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html

explicitly confirmed that they cannot ascertain the voluntariness of spontaneous returns of Syrian refugees.[91]

In addition to carefully analysing push factors and negative pull factors, a robust voluntariness assessment must be undertaken to ensure that any decision to return by individual refugees is based on reliable and comprehensive information about conditions in the country of origin. This is also reflected in UNHCR's Handbook on Voluntary Repatriation, which stipulates that "only an informed decision can be a voluntary decision. It is therefore important to provide bridges which refugees can use to gather information from sources they can trust (....) The provision of accurate and objective information on the situation in the country of origin by UNHCR will be an importantactivity".[92]

Syrian refugees in Lebanon are particularly affected by the economic collapse of the country. Nine out of 10 Syrian refugees are falling below the extreme poverty line – a 60% increase since 2019.[93]

Since 2015, the Government of Lebanon has adopted a series of policies that have increasingly restricted refugees' rights and access to international support. The government is employing policies and practices that further impede the ability of refugees to be self-reliant and earn a livelihood. As a result, Syrians in Lebanon live in a state of constant uncertainty and face widespread discrimination, lack of legal protection and harsh competition over limited jobs and resources. The lack of transparency around the procedures and requirements for obtaining legal residency, as well as the processing fees for said applications, place Syrian refugees in Lebanon in an impossible situation. Many are unable to afford the fees to obtain legal residency and work permits because of lack of income, and are unable to earn a decent income because they lack legal residency and work permits.[94] And even if Syrian refugees do obtain work permits, finding employment that covers refugees' basic needs is particularly challenging.

COVID-19 lockdowns have further limited the few livelihood opportunities that Syrians had access to. Syrians in Lebanon face limited access to healthcare services, while COVID-19 social distancing measures have led many municipalities across the country to adopt restrictive measures that specifically discriminate against Syrian refugees.[95] Rights groups, such as Human Rights Watch, have also warned that Syrian refugees and other migrants are at risk of discrimination during the COVID-19 vaccine rollout[96].

The economic collapse of Lebanon has further increased tensions and inter-communal violence between Syrian refugees and Lebanese host communities. Anti-refugee rhetoric, in which political leaders scapegoat refugees for the country's ills, has been on the rise and a number of violent attacks and expulsions have taken place across the country. According to UN OCHA, "intra-communal tensions within Lebanese communities have worsened due to the shortage of basic essential goods and services. Tensions between host communities and refugees have similarly increased."[97]

91 https://www.refworld.org/docid/606427d97.html, p.51.

92 https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html

93 http://ialebanon.unhcr.org/vasyr/#/

94 https://www.nrc.no/globalassets/pdf/reports/2021-darkest-decade/darkest-decade/the-darkest-decade.pdf, p. 24-25

95 https://11.be/sites/default/files/2021-02/RPW-Policy-Brief-February-2021.pdf

96 https://www.hrw.org/news/2021/04/06/lebanon-refugees-migrants-left-behind-vaccine-rollout

97 https://reliefweb.int/report/lebanon/lebanon-emergency-response-plan-2021-2022-august-2021, p.5-6

At the same time, there has been a rise in violence and harassment by the Lebanese government or state actors against refugees, likely to increase pressure on refugees to return "voluntarily". From the summer of 2019 onwards, the Higher Defense Council ordered that shelters be dismantled based on Lebanese law that prohibits the use of permanent building materials (such as cement foundations) on agricultural land, despite the fact that this law had not been enforced since it was adopted in 2004.[98] Thousands of refugee families who were forced to destroy their shelters and replace them with tarps and other impermanent materials that don't protect against the elements, which has been especially harmful to refugees in Arsal where the winters are known to be harsh.[99]

Of particular concern, a recent Amnesty International report documented the appalling use of torture by Lebanese security forces against detained Syrian refugees. Out of 26 refugees Amnesty interviewed, 25 had been subjected to brutal forms of torture, including two minors. Methods of torture that were reported included severe beatings that led to permanent wounds, the "balanga" where the victims hands are tied behind their back and they are hung up by the wrists, as well as sexual abuse and violence.

The report further found that in all 26 cases, detainees were deprived of their due process rights to be provided with access to a lawyer, to appear before a judge within a reasonable amount of time, and to be tried without delay.[100] These practices amount to violations of, both, the Convention Against Torture and the Covenant on Civil and Political Rights, to which Lebanon is a party.[101]

The above push factors are also highlighted by recent research by the Humanitarian Needs Assessment Programme (HNAP). According to HNAP, 56% of refugee returns are strongly motivated by "worsening of economic situation in the place of displacement", while "forced return" (24%) and "worsening of security situation in the place of displacement" (20%) are also listed as important reasons for return.[102]

4.2.2. RPW findings related to voluntary return: Lebanon

FEAR OF FORCED DEPORTATIONS, FINANCIAL AND ECONOMIC CONCERNS, AND PHYSICAL SAFETY CONCERNS

In September 2021, 178 out of 246 of RPW's Syrian and Palestinian-Syrian respondents in Lebanon (72.4%) stated that fear of deportation was one of their top concerns, followed by financial and economic concerns (66.7%), and physical safety concerns (48.4%).

98 https://www.hrw.org/news/2021/01/19/lebanon-dire-conditions-syrian-refugees-border-town, https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished, https://euromedrights.org/wp-content/uploads/2021/04/EN_Chapter-6-Pushbacks-and-expulsions-from-Cyprus-and-Lebanon_LAYOUT.pdf, p.17

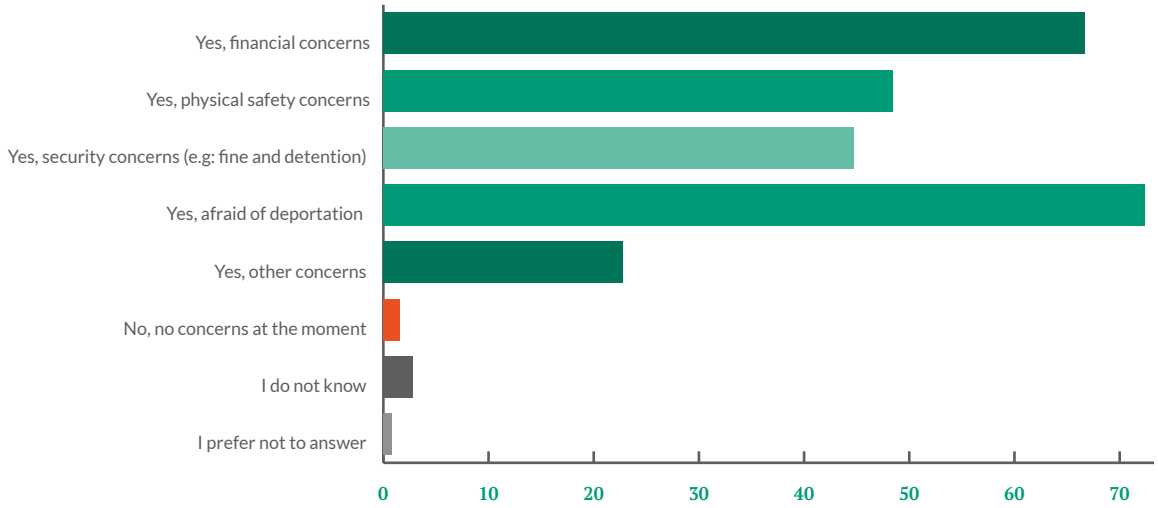
99 ibid

100 https://www.amnesty.org/en/latest/press-release/2021/03/lebanon-torture-of-syrian-refugees-arbitrarily-detained-on-counter-terror-charges/

101 https://www.ohchr.org/en/professionalinterest/pages/cat.aspx, https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

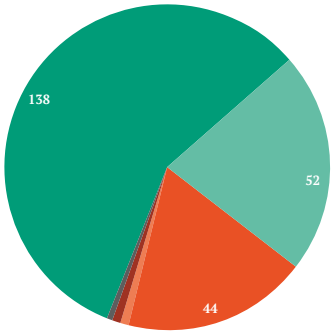
102 Humanitarian Needs Assessment Programme (HNAP) (2021): "Syrian Arab Republic. Second Returnee Overview / January - June 2021."

Do you have any concerns about staying in Lebanon? What are these concerns? (September 2021)



All (n=246)

Only 0.8% of all Syrian and Palestinian-Syrian respondents planned to leave Lebanon and return to Syria despite their fears. On the other hand, 57.7% wished to leave Lebanon for a third country:



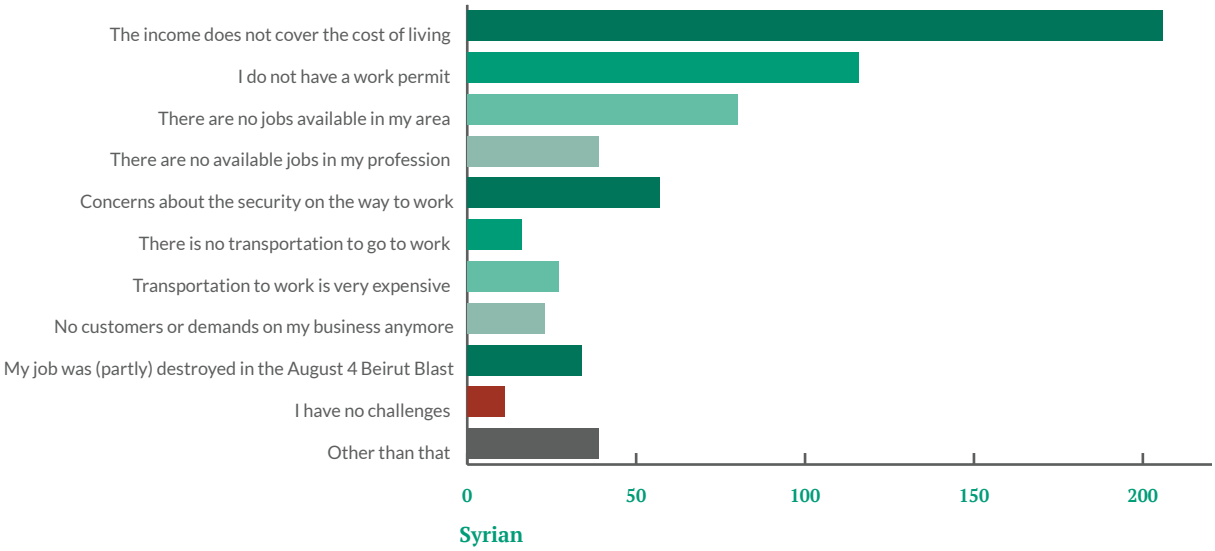
Given these concerns, what are your plans? (September 2021)

- 57.7% Leaving Lebanon and going to a third country
- 21.8% I do not know
- 18.4% I will stay in Lebanon
- 0.8% Moving inside Lebanon
- 0.8% Leaving Lebanon and returning to Syria
- 0.4% I prefer not to answer

ACCESS TO LIVELIHOODS

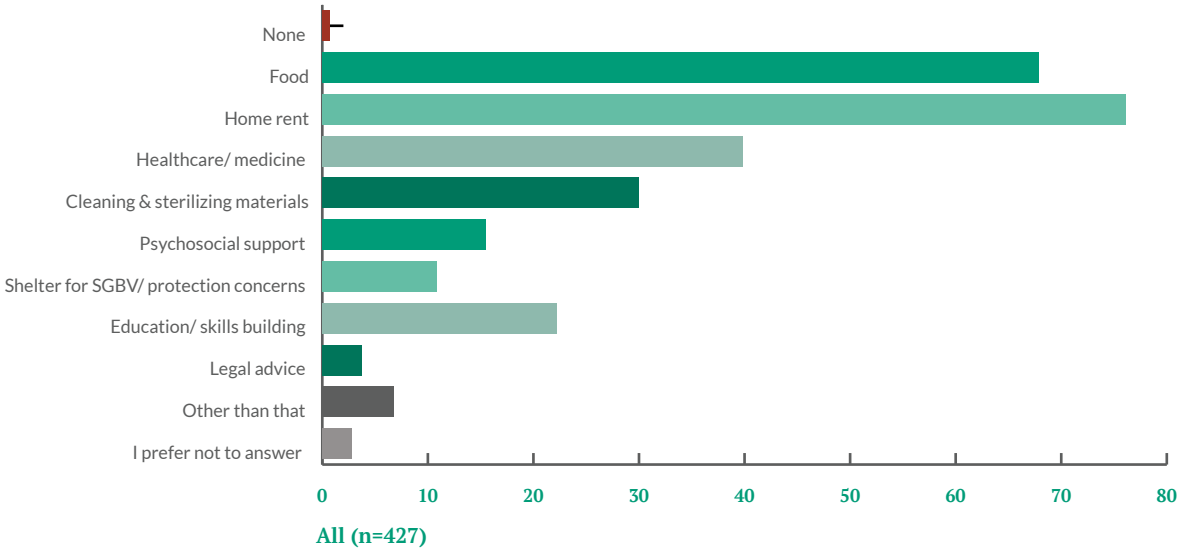
In November 2020, respondents were asked what main challenges they were facing with regard to livelihoods, with multiple answers being possible. Not being able to cover their living costs (rent, food, medical needs, etc.) was one of the main challenges (79.5%), followed by the lack of a work permit or the right to work (30.6%) and no available jobs in their area (29.6%). As the second challenge is mainly faced by Syrian refugees in Lebanon, it shows how major this obstacle is for that cohort.

What are the main challenges you (i.e. Syrian refugees) are currently facing? (November 2020)



Consequently, all respondents indicated that they were primarily in need of support to cover basic necessities, with the greatest needs being rent (76.1%), food (67.9%) and healthcare/medicine (39.8%). Lebanese and Syrian respondents' answers to this question were similar, indicating the increasing difficulty for all people residing in Lebanon to pay for essentials.

Which of the following services/necessities do you need support for the most? (November 2020)



When respondents were asked the same question in September 2021, the top 3 highest needs remained the same (rent: 74.7%; food: 57.6%; and healthcare: 46.6%). However, the need for cleaning and sterilizing materials (37.4%) and education and/or skills building (36.8%) increased significantly since November 2020.

DIFFERENCE IN ACCESS TO BASIC SERVICES BY GENDER

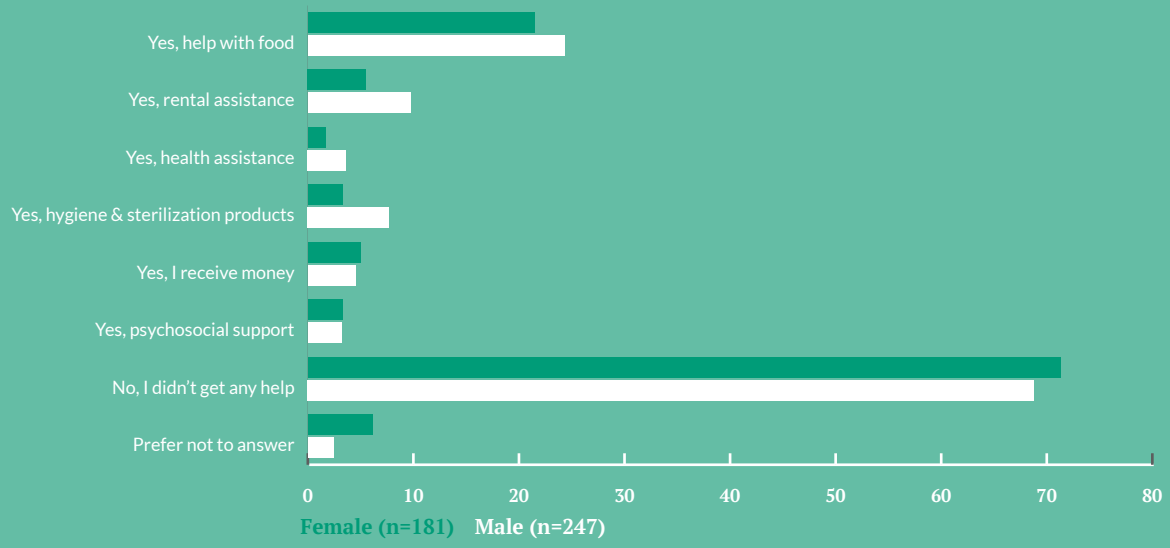
The majority of women in the Upinion panel in Lebanon (78.0%) said they had difficulty accessing necessities and services like food, health and rent because of their gender. However, among Syrian women, the percentage of those who had difficulties was higher (84.8%) than Lebanese women (70.8%)

Have you encountered difficulties in accessing basic services (like food, health care etc) due to being a woman?

	All (%)	Lebanese women (%)	Syrian women (%)
Yes	78.0%	70.8%	84.8%
No	15.2%	21.5%	9.1%
I do not know	6.8%	7.7%	6.1%

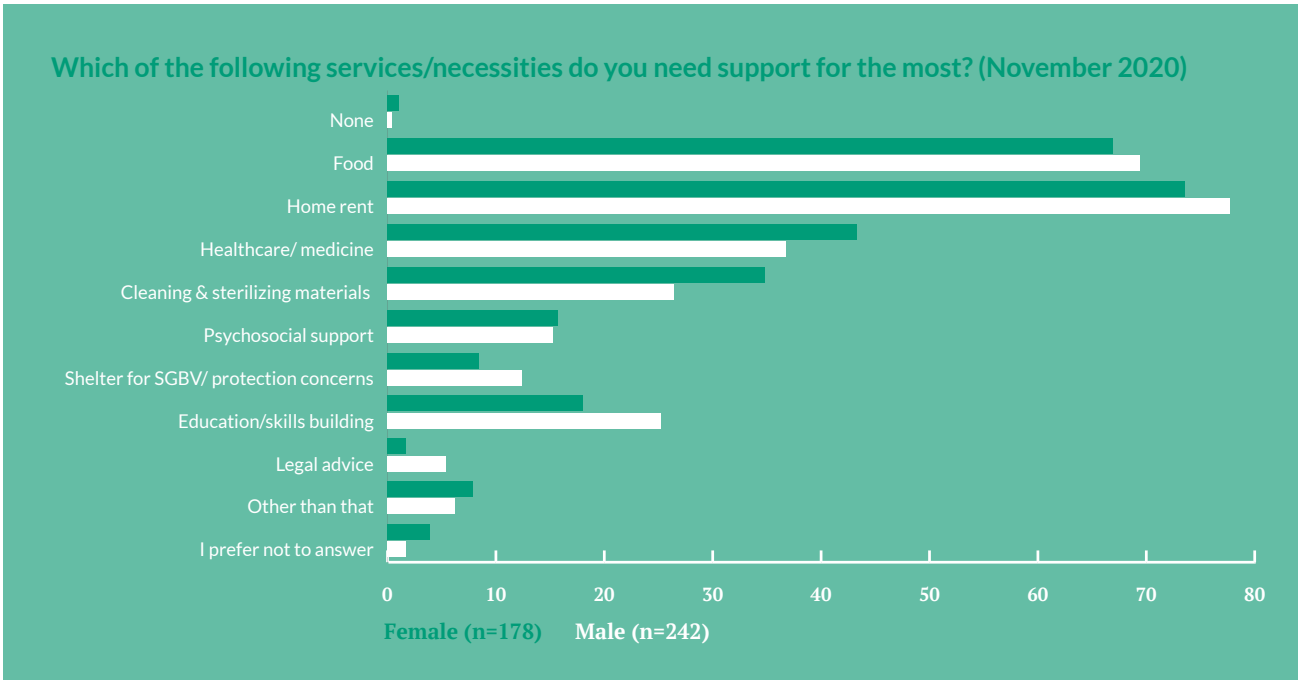
According to RPW data from March 2021, there is a slight gender difference in the form of assistance that respondents living in Lebanon have received since January 2021: In general, men (9.7%) received twice as much rental assistance than women (5.5%), as well as health assistance (3.6% versus 1.7%). According to a study by Oxfam[103] "this is compounded by women's care responsibilities, leaving them often unable to participate in information sessions, resulting in reduced clarity about their options."

Have you received any type of assistance since January 2020? (July 2021)



If we compare the above findings with what men and women actually needed with regards to basic services, we see the same priority requests (like food, rent etc). However, some services are more requested by men than women, and vice versa. For example, more women than men were in need of healthcare and hygiene materials (43.3% and 34.8% respectively compared to 36.8% and 26.4% of male respondents), whereas more men (25.2%) than women (18.0%) needed education/ skills building services.

103 https://documents1.worldbank.org/curated/en/532181547235243643/133693-Gender-in-Waiting-Men-and-Women-Asylum-Seekers-in-European-Reception-Facilities.pdf



ACCESS TO WORK AND EMPLOYMENT

The last conversation round in September 2021 revealed an expected rise in unemployment. The number of Lebanese respondents who are not working was 70.2%, nearly 10% up since November 2020 (61.4%), while the number of Syrians out of work was 66.1% (which is only a slight increase of 4% compared to the findings from November 2020 (62.5%)).

The reason for this increase among the Lebanese respondents can be attributed to employment differences between men and women. As the unemployment rate of women both of Lebanese (80.3%) and Syrian background (83.6%) was much higher compared to men, the higher participation of female respondents with a Lebanese background than Syrian background in our study raised the overall unemployment rate for Lebanese respondents.

If you compare the unemployment rates between Lebanese and Syrian men, then the findings show a higher unemployment rate among Syrian men (i.e. 60% unemployed) then among Lebanese men (i.e. 50% unemployed).

In September 2021, almost a third of those who were unemployed in Lebanon (28.9%), also believed that their gender played a part in their inability to find work. More Syrians (34.5%) than Lebanese respondents (18.6%) believed that their gender was preventing them from getting jobs. This belief was highest among Syrian women (42.9%) compared to Lebanese women (22.6%) or Syrian men (30.2%).

Do you think your gender has affected your ability to find work?

	Syrian %	Syrian Female %	Syrian Male %	Lebanese %	Lebanese Female %	Lebanese Male %
Yes	34.5%	42.9%	30.2%	18.6%	22.6%	12.5%
No	40.6%	33.9%	44.3%	52.3%	50.9%	53.1%
I don't know	24.8%	23.2%	25.5%	29.1%	26.4%	34.4%

ACCESS TO FOOD

Food insecurity has been on the rise in Lebanon. In November 2020 the panel was asked about (negative) coping strategies to deal with shortages of food, and the top three strategies used (equally by the Lebanese and Syrian respondents) were:

1. Borrowing money (63.8%);
2. Relying on less preferred, less expensive food (54.3%); and
3. Reducing the number of meals or meal size (41.3%). The latter coping mechanism was reported more often by Syrian respondents (47.9%) than Lebanese respondents (28.9%).

ACCESS TO EDUCATION

In the conversation in July 2021, nearly three quarters (74.4%) of respondents who have school-aged children (360 out of 485) reported that their children were not able to attend school in Lebanon. The reasons for this included the absence of physical education possibilities and the lack of means to follow online education (i.e. lack of electricity, devices etc), as well as financial constraints, such as the inability to afford transportation fees or supplies.

As the new school year started in September 2021, the panel was asked whether children were able to attend school again. The number of school-aged children who were unable to go to school decreased to 51.3%, which can be explained by the ending of the summer holiday and a loosening of COVID-19 measures. However, the numbers still show that more than half of the Syrian school-aged children (58%) in the panel are currently not attending school, compared to 38.7% of the Lebanese school-aged children. The overwhelming majority (93.9%) of those school-aged children were unable to attend school because of the inability to afford school necessities such as books and school materials.

Additionally, these financial constraints have even more dire consequences, namely the need for school-aged children to work instead of and/or next to attending school. In July 2021, 34% of the total number of respondents reported that someone under the age of 18 in their household was working. For Syrians, this was even higher: 41% of the Syrian families reportedly had someone under the age of 18 working.

The November 2020 conversation similarly showed that over one-third of overall respondents (40.6%) had one or more family members under 18 working. Among Syrian families, there was a greater likelihood of under 18 family members working (47.3%), as opposed to among Lebanese families (31.5%).

> *"First, transportation is not available and has become expensive, and distance learning has become insufficient to accommodate the child, so my children did not complete their studies." Female, Syrian, 36-45*

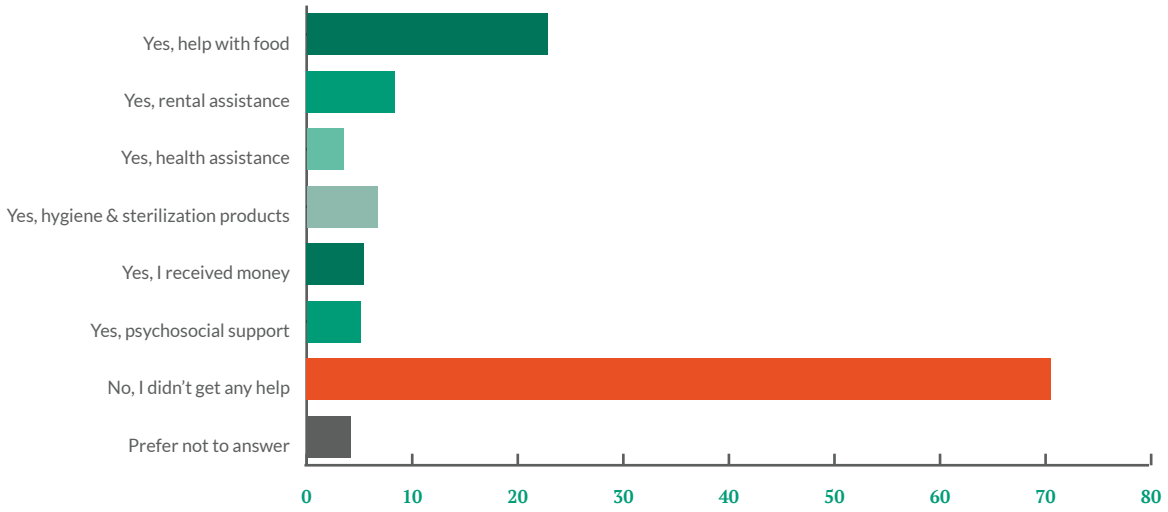
> *"There is nothing to encourage online education. There is no electricity or internet. The financial situation is very difficult, and schools have been closed for a long time for Syrians. And UNHCR does not cover the cost for studies." Male, Lebanese, 46-55*

> *"My kid is a 14-year-old boy. We stopped him from attending school to work and help us with the expenses because we are in a bad situation and we were unable to meet the basic needs of living." Male, Syrian, 36-45*

ACCESS TO AID

In July 2021, just 22.8% of the total number of respondents reported having received assistance (either from NGOs/UN or from community members) to meet their food needs. Hence, almost two thirds of respondents (70.5%) reported not having received any kind of assistance since January 2020, as displayed in the bar chart below:

Have you received any type of assistance since January 2020? (July 2021)



SOCIAL TENSIONS AND DISCRIMINATION

In July 2021, 84.8% of the overall panel reported they had experienced an increase in social tensions, characterized by an increase in burglary, theft, and violence. Both host communities and refugees experienced this increase in tension and lack of safety equally: 85.3% of Syrians and 83.9% of Lebanese.

In September 2021, nearly all Syrian respondents (90.5%) reported feeling increased tension within their communities over the past three months. However, women (83.1%) were slightly less affected by these tensions than men (93.1%). When asked about the cause of the tension, respondents mentioned an increase in crime, violence, and fraud, as well as a high level of discrimination.

As such, it is clear that in the past 12 months social tensions have significantly increased, when compared to RPW research findings in August 2020. Back then, 52.7% of Syrian and 37.3% of Lebanese respondents reported an increase in social tensions. The pressing COVID-19 situation and rapidly deteriorating situation in Lebanon may have added to this finding.

> *"There are thefts at night, harassment over house rents, and tension due to bad economic conditions. There are also increasing accusations of refugees for the reason of bad economic conditions." Female, Syrian, 36 - 45*

4.2.3. RPW findings related to voluntary returns: Syria

The results of the third round of research in Syria (March 2021) shows a mix between push and negative and positive pull factors, as well as direct and indirect pressures, that influenced the decision of people to return. Return reasons are hence often part of a highly complex setting, and ones which in such a context should only be made by the individual involved.

The drastically deteriorating living conditions in Lebanon[104] have an immense impact on the return decisions of Syrian refugees in Lebanon. 72% of respondents in round three reported that the difficulties of living in Lebanon were the main reason that directly or indirectly pushed them to go back to Syria. These difficulties include the general deterioration of the situation, the high cost of living, economic difficulties in the job market, as well as increased racism and harassment and security concerns in Lebanon.

Only 25% of respondents stated that reasons such as work opportunities within Syria; war-related hostilities having stopped in their area; roads being opened and a decrease in random detentions, had in part motivated them to go back. 22% of respondents further mentioned that family-related reasons were a main factor for them to return. These included pressures such as sickness or death in the family, their partner's and/or parents' decision and desire to return, or missing being close to family. Further negative pull and push factors for return were the inability to pay for medical treatment in Lebanon or the fear of losing property in Syria.

> *"[Our reasons for return were] the difficult situation in Lebanon and most importantly the bad treatment. They consider that because I'm a Syrian refugee I'm a beggar and I'm eating at their own expense or that I'm taking their jobs; of course the majority thinks that, not everyone." Male, 33, Douma*

> *"The search for my detained sons and the difficulty of living abroad." Male,68, Douma*

> *"I had to [return], my documents were there and we were waiting for the crisis to end to return because of the high rent and prices abroad, and a lot of people were beaten or kidnapped abroad, we were at risk." Male, 54, Douma*

> *"My husband passed away in Lebanon and he was the provider for the family; the assistance we were receiving from UNHCR was no longer enough because of the expensive prices." Female, 50, Homs*

> *"I would have never returned had I not been scared of the house being stolen." Male, 40, Homs*

> *"I didn't want my children to return and live there in misery. But my in-laws' house is there and my husband insisted we return. I didn't want to return but I had to because of my husband's decision." Female, 26, Damascus city*

> *"My husband had a road accident that caused him great damage, it was difficult to treat him in Lebanon because of the high cost and because the person that caused him the damage ran away so we decided to return to Syria for his treatment." Female, 45, Damascus city*

104 Described more in detail in chapter 4.2.1. on page p. 33

4.2.4. Access to information on return conditions

Conditions are not always in place to return to Syria in an informed way. In round three of research inside Syria, one in every four people (26%) reported not having had access to enough information about the situation inside Syria, as they had returned in a rush or the situation turned out to be different on the ground when they arrived.

The data from inside Syria shows an increase in people reporting not having had enough or reliable information when returning to Syria. While in **2020 16%** of respondents reported that return conditions turned out to be different than what they expected, in **2021 26%** of respondents stated that they either did not have enough information, or that the information they relied on when deciding to return turned out to be false.

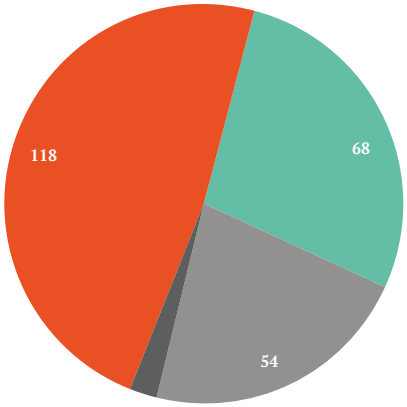
> *" I returned to Ghouta as soon as the road was opened and the siege was lifted and found the situation to be different from how my relatives and friends had described it to me. When I met them and asked them about the reason, they told me they were scared to talk over the phone and tell me how bad the situation was." Male, 39, Rural Damascus*

> *"I had to go back to Ghouta once the roads were opened because of my dad's illness... I returned all of a sudden without gathering information" Male, 32, Rural Damascus*

Information was mainly gathered through relatives and friends living in Syria, as well as by checking Facebook groups. People sought information regarding the following topics: the internal security situation (especially for young men, but also women that have lost their husbands in the bombings); the safety of the roads used when returning; if there are still random detentions; and if there is a danger coming from armed actors. Furthermore, people asked for information about services (provided by the government); if they could return to their houses; living conditions and work opportunities. Information was also sought about family members, as well as the availability of basic materials/food, and if the maintenance and repairs to their homes have started.

Most of the respondents got the information that cleaning and maintenance work in the neighborhoods had started, that the security situation was somewhat okay, and that there were no armed factions/clashes and fewer random detentions. Some of the returnees did not expect the level of destruction they found when coming back, as some of their neighborhoods were completely destroyed. Furthermore, they learnt that services had improved and government control and institutions had come back, but that there were still many shortcomings in services. Moreover, the difficult and deteriorating economic situation was mentioned many times.

Meanwhile, the number of Syrian respondents in Lebanon who said they had reliable information about their areas in Syria was lower in September 2021 (27.8%) than in July 2021 (46.4%). There is no clear explanation for this difference, and it is unclear whether it points to a larger trend of a decrease in access to information on Syria. RPW will continue to monitor Syrians' access to information.

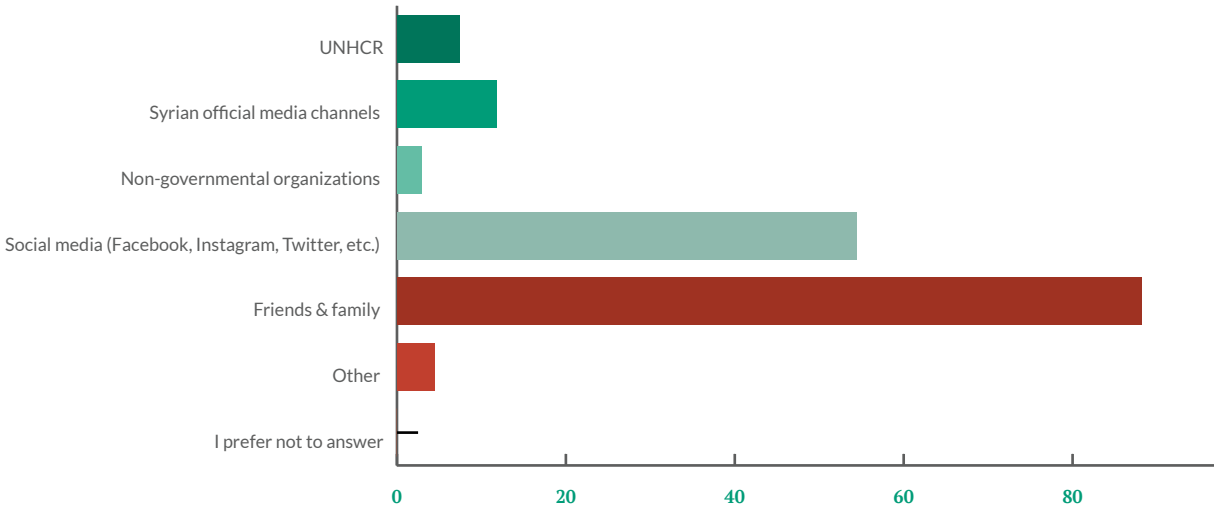


Do you have access to information about your area in Syria (September 2021)

- 48.2% No
- 27.8% Yes
- 22.0% I do not know
- 2.0% I prefer not to answer

In line with data findings from refugee returnees in Syria, respondents in Lebanon also reported that **family and friends** (88.2%) are the primary source of information, followed by social media (54.4%) and then Syrian official media channels (11.8%). **UNHCR and NGOs** were mentioned least frequently amongst the resources that Syrians rely on.

How did you receive information about your area in Syria? (September 2021)



4.3. Freedom of movement

UNHCR Protection Threshold 5: "Acceptance by the government / entity in control of the return area of returnees' free choice of destination and place of residence and right to freedom of movement."

In both the third and fourth round of research within Syria, everyone, except for two respondents in Homs, were able to return to their place of choice[105], as long as it was under state control. A few respondents in Damascus City stated that they were not residing in the neighborhoods they lived in previously, but that they were not treated any differently by residents of those communities.

In some cases - most frequently in Homs - respondents reported that a request had to be submitted for a security allowance to return to their region of choice, and that waiting for approval could take several months.

A majority of respondents mentioned that their own or their family members' ability to move from area to area has improved over time, as the number of checkpoints has decreased. The main hindrances or obstacles at remaining checkpoints reported were the unpredictable mood and domineering demeanor of soldiers, as well as waiting times. However, movement was extremely restricted for 20% of respondents or their family members, mainly due to fear of conscription to the military. In some cases, a lack of access to transportation was also mentioned.

"When we first returned to Douma it was forbidden to move around freely, even going to Damascus was forbidden, but now we are allowed to go anywhere we want." Female, 51, Douma.

"Our movement is scrutinized and there are inspections at the checkpoints and name checks every time we cross. We feel like we are being watched." Male, 33, Damascus City

"Harassment is inevitable for young men because of name checks and reserve service, they also sometimes ask at the checkpoint about your whereabouts during the events, and what you used to do for work." Male, 39, Douma

"Yes, young men usually get scrutinized at checkpoints for reserve service or because of their security status. As for women, they sometimes check their names." Male, 37, Douma

"Many people are wanted by a certain authority for having to pay old taxes for example, and they are provoked at checkpoints to get money out of them or they get detained depending on the checkpoint." Male, 37, Douma

"They stop me whenever I go and come as they want, there are no standards, and sometimes they act well and other times they are very annoying depending on the officer." Male, 47, Douma

105 Their place of choice was not always the original areas where they used to live previously.

Feelings of unease while crossing checkpoints were reported by a majority of male respondents, mainly in Douma, but also in Rural Damascus and Homs, and to a lesser extent in Damascus City. Their main fear was being detained because of military service, but some also mentioned threats, provocations and scrutiny at checkpoints, as well as having to bribe for safe passages or for transporting goods and for not getting searched.

A few respondents in Homs report that some neighborhoods face more restrictions than others due to security reasons, but without elaborating what that meant for them exactly. Furthermore, the treatment at checkpoints also differs depending on immutable characteristics, for instance the region respondents are from, or their economic status.

INFLUENCE OF IDENTITY ON MOVING AROUND IN SYRIA

> *"Homs in general became divided into sectarian areas; there are certain neighborhoods that I cannot go into and I wouldn't want to anyway." Male, 40, Homs*

> *"The treatment of people [at checkpoints] varies according to the person conducting the inspection and also according to different people. They tend more to annoy people who look from the lower class, or from distressed areas, or from regions that have previously gone against the system." Male, 32, Damascus City*

> *"It [identity] affects their tone of speech, and they disrespect us based on our personal status registration, or they constantly question where did you come from and where are you going. I heard about people who were subjected to arrests and accountability just because they are from a certain area and are returning from Lebanon." Male, 40, Damascus City*

> *"In Syria, your identity affects everything, meaning the authorities treat you differently according to your background, and whether you are a man or a woman. Men experience more restrictions." Male, 50, Damascus City*

> *"Men have more freedom of movement. They may be interrupted by soldiers on checkpoints, but not by society." Female, 36, Damascus City*

In a similar vein, the UN Commission of Inquiry has documented how fear of arrests is significantly affecting the freedom of movement of Syrians living in government-controlled areas and opposition areas across Northern Syria. As stated by the Commission of Inquiry in February 2021, "Syrians are routinely denied return to their places of origin, notably due to restrictions on access placed by the Government and fear of arrest in retaken and formerly besieged areas."[106]

In addition, a September 2021 report by the Commission of Inquiry stated that several interviewees told the Commission how "the specter of arbitrary arrests remained omnipresent notwithstanding any "reconciliation" status, impeding their freedom of movement."[107] UNHCR has also described, in March 2021, how "ubiquitous checkpoints are reported to restrict people's

106 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/014/36/PDF/G2101436.pdf?OpenElement, p.10

107 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.6

ability to move within and out of retaken areas. Individuals seeking to return to retaken areas are also reported to have been subjected to the unlawful deprivation of property and arbitrary movementrestrictions."[108]

Severe restrictions to freedom of movement are also highlighted by the Humanitarian Needs Assessment Programme (HNAP). In a report published in September 2021, 69% of return communities in government-controlled areas that were assessed by HNAP indicated "severe or less suitable" mobility conditions, with only 1% of return communities describing mobility conditions as "more suitable." According to HNAP, 89% of Syrians displaced since 2011 have not returned to their community of origin.[109]

4.4. Physical, legal and material safety in Syria

UNHCR Protection Threshold 6: The physical, legal and material safety of refugees and returnees is ensured.

4.4.1. General socio-economic and humanitarian situation in Syria

Syria's dire economic situation has resulted in enormous levels of unemployment, poverty and widespread hunger. As reported by the United Nations in March 2021, 13.4 million Syrians are in need of humanitarian assistance, which represents a 21% increase compared to 2020. Governorates most affected are Aleppo (2.7 million people), Idlib (2.2 million), Rural Damascus (2 million), Damascus (1.1 million) and Homs, Hama and Hasakeh (0.8 million people each).[110] The Syria Humanitarian Response Plan is the largest humanitarian appeal in the world (4.22 billion USD), but as of 16 November 2021 only 37.8% of the appeal had been funded.[111]

Almost 90% of the population live below the poverty line, while 60-65% are estimated to live in extreme poverty (compared to 50-60% in 2019). Since the beginning of the COVID-19 crisis 300.000 jobs have been lost, and the overall unemployment rate stands at 50%. According to research by the Humanitarian Needs Assessment Programme (HNAP), the unemployment level among females aged 18-64 even reached 81% in 2021.[112]

The average food basket price has increased 236% between December 2019 and December 2020, and as of early 2021, 12.4 million people are food insecure[113] (including 1.3 million who are severely food insecure). 600.000 children are chronically malnourished, 90.000 children are acutely malnourished, and almost one in three pregnant women is anemic. According to the ICRC, access to safe drinking water has decreased by 40% in the past ten years.[114] The Syrian pound has dropped 78% in value between October 2019 and March 2021. In July 2021 the Syrian pound

108 https://www.refworld.org/docid/606427d97.html, p.59-60

109 Humanitarian Needs Assessment Programme (HNAP) (September 2021): "Community of Return Profiling. Syrian Arab Republic Edition 9 / September 2021"

110 https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf, p.3, p.7

111 https://fts.unocha.org/appeals/1044/summary

112 Humanitarian Needs Assessment Programme (HNAP) (September 2021): "Summer 2021 Report Series. Socioeconomic Situation".

113 https://www.care-international.org/files/files/CARE_Syria_Food_Security_Report_24_February.pdf

114 https://reliefweb.int/report/syrian-arab-republic/syria-water-crisis-40-less-drinking-water-after-10-years-war

further depreciated, reaching a monthly average of SYP 3,210/USD, which represents a 30% depreciation compared to 12 months before.[115]

2.45 million children were out of school in 2020 (a number that likely has further increased since), while 27% of households reported that their children are showing mental distress. 50% of health workers are estimated to have fled the country, while only 58% of hospitals and 53% of primary health care centers are fully functional.[116] Pro-government forces continue to unlawfully attack hospitals and schools, and to impede access to objects indispensable to the survival of the population, such as fuel and humanitarian supplies, including through the use of cluster munitions.[117]

People have increasingly resorted to negative coping mechanisms: 71% of households have taken on more debt since mid-2019, while child labour and child mariages have been reported in 22% and 18% of communities, respectively. Meanwhile remittances, on which millions of Syrians have relied to survive in the past 10 years, are estimated to have decreased from USD 1.9 billion to USD 800 million in 2020, due to the global economic contraction that was caused by the COVID-19pandemic.[118]

Meanwhile, experts and practitioners have expressed concerns about the potential negative impact of sanctions on Syria's economy. Although sanctions are not the main reason for the rapid socioeconomic deterioration in Syria, they have contributed to the country's socio economic ills and could lead to a deepening impoverishment of some sections of the civilian population[119]. In particular, the US Caesar Act that entered into force on 17 June 2020 has increased the threat for any investors to invest in or trade with Syrian entities in the future, resulting in "over-compliance" of sanction regimes by financial institutions.

In addition, concerns have been expressed by experts about the potential negative impact of sanctions on the delivery of humanitarian aid inside Syria. Reports by the UN Commission of Inquiry on Syria, the United Nations Economic and Social Commission for Western Asia (ESCWA) and IMPACT- Civil Society Research and Development have cited widespread confusion among humanitarian actors on how to navigate different sanction regimes; difficulties to obtain exemption licences (in particular for smaller actors with limited resources); the overly broad definition of what constitutes "dual-use goods"; and a "chilling effect" in which overlapping sanction regimes have created so much doubt and uncertainty on how to comply with all possible measures that banks, exporters, transportation companies and insurance companies have voluntarily refused to conduct business in Syria.[120]

115 https://reliefweb.int/report/syrian-arab-republic/syria-country-office-market-price-watch-bulletin-issue-80-july-2021.

116 https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf, p.6

117 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p.11

118 https://reliefweb.int/sites/reliefweb.int/files/resources/syria_2021_humanitarian_needs_overview.pdf, p.6-7

119 https://carnegie-mec.org/diwan/82153

120 https://impact-csrd.org/reports/Invisible_Sanctions_IMPACT_EN.pdf, https://s3.documentcloud.org/documents/3115191/Hum-Impact-of-Syria-Related-Res-Eco-Measures-26.pdf, https://reliefweb.int/sites/reliefweb.int/files/resources/G1824615.pdf

4.4.2. Access to livelihoods

In order to assess the livelihood situation within the areas of return, respondents were asked 1) what their main source of income was, 2) if that income covers their basic needs, 3) how many people their income supports, as well as 4) what they believe the barriers to stable employment are, and 5) what they would consider their household's highest priority need(s) to be.

The respondents agreed on the difficult living situation in Syria and the clear lack of livelihoods, as well as access to good services and income. In round three (March 2021), only 29% were able to cover their basic household necessities, 33% could somewhat cover them, and 41% were not able to do so. These numbers stayed almost the same in round four (August 2021). The 41% of respondents who were not able to cover their basic needs in 2021 represent a sharp increase when compared to the research rounds that RPW conducted in 2020, when 20% of respondents in Syria reported not being able to cover their basic needs with their income. These numbers are below the UN estimations, which might be explained by two factors. First, some people answered this question not only in regard to their income, but also if they are able to cover their basic needs together with aid and remittances they receive. Second, this might show that our sample is slightly higher than average regarding economic well-being.

As a result, people strongly relied on aid and assistance from relatives. Interviewees mentioned mainly economic reasons as barriers to the household gaining a stable income. These included the instability of the currency, high living costs and low salaries, the lack of job opportunities, as well as the lack of essential resources (diesel, electricity, fuel). COVID-19 - and the subsequent virus suppression measures - further restricted access to a stable income.

When asked about household priorities, the most frequently mentioned are electricity, access to fuel/diesel/gas for heating and transportation, better education, better health services, as well as generally better stability and security in the country.

> *"Things did not go as we had planned for them before our return, and the living, educational and social situations are very bad and not up to the standard." Female, 60, Rural Damascus*

> *"Life is now difficult and prices are very expensive, it is no longer like it was when we first returned; electricity and fuel are scarce." Male, 49, Rural Damascus*

> *"It would be difficult to live in Syria without money transfers from family and friends." Male, 40 Rural Damascus*

Returnees in the third round of research were also asked to compare how their condition was in Lebanon, and how it was at the time of the interview in Syria. 43% mention that their condition was (somewhat) better in Syria, mainly due to psychological and personal wellbeing and being in their "own" country, however 38% affirm that for them the situation was better in Lebanon. 19% of the interviewees see the living situation in Syria and Lebanon as similar, each having their respective advantages and disadvantages.

4.4.3. Access to electricity and fuel

In Rural Damascus and Homs, access to public electricity ranged between 30 minutes and 3 hours, with only a very few who reported receiving around 8 hours of electricity per day. In Douma and Damascus City, returnees in the third round of research reported public electricity can be available for up to 12 hours a day, often intermittently, for instance three hours on, three hours off. However, in the follow-up interviews conducted with the same returnees in round four, respondents residing in Damascus City and Douma reported that access to electricity is getting worse, with only between 2-5 hours of electricity available intermittently per day.

> *"Yes, [we are dependent on private electricity generators and the challenges are] the expensive and unstable prices that change every day; there are failures and no operating system; networks are exposed to robberies." Male, 57, Douma*

> *"We rely more on the battery although it requires electricity to recharge and many days we stay in the dark or rely on the candle light." Female, 22, Homs*

Both in Rural Damascus and Douma, people were very dependent on private electricity generators. Challenges involve the high and volatile costs, the shortage of diesel in order to run the generators, as well as failures and the danger of robberies. In Damascus City and Homs people often do not have access to generators and hence mainly depend on LED batteries, which are not always reliable as they need electricity to charge the batteries. A few people also have solar panels.

Moreover, in the third round of research (March 2021) no one in Syria has had adequate access to heating fuel during the past 12 months. 63% of respondents did not have access to heating fuel at all, while 37% received fuel only once or twice (mostly between 100-200 liters in total), which was not enough for the whole winter.

4.4.4. Access to water

Around 13% of respondents in round three and 20% of respondents in round four of research within Syria reported not having adequate access to drinking water. In Rural Damascus people are mainly dependent on submersible water pumps, as there is no main source of water – however, the efficacy of receiving water from submersible water pumps is directly connected to electricity. In Douma, 74% of respondents reported not receiving public water at all, with the exception of a few who reported that water was available for around 2 hours a day or intermittently, however this was noted with reservations regarding the provision of this service to begin with.

In Damascus City and Homs around a third of respondents respectively depend on expensive and sometimes unclean private water tanks to secure their access to water. In general, water is available when electricity is available as well. There was also a noted decline in the provision of public utilities between the third and fourth round of research.

4.4.5. Access to food

With the exception of a few, all the respondents indicated that food is generally available in their area, though it ranges from very bad to good quality and is, in any case, very expensive, sometimes being "unrealistic", as one respondent put it.

> *"We can access it easily but the prices have become very expensive and beyond what we can afford." Male, 29, Rural Damascus*

> *"Homs was a place where every poor person could live a decent life. Well, not anymore." Male, 67, Homs*

4.4.6. Access to healthcare

Access to health care depends quite strongly on the region. In the third round of research in Rural Damascus (March 2021) only one person surveyed was able to access health care services. In Douma, 25% of respondents were able to access medical services, in Damascus City 52% of respondents were able to access such services, and in Homs 61% were able to do so.

Overwhelmingly the respondents who reported that they or a family member who received medical care did so at a private clinic and at their own expense – however the cost was not verified. Healthcare access is therefore very limited, in spite of 30-50% of respondents in all regions reporting in the third round of research that either themselves or close family members have chronic diseases and therefore depend on such services. In round four an increased lack of medicines was also mentioned.

Only one person out of all the respondents received psychosocial support, and one person mentioned that her children received psychosocial support. Many highlighted that they do not believe that psychosocial services exist in their area, and some added that they have other priorities. Furthermore, one woman described that psychological support in Syria is not culturally accepted, stating that:

> *"We have a wrong idea about psychological support in Syria, where people think that a person is considered crazy if he visits a psychiatric clinic. There is not enough understanding in Syria regarding this specialty." Female, 27, Rural Damascus*

4.4.7. Access to education

From the respondents who participated in the third round of research in Syria that have children in school, only 23% would describe the public education as good. 28% see it as average and often worse in comparison to Lebanon, to before the war, and to the private sector in which the education is described as "somewhat good". 49% of respondents describe education as bad to very bad. This is mainly due to the shortage of teachers, overcrowded classrooms and lack of books in certain subjects.

> *"The most important thing is improving schools and education; the problem is that every now and then a kid gets injured or killed from remnants of the war and there's no one in charge working regularly on the removal of the remnants." Male, 37, Douma*

Generally there is no difference in educational access between boys and girls, however some children (especially boys) drop out in order to go to work. Several respondents also mentioned that children do not like or do not want to go to school, and that it can be dangerous to go to school because of remnants of the war or fights in the school. Furthermore, there are some challenges for returnees regarding having the documents proving they attended school at their age-levels in Lebanon to schools in Syria, and often refugee-returnees do not have their document.

4.5. Amnesty agreements

Protection Threshold 12: "Returnees fully benefit from an amnesty in Syria, except for those that are charged with a serious violation of international humanitarian law, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile. The amnesty includes those who evaded compulsory military service or reservist service, have deserted from the armed forces, have joined a non-state armed group, and who left Syria illegally and/or lodged an asylum claim abroad."

The lack of implementation of amnesty agreements has been documented by different UN agencies. The UN Office of the High Commissioner for Human Rights (OHCHR) has received reports of returnees who were detained following their return to Syria, in response to the amnesty decree issued in September 2019.[121] In its "International Protection Considerations with regard to people fleeing the Syrian Arab Republic", published in March 2021, UNHCR also states that:

> *"Since 2011, the government has issued a number of time-limited amnesty decrees outlining amnesties and sentence reductions for certain crimes and types of offenders. These amnesty decrees are reported to have had a limited impact on the release of real and perceived government opponents, many of whom are held under the Counter-Terrorism Law. Large numbers of real and perceived government opponents are reported to remain in detention, and arbitrary arrests continue. Those who were released based on an amnesty decree are reported to remain at risk of re-arrest. Amnesty decrees covering draft evasion and desertion only lift sentences associated with draft evasion or desertion, but do not eliminate the duty to perform military service."*[122]

Similarly, in a survey among more than 500 Syrians, published by the Syrian Association for Citizen's Dignity (SACD) in August 2021, 19% of those arrested were supposed to be covered by amnesty agreements. According to the SACD, "the amnesty laws are almost illusory, used to falsely demonstrate goodwill without the real release of those detained for political reasons and (they) do not represent a guarantee."[123]

121 https://www.refworld.org/docid/606427d97.html, p.114

122 https://www.refworld.org/docid/606427d97.html, p.60. For more background information, see also https://www.refworld.org/docid/606427d97.html, p.116-131

123 https://syacd.org/normalisation-of-horror/

4.6. Civil documentation

Protection Threshold 13: "GoS commits to recognizing changes in returnees' personal/civil status occurred, during the conflict, including in displacement and abroad (e.g. births, deaths, marriages, adoptions, divorces, custody – including the extension of Syrian nationality to returnee children born abroad and residence status with the possibility of it leading to naturalization for non-Syrian spouses). All returnees have access to affordable civil registration and documentation and validation of education certificates obtained abroad. Documentation issued by a competent authority indicating such changes is validated or re-issued."

Protection Threshold 14: "Appropriate evidentiary value is given to civil documentation issued by non-state entities and documentation issued in non-government controlled areas by local actors (e.g. birth attestation); and legitimate documentation issued by the competent Syrian authorities is recognized. For those not holding identity documentation, alternative forms of evidence is accepted. Documentation from UNHCR or other internationally-mandated organizations is recognized."

Protection Threshold 15: "Legislative measures allow for issuance of documents necessary to establish identity, family composition and nationality. To prevent statelessness, legislative measures are undertaken to ensure refugees born to a Syrian parent — female or male — are considered citizens of Syria, and birth certificates are issued to refugee children who are not in possession of such documents."

Only few respondents inside Syria (9%) were missing civil documentation documents (such as birth, death and marriage certificates; national ID cards; family booklet), mainly they needed to register their children (born in Lebanon and not yet legally registered in Syria) in the family registry.

The consequences of losing a document depends on the kind of document, while the loss of a military booklet and ID seems to be more complicated than other documents. Respondents who reported missing civil documents also reported being easily able to replace them. Most people mention that the consequences of losing them involve mainly routine procedures (filling in applications, fines or fees), but can take a long time, are expensive and a hassle. Civil registry offices were also reported to be operational in all the surveyed areas.

4.7. Housing, Land and Property Rights (HLP)

UNHCR Protection Threshold 17: "The Government sets up efficient, accessible, and affordable mechanisms to address housing, land and property (HLP) issues and to provide for property restitution and compensation in line with international law. Particular attention needs to be paid to the rights of returnee women heads of households and the rights of secondary occupants of refugees' property."

Unaddressed challenges to HLP rights act as a central impediment to the return of Syrian refugees and internally displaced Syrians. As noted by the EU and the UN during the Brussels V Conference on the Future of Syria and the Region (30 March 2021), HLP rights and their restitution are a "core factor for enabling Syrians to plan for a future life together in peace and dignity."[124]

Throughout the third round of RPW data collection inside Syria, several HLP-related issues were also highlighted. When returnees were asked about the state of their homes upon return, only 26% reported that their houses had not been damaged or robbed. In the remaining cases, 17% of the respondents reported that renovation on their houses was nearly finished, while 29% of the respondents reported that their homes were currently undergoing renovation. 28% of the respondents reported that rebuilding of their homes had not yet begun, mainly due to financial constraints.

25% of respondents also reported that they are at risk of losing their current place of residence, mainly because their houses are included in the new planning policies and compensation is not yet clear; due to family reasons; or because they are renting with lease contracts and hence are at risk of sudden rent raising or eviction. A large majority (80%) of respondents did not report any missing property ownership documents, and those that did also reported that they were able to replace them easily. When asked about the settling of property disputes, most of the respondents reported that there is a formal mechanism (for instance through the judiciary or mediators) available to file and follow up on these types of complaints in their area, and that they have no problem locating these.

> *"There are many problems in the country in this regard [regarding HLP] because the regime canceled all contracts in a period when it was not in control of the region. And the most common solutions are consensual between the parties through dignitaries or those who work in your field and also through law." Male, 48, Douma*

> *"Yes, there is a seizure on the house because of the old owner, as I did not finish the buying procedures of owning the house before the crisis, and I cannot do so now, as they claim that the old owner is a terrorist." Male, 38, Douma*

> *"I lost my house because the landlord raised the rent. Now, my family and I live in a room in the workshop I work in." Male, 40, Damascus City*

124 https://www.unocha.org/sites/unocha/files/20210330%20B5C%20CO-CHR%20FINAL%20EN.pdf

In addition to these RPW findings, several other sources have also described how threats to land tenure security have increased through changes to the legislative and regulatory framework.[125] For example, in February 2021 the UN Commission of Inquiry stated that:

> *"Lack of security of housing, land and property rights for the millions of affected Syrians was further deliberately compounded by legislation, policies and practices. At least 40 laws relating to housing, land and property have been passed since 2011, indicating a systematic push to reorganize the management of property rights in the Syrian Arab Republic, while raising concerns regarding the ability of all Syrians with property interests, in particular the displaced and refugee populations, to secure their rights."*[126]

In another report, issued in September 2021 and covering the period between 1 July 2020 and 30 June 2021, the Commission of Inquiry also reminded that the Syrian government continues to use the 2021 Counter-Terrorism Law to confiscate civilian properties. In addition, the government uses the recently amended military conscription law to freeze assets of individual Syrians and their family members.[127]

4.8. UNHCR access to returnees

Protection Threshold 19: "UNHCR's supervisory responsibility, which includes but is not limited to monitoring the voluntariness of the repatriation, the reintegration of returnees, and all interventions aimed at ensuring repatriation in safety and dignity, is respected."

Protection Threshold 22: "UNHCR is granted free and unhindered access to all refugees and returnees to monitor the conditions of reception and reintegration. Similarly all refugees and returnees, wherever located, including in detention centres and prisons (in liaison with ICRC), have access to UNHCR."

4.8.1. Main findings on UNHCR access to returnees

Slightly more than half of respondents (54%) in the third round of research were not followed up with by anyone after their return. Those that were, had mainly been contacted by aid organisations, for instance by the Red Cross doing needs assessments as well as distributing meals. These follow-ups most probably did not occur particularly because the respondents are refugee returnees, but are part of general services provided by those NGOs. Thirteen people had been contacted by the government for security questions. Only two people in Damascus City and two in Homs (3%) had been followed up with by UNHCR. These findings strongly confirm that a comprehensive system to monitor what happens to Syrian refugees once they return is currently lacking.

125 For a more in-depth discussion, see also https://reliefweb.int/sites/reliefweb.int/files/resources/trapped-in-between-lebanon-and-syria.pdf, p.32-34, https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf, p.52-54

126 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/014/36/PDF/G2101436.pdf?OpenElement, p.10

127 https//:documents-dds-ny.un.org/doc/UNDOC/GEN/G21/223/82/PDF/G2122382.pdf?OpenElement, p,8. For a more in-depth discussion, see also https//:www.refworld.org/docid606427/d97.html, p50

"Yes, they came to me from a [governmental] branch, I'm not sure which one, for a security study and asked me when I had left Syria and when did I return and what I did for work there." Male, 37, Douma

"I was called in twice after my return and they asked me questions about my activity in 2011 and what I did in Lebanon." Male, 33, Damascus City

When asked if anyone would contact the UNHCR In case of any problems, only 12% reported that they would do so. Most respondents (88%) would not contact UNHCR because they think they are not capable of solving the issues they have, that UNHCR does not have a presence on the ground, and that they do not know how to contact them. Furthermore, 16% of respondents specifically stated that they do not trust UNHCR, or could face security problems when contacting them as they fear, for instance, that UNHCR could be infiltrated by security authorities, or they could get in trouble with the state as they are not sure if contacting UNHCR is allowed.

"I don't know where [UNHCR] has headquarters or an office and I don't trust the people who work in it." Male, 32, Rural Damascus

"No, I could face a security problem if I contact [UNHCR]…and I don't know how to contact it." Male, 20, Rural Damascus

"I worry that [UNHCR] might be infiltrated by security authorities." Male, 33, Douma

"No [I would not contact UNHCR], in Syria everything is known to the security and intelligence forces and they could cause me problems." Male, 40, Homs

4.8.2. UNHCR's responsibilities in return monitoring

UNHCR's formal mandate for return monitoring is outlined in the UNHCR Handbook on Voluntary Repatriation, which states that UNHCR has the mandate to "monitor the status of returnees in their country of origin and intervene on their behalf if necessary."[128] The Handbook further explains that "monitoring must cover both the immediate consequences of repatriation, such as the fulfilment of amnesties or guarantees provided by the government, and the general enjoyment by returnees of human rights and fundamental freedoms on an equal footing with their fellow citizens", and that "UNHCR must have direct and unhindered access to returnees wherever they are located in the country of origin to monitor their safety and conditions".[129]

Importantly, the Handbook also clarifies that the situation of all returnees should be actively monitored by UNHCR, and that UNHCR monitoring of returnees should thus not be limited to returnees who have gone back under a formal repatriation agreement.[130]

128 UNHCR Handbook on Voluntary Repatriation (1996)

129 https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html

130 https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html. This understanding is also reflected in a training module published on the UNHCR website, which states that "returnee monitoring is one of UNHCR's core protection activities in the country of origin. UNHCR's monitoring role extends to all refugees who repatriate, whether or not through an organised repatriation operation or spontaneously" (emphasis added). https://www.unhcr.org/3bb822654.pdf, p.54

Moreover, it should be noted that UNHCR Syria has already developed a number of activities that are currently being offered to returnees, and that enables UNHCR to engage and follow up with both refugee and IDP returnees. However, as the data from the Syria research shows, UNHCR Syria needs to invest into trust building as well as become more visible for their target group in order to be able to have an impact.

Between January and October 2020 alone, UNHCR Syria has provided community-based protection to 864,696 displaced persons, returnees and host community members. Such protection activities to displaced persons and returnees included remote legal counselling (through hotlines), awareness sessions via virtual groups, and direct interventions of lawyers before courts and administrative bodies.[131] In addition, according to its own operational updates UNHCR Syria has been assessing the needs of returnees at the border entry points and a quarantine centre in Damascus, while also assisting families in their return areas in Syria.[132] UNHCR Syria does so through a country-wide network of 90 community centres, 106 mobile units, 38 satellite centres and 2,600 outreach volunteers.[133] Between January and October 2020, UNHCR Syria also conducted 471 missions to 74 sub-districts in Al-Hasakeh, Lattakia, Aleppo, Tartous, Homs, Hama, Damascus, Rural Damascus, Idleb, and Ar-Raqqa, which also visited return areas to meet with returnees and to produce sub-district profiles.[134]

In other words: UNHCR does have several methods at its disposal to follow up with refugees that have returned to Syria, in the current context. This includes direct follow up with refugee returns via telephone where there is consent to do so; missions to the field, including main areas of return for needs assessment; UNHCR's network of community centres, satellite centres, and mobile units across Syria; and UNHCR's network of outreach volunteers.

4.8.3. Need for international return monitoring mechanism

In contrast to UNHCR return monitoring mechanisms in other major forced displacement crises (Afghanistan, South Sudan, Myanmar and Venezuela), and despite having several methods at its disposal, UNHCR currently does not have any system in place to systematically monitor whether current returns to Syria can be considered safe, voluntary and dignified, in line with the international standards outlined in UNHCR's protection thresholds.[135]

The need for the creation of an independent international monitoring mechanism – that monitors the conditions for safe, voluntary, dignified and informed return of displaced Syrians - was highlighted in an in-depth RPW research paper that was published in July 2021. In this paper, RPW outlines the specific human rights challenges that displaced Syrians face, develops a set of general principles that should guide any future international monitoring effort, and assesses six specific options for the creation of an international monitoring mechanism.

In the paper, RPW concluded that two specific options that were identified - a UNHCR monitoring

131 https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf, p.4

132 https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf, p.2

133 https://reporting.unhcr.org/sites/default/files/Syria%20operational%20update%20May%202021.pdf, p.2

134 https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%20Operational%20Update%20October%202020.pdf, p.9, https://www.unhcr.org/news/latest/2021/7/60fefeff4/unhcr-statement-return-displaced-syrians.html?s=09

135 https://www.worldbank.org/en/country/syria/publication/the-mobility-of-displaced-syrians-an-economic-and-social-analysis, p.32, https://reliefweb.int/report/lebanon/trapped-between-lebanon-and-syria-absence-durable-solutions-syria-s-refugees, https://reliefweb.int/sites/reliefweb.int/files/resources/Into%20the%20Unknown_NGO%20Durable%20Solutions%20Report_FINAL%20EN.pdf, p.14

mechanism, and an interagency "Joint Monitoring Expert Team" - should be considered as the two most effective options, given the structural nature and involvement of key actors in both options. However, an interagency "Joint Monitoring Expert Team", has a number of additional (potential) advantages over a UNHCR monitoring mechanism, in terms of independence, access, public profile, multi-stakeholder partnerships, and ensuring the meaningful and equal involvement of Syrian CSOs and representatives of displaced communities.[136]

136 For more details, see https://11.be/sites/default/files/2021-07/RPW%20Monitoring%20Paper%20July%202021%20FINAL.pdf

4.9. COVID-19

According to the World Health Organisation (WHO), by early August 2021 approximately 355.500 doses of COVID-19 vaccines (including 55.500 doses in Northwest Syria and 19.354 doses in Northeast Syria) had been administered in Syria. This means that less than 1% of the total population was vaccinated with one dose and 0.6% with two doses, making Syria one of the countries with the lowest vaccination rate across the globe. An additional 2.36 million doses of vaccines are expected to be delivered to Syria through the COVAX Facility, including 493 680 doses allocated for northwest Syria. Although a substantial increase, the WHO warns that this is far from enough to reach the target 20% of the population planned to be vaccinated by the end of 2021.[137] Meanwhile, in Lebanon, as of 21 October 2021 25.4% of the total population had received at least one vaccine dose.[138]

4.9.1. Impact of COVID-19

Respondents in Syria from round three were asked on how COVID-19 has impacted their livelihoods and access to services. In round four they were additionally asked about their access to hygiene and sanitation materials and whether they have access to the COVID-19 vaccine.

According to respondents in the surveyed areas, the biggest impact of COVID-19 was the reduction in working hours, where a majority of respondents reported a further decline in their income and livelihoods as a result. Furthermore, many products became more expensive, and household expenditure rose as a result of the need to secure essential items, such as sanitizer and face masks. Moreover, because of the imposed curfews at various times, mobility and grocery shopping times were limited and, in most places, many services were halted during a certain period of time, which further exacerbated the worsening livelihood conditions, as mentioned by respondents in the section about livelihoods.

> *"It had a huge impact during the quarantine period because everything stopped. Now life is almost normal but the worst is the increase in prices that it caused." Male, 33, Damascus City*

> *"Because of my age and that of my husband, we stayed at home for fear of being infected, because the hospitals were overwhelmed with people and many died in the hospital; some people got infected from the hospitals." Female, 47, Damascus City*

The respondents in round three also mentioned that the closure of the border with Lebanon, the COVID-19 test imposed at the border, and the deterioration of the economic situation in Syria due to COVID-19, discouraged people from returning. For example, a respondent in Rural Damascus stated that: "When people saw what the reality is like now in Syria due to the pandemic and the sanctions, many of them postponed their return; in addition to the closure of the border too."

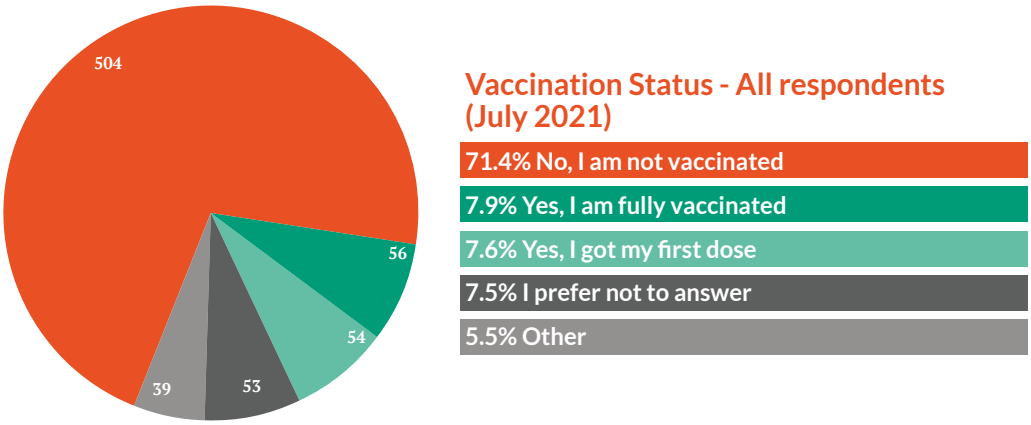
In round four, respondents were asked if they have access to the vaccine. 64% answered that they think they will have access, 27% answered that they won't have access, and 9% did not know if they would have access or not.

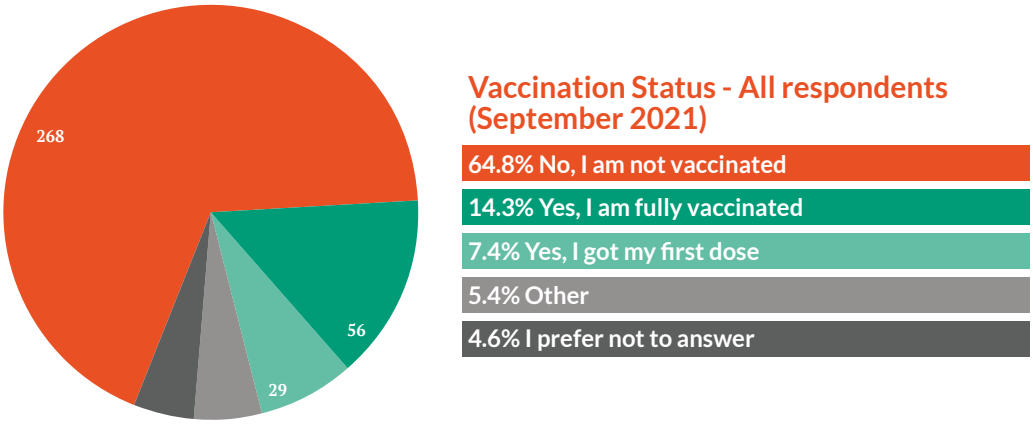
137 https://reliefweb.int/report/syrian-arab-republic/updates-covid-19-vaccination-syria-august-2021-enar

138 https://www.thenewhumanitarian.org/maps-and-graphics/2021/coronavirus-humanitarian-update-map-data-vaccine-aid-response

4.9.2. Access to COVID-19 vaccination/aid in Lebanon

In July 2021, 71.3% of the respondents in Lebanon indicated that they were not vacinated against COVID-19. Among the Syrian respondents this percentage was higher (78.7%) than amongst the Lebanese respondents (61.1%). In September 2021, this overall percentage was only slightly lower, with 68.4% reporting that they had not been vaccinated yet, with a similar difference between Syrian and Lebanese respondents (74.1% versus 58.1% respectively)

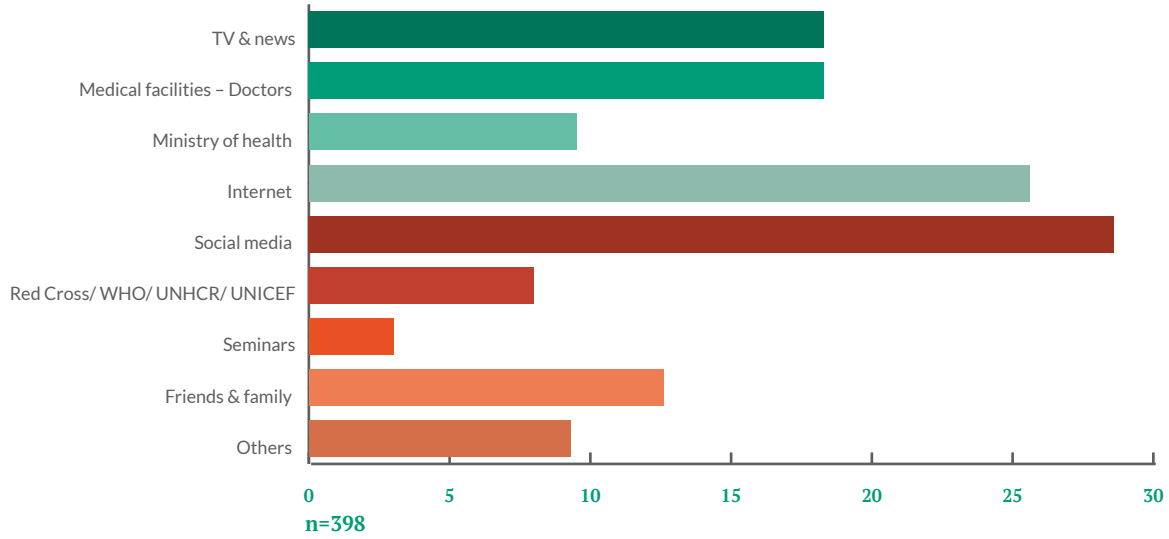




"Not wanting to be vaccinated" was the most frequently mentioned reason (31.8%) for being unvaccinated, followed by "registered and still waiting" (18.4%) and "I don't know where to go" (14%).

Even though 14% of respondents do not know where and how to get the vaccination, the majority (69.3%) of the respondents were aware where they could receive information about the COVID-19 vaccination programme. The respondents' main sources of information were social media (28.6%), the internet (25.6%) and medical facilities (18.8%), followed closely by TV and News (18.3%).

Where do you get information about the COVID-19 vaccination programme? - (July 2021)



4.10. Prospects and re-returns

4.10.1. Data collection inside Syria

Respondents in the third and fourth rounds of research were asked about their future prospects, specifically if they plan to stay in Syria medium to long term, or if they think about leaving again. Furthermore, the question was posed whether they know people that had returned to Syria and left again (so called "re-returns"), as well as if their relatives abroad planned to return to Syria.

FUTURE PROSPECTS: STAYING OR RELOCATING?

> *"We have no other place that we can go to, that's why we will stay in Syria." Female, 41, Homs*

> *"I don't know what to do. I want to travel illegally but I can't leave my sick mother." Male, 31, Rural Damascus*

The majority of respondents planned to stay in Syria in the medium to long term. However, that majority decreased from 73% in round three of RPW's research to 65% in round four. Several interviewees mentioned that this was because they did not see any alternatives, citing examples such as not having options for resettlement, lacking the financial means to leave, or not knowing where else to go. 23% of respondents in round three and 40% in round four[139] are thinking about leaving Syria again as soon as they can, and a few haven't decided yet if they want to leave again or stay.

139 With a few people that are thinking to stay but at the same time would use any opportunity to travel if they would get one.

RE-RETURNS

"A lot of people returned and regretted it, and some returned and settled down because Lebanon is expensive; it depends on each family and its financial situation; and some families only return to Syria for a visit and then go back to Lebanon, they are waiting for the situation here to improve to return for good." Female, 51, Douma

"My brother-in-law came back with me to see what the situation was like in the country, and he didn't like it and said that even if Lebanon is more expensive than Syria, it's still better and there are services available, so he returned to Lebanon and he is thinking of immigrating. My father also returned but he couldn't adapt or integrate so he traveled to Iraq." Male, 39, Douma

"My paternal cousin's wife went back to Lebanon after returning to Syria to settle down because my paternal cousin was forcibly enlisted in mandatory service so his wife returned to her parents' in Lebanon." Male, 33, Damascus City

56% of the respondents in round three and 63% in round four know others that returned to Syria but then left again to Lebanon, Egypt, Turkey, Sudan, or relocated to Afrin (Northwest Syria) or Erbil (Iraqi Kurdistan).

The issue of "re-returns" has been documented by other agencies as well. One third (23 out of 66) of the returnees documented in the 2021 Amnesty International Report decided to flee government areas inside Syria again, after being subjected to detention and abuse after their initial return.[140] This dynamic is also noted by UNHCR, which has stated that "not all refugee returns are sustainable with renewed displacement being reported."[141]

PROSPECTS OF RELATIVES ABROAD

"In these situations we want to get out. No one wants to return, no matter how bad the conditions abroad are, it won't be worse than here." Male, 40, Homs

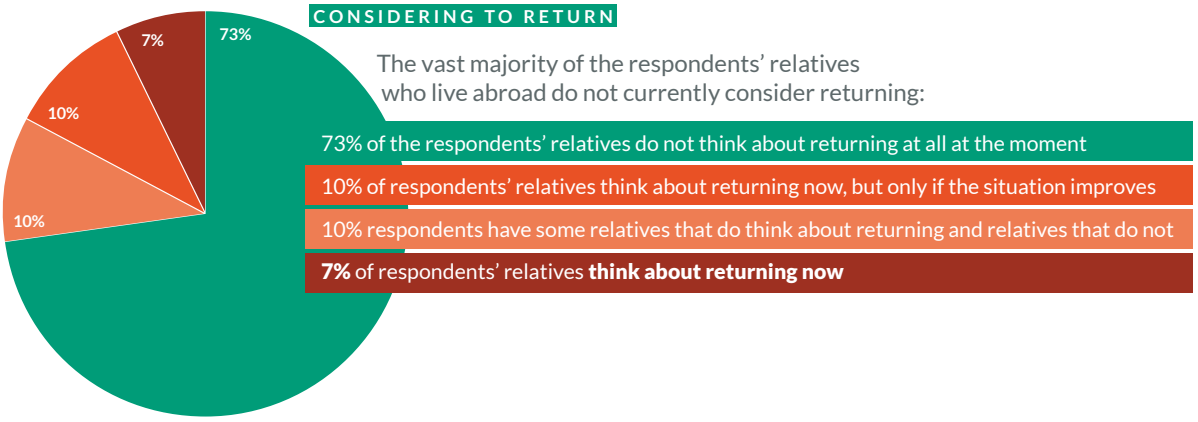
"They [my relatives] have no intention of returning [to Syria] at the moment; they benefited from our return before them and we didn't encourage them to come back." Male, 27, Rural Damascus

The vast majority of the respondents' relatives who live abroad did not consider returning. Only a few relatives abroad were thinking of returning, with the number decreasing from 7 to 4% from round three to round four.

While in round three 10% of the respondents mentioned that their relatives might return if the situation improves, this was not mentioned in round four. 10% of respondents in round three and 3% in round four had some relatives that do think about returning and others that do not. While in round three 73% of the respondents had relatives abroad who did not intend to return, this number increased up to 93% in round four.

140 https://www.amnesty.org/en/documents/mde24/4583/2021/en/, p.7

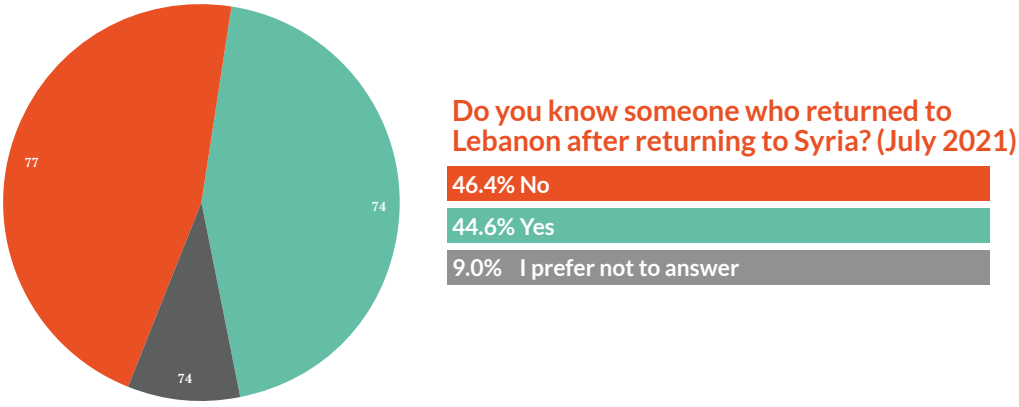
141 https://www.refworld.org/docid/606427d97.html, p.45

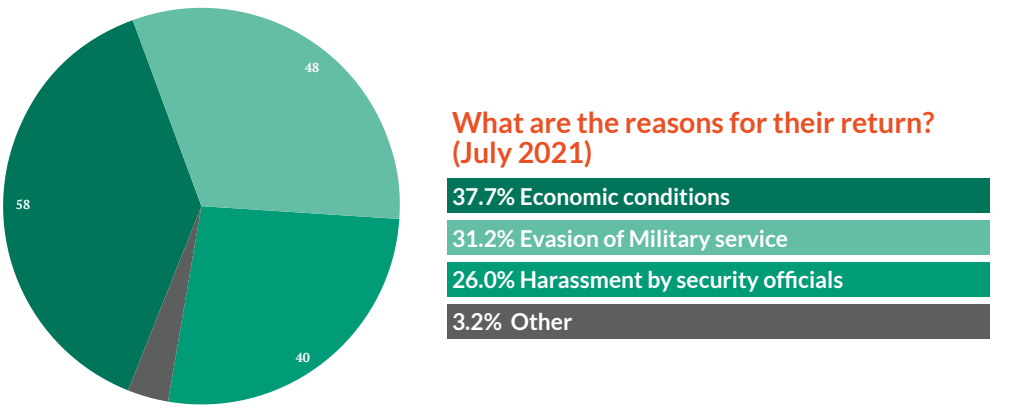


4.10.2. Data collection inside Lebanon

In March 2021, 82.2% of RPW's Syrian panel members in Lebanon reported being registered with UNHCR. Almost half of them (40.3%) had applied for resettlement. Three quarters of those who applied reported that they were rejected (76.1%), and only 2.1% said they were accepted.

74 of the Syrian respondents (44.6%) in July 2021 reported that they knew someone who had re-returned to Lebanon from Syria - meaning these individuals returned to Syria, but then decided to come back to Lebanon once again. Economic hardship in Syria (37.7%), evasion of military service (31.2%), and harassment by security officials (26.0%) were among the reasons for their re-return.

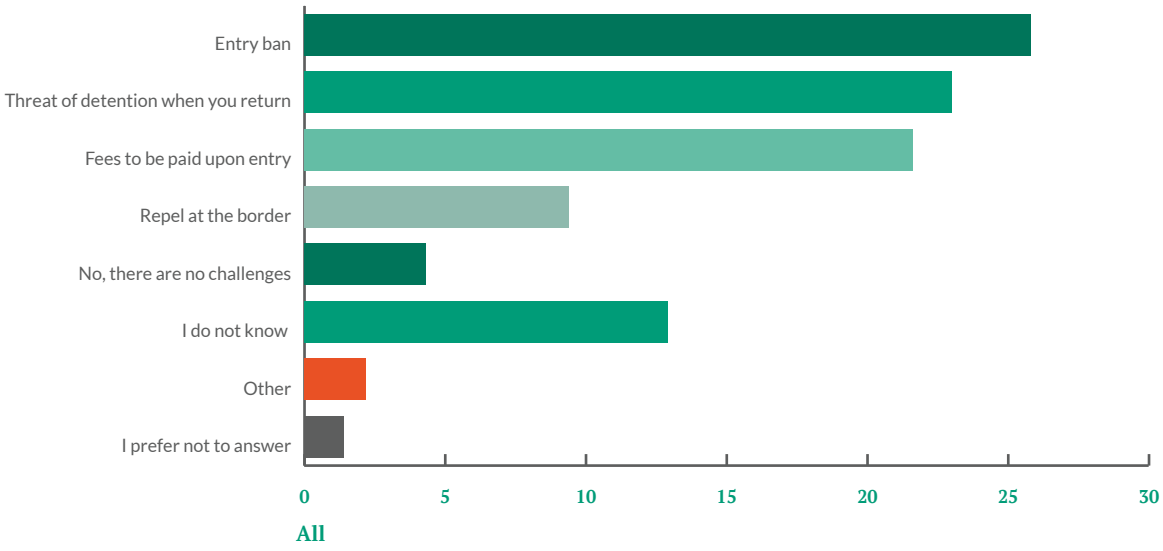




The overwhelming majority of so-called re-returnees entered Lebanon through smuggling (75.0%) rather than in a formal manner.

The high rate of smuggling, and hence illegal re-entry into Lebanon can be explained by the different fears that people have before crossing the border, which include, in order of significance, an entry ban (25.2%), detention (23.0%) and fees to be paid upon entry (21.6%). See chart below.

What are the main challenges that Syrians face when re-returning to Lebanon? (July 2021)



5. Recommendations

In light of the above findings, the Refugee Protection Watch Coalition recommends the following:

TO THE EUROPEAN UNION AND EU MEMBER STATES

- Take an active leadership role - within national, European and international fora - in the development and implementation of a comprehensive and more ambitious strategy and response to the Syrian refugee crisis, which is based on the UNHCR framework of "durable solutions" for international refugee crises.
- Maintain the position that Syria is not a safe destination of return, and that any (future) returns must be safe, voluntary, informed and dignified. In line with this position, the EU and its member states should not return people to Syria, and must immediately end policies and practices that remove refugee status or temporary protection status from Syria's displaced; halt the shift of national policies towards depriving certain categories of refugees from Syria of their protected status, or reverse this where they have already done so.
- Fully respect the principle of non-refoulement, and immediately put an end to all practices of pushbacks of Syrians who exercise their right to apply for asylum.
- Grant refugee status (rather than subsidiary protection status) to people who have left Syria since the beginning of the conflict and are now, or have been in the past, seeking asylum, without any restriction on the right to seek asylum.
- Actively support the creation of a robust international monitoring mechanism – on the basis of the UNHCR Protection Thresholds, and with sufficient resources – that closely monitors conditions inside Syria and the experiences of returnees, in relation to the requirements for safe, voluntary and dignified return to Syria.
- Continue to use the Protection Thresholds and Parameters for Refugee Return to Syria, as issued by the UN in February 2018, as the basis and cornerstone for European and UN discussions on policies regarding refugees from Syria.
- Increase resettlement numbers and other safe and formal routes to Europe for refugees from Syria; commit to improved responsibility-sharing between member states; and uphold the right to apply for asylum. To this end, immediately restart any asylum and resettlement procedures that have been halted due to COVID-19.
- Encourage the Government of Lebanon to repeal the 2015 decision to deport Syrians who entered Lebanon informally, and the 2019 decision to start deportations of Syrians; to adjudicate asylum cases on a case-by-case basis; to fully respect the principle of non-refoulement; to put in place a moratorium on all summary deportations and GSO-facilitated returns; allow UNHCR to resume the registration of Syrian refugees; and allow legal re-entry into Lebanon to displaced Syrians who returned to Syria but decided to leave the country again out of fear of persecution.
- Request UNHCR to structurally include and empower a diverse set of Syrian civil society to contribute to discussions and decision making about refugee policies, including in the UN-led Durable Solutions Working Groups at regional and national level.
- Develop a regular dialogue track between Syrian and regional CSOs and European policy makers.
- In addition to committing funds to COVAX, donors should donate vaccines to low-income countries, should initiate and support measures to increase global vaccine production and achieve vaccine equity, and should ensure that any implementation of internationally-funded vaccine schemes reach refugees and migrants.

- Immediately put an end to deportations and violations of the principle of non-refoulement, including push backs on all Mediterranean sea routes, and on land routes to Europe. Increase search and rescue capacity in the Eastern Mediterranean and provide predictable ports of safety to allow swift disembarkation of people rescued at sea.
- Support the creation of an independent process to increase transparency and accountability, and monitor effective access to EU asylum procedures, respect for fundamental rights and respect for the principle of non-refoulement at the EU's borders; and ensure that any such process is truly independent from national authorities, and well-resourced. In case of violations, the European Commission must be able to take effective measures to ensure accountability for rights violations.

TO THE GOVERNMENT OF LEBANON

- Uphold the right to asylum for refugees from Syria, and respect the principle of non-refoulement. Commit to a moratorium on summary deportations of displaced Syrians, as well as on all GSO-facilitated returns. In the event of any deportation procedures, ensure asylum seekers have access to full, independent, and impartial judicial case review as required by Lebanese law.
- Repeal the 2015 decision to deport Syrians who entered Lebanon informally, and the 2019 decision to start deportations of Syrians. Asylum cases must be adjudicated on a case-by-case basis, ensuring respect for the principle of non-refoulement.
- Allow UNHCR to resume the registration of Syrian refugees.
- Allow legal re-entry into Lebanon to displaced Syrians who returned to Syria but decided to leave the country again out of fear of persecution.
- Provide full clarity and transparency about the modalities of the so-called "return plan" issued by the Ministry of Social Affairs, and ensure that any such plan is based on humanitarian standards and takes into account the conditions for safe, voluntary, informed and dignified return outlined in the UNHCR Protection Thresholds. Halt any further steps towards promotion or implementation of the plan before a clear dialogue with relevant stakeholders – including with UNHCR, humanitarian INGOs and local CSOs – is conducted. Ensure migrants and refugees receive equal protection under the law, particularly against crimes of harassment, abuse and other egregious forms of discrimination.
- Facilitate access to legal residency for refugees from Syria in Lebanon, and increase the number of residence permits available which include the right to work. Ensure that both refugees and immigration officials in Lebanon have increased clarity and awareness of the documents required to obtain legal residence. Reduce the financial and documentation burdens to obtaining legal residency, and increase the length of the residency permits.
- Ensure needs-based humanitarian responses throughout all communities residing in Lebanon, and ensure that access to services (particularly health services) is provided in a non-discriminatory manner.
- Ensure that any COVID-19 measures are applied equally, and without discrimination between refugees and host communities. Ensure equal access to vaccinations for refugee, undocumented, and hard to reach communities, and provide accurate information about vaccines to all. Provide alternatives to online registration for vaccines, to ensure that those with no or limited access can receive one, and remove documentation requirements to receive the vaccine, as many refugees may not have sufficient documentation for this. Host country healthcare services should also deliver vaccines to rural and hard to reach communities, such as through mobile vaccination units.

- Ensure that humanitarian organisations in Lebanon receive the full value of donor funding, so that they can carry out humanitarian efforts with the greatest reach possible. Ensure humanitarian organisations are able to access dollars or other foreign currency, as transferred by the donor.

TO DONORS (INCLUDING THE EU AND ITS MEMBER STATES)

- Commit to and accelerate the provision of sufficient, predictable, flexible and multi-annual humanitarian, development and peacebuilding funding, taking into account the 2019 OECD DAC recommendation regarding the "triple nexus", to refugees from Syria and host communities, through dedicated funding mechanisms, including for example under the new Neighbourhood, Development and International Cooperation Instrument (NDICI- Global Europe).
- Accelerate and concretise aid localisation efforts and commitments, which involves committing resources to humanitarian, development, human rights, and peacebuilding programmes, and advocacy and research projects, by local organisations. Provide longer-term and flexible funding that is suitable for the context in which such organisations operate, and which includes adequate support for overhead costs to cover safety, health insurance, severance pay and other risk management priorities. Systematically include local CSO actors in the design, planning, coordination, implementation and evaluation of international cooperation interventions
- Ensure that humanitarian organisations in Lebanon receive the full value of donor funding, so that they can carry out humanitarian efforts with the greatest reach possible. Ensure humanitarian organisations are able to access dollars or other foreign currency, as transferred by the donor, and that recipients have the flexibility to disperse funds in the same form as provided, or as they consider most effective, rather than in a form at the discretion of the donor.
- Ensure that funds pledged during the Brussels V Conference on Supporting the Future of Syria and the Region are swiftly delivered, and that promised actions are carried out. Organise and attend a Brussels VI Conference in 2022, and commit to funding pledges which meet the needs of those affected by the conflict in Syria.
- Ensure sufficient additional funding in response to COVID-19 and urgently commit resources to support emergency response plans for COVID-19 testing and treatment, food assistance, hygiene promotion, healthcare, rent support and emergency cash and/or in-kind assistance, as well as awareness-raising activities, and equal access to vaccinations. In addition to committing funds to COVAX, donors should donate vaccines to low-income countries, such as Lebanon, should initiate and support measures to increase global vaccine production and achieve vaccine equity, and should ensure that any implementation of internationally-funded vaccine schemes reach refugees and migrants.
- Abstain from shifting significant resources to voluntary return assistance programming, and ensure that any such assistance does not come at the expense of support to refugees in host countries or incentivizes premature return.
- Make more resources available for Syrian-led and Syrian-owned research efforts that document protection concerns in areas of return and in host countries.
- Encourage needs-based humanitarian responses throughout all communities residing in Lebanon, and ensure that access to services (particularly health services) is provided in a non-discriminatory manner.
- Encourage an enabling operational environment for civil society organisations; including – but not limited to – taking the necessary steps to ensure that sanctions and related regulatory environments do not inhibit the work of humanitarian NGOs operating across Syria.

- Actively support the creation of a robust international monitoring mechanism – on the basis of the UNHCR Protection Thresholds, and with sufficient resources – that closely monitors conditions inside Syria and the experiences of returnees, in relation to the requirements for safe, voluntary, dignified and informed return to Syria.

TO UNHCR

- Maintain the position that people displaced from Syria should be granted refugee status.
- Continue to use the Protection Thresholds and Parameters for Refugee Return to Syria, as issued by the UN in February 2018, as the basis and cornerstone for UNHCR policies regarding refugees from Syria. Ensure that the 2018 version of the Protection Thresholds is systematically included in the upcoming review of the "Regional Operational Framework for Refugee Return to Syria."
- Take an active role in the creation of a robust international monitoring mechanism – on the basis of the UNHCR Protection Thresholds, and with sufficient resources – that closely monitors conditions inside Syria and the experiences of returnees, in relation to the requirements for safe, voluntary, dignified and informed return to Syria.
- In order to promote the voluntary and informed character of any individual return decision, increase efforts to ensure that refugees from Syria who consider returning have sufficient access to objective, reliable and up-to-date information about current conditions in their area of return in Syria, including protection risks and information gaps about such risks. Such information could be offered during voluntary return assessment interviews or on a dedicated website that contains detailed information regarding the conditions for return.
- Continue not to promote or facilitate voluntary repatriation of Syrian refugees as long as conditions for safe, voluntary and dignified return are not in place; and do dot incentivise premature return:
    - Ensure that humanitarian programming in both Syria and host countries does not pre-emptively focus on returns preparedness when conditions for safe, voluntary, informed and dignified returns are not met. At all times, UNHCR should communicate clearly and unambiguously to refugee populations (including during pre-return interviews) and host governments that any increased UN role in providing (limited) return assistance does not change the UN's position that present conditions in Syria are not conducive for voluntary repatriation in safety and dignity.
    - At all times, ensure that any return assistance programming does not come at the expense of humanitarian and development programming in neighbouring countries, where a large majority of refugees will likely stay in the medium- to long term.
    - Publicly clarify which specific criteria are being applied by UNHCR to determine what constitutes an "exceptional" basis and "clear and compelling reasons" for offering return assistance during phase 1.
- Ensure that a diverse set of Syrian CSOs is structurally included in, and have greater power in, discussions and decision making about refugee policies, including in the Durable Solutions Working Groups at regional and national level.
- Make resources available for Syrian-led and Syrian-owned research efforts, which document protection concerns in areas of return, and with regard to protection in host countries.
- Provide accurate information about COVID-19 vaccinations to refugee communities, and support access to such vaccinations for all.
- Provide clarity on how UNHCR resettlement processes are carried out to both refugees and CSOs, and encourage third states to increase resettlement numbers, and other safe and formal routes for refugees from Syria.

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