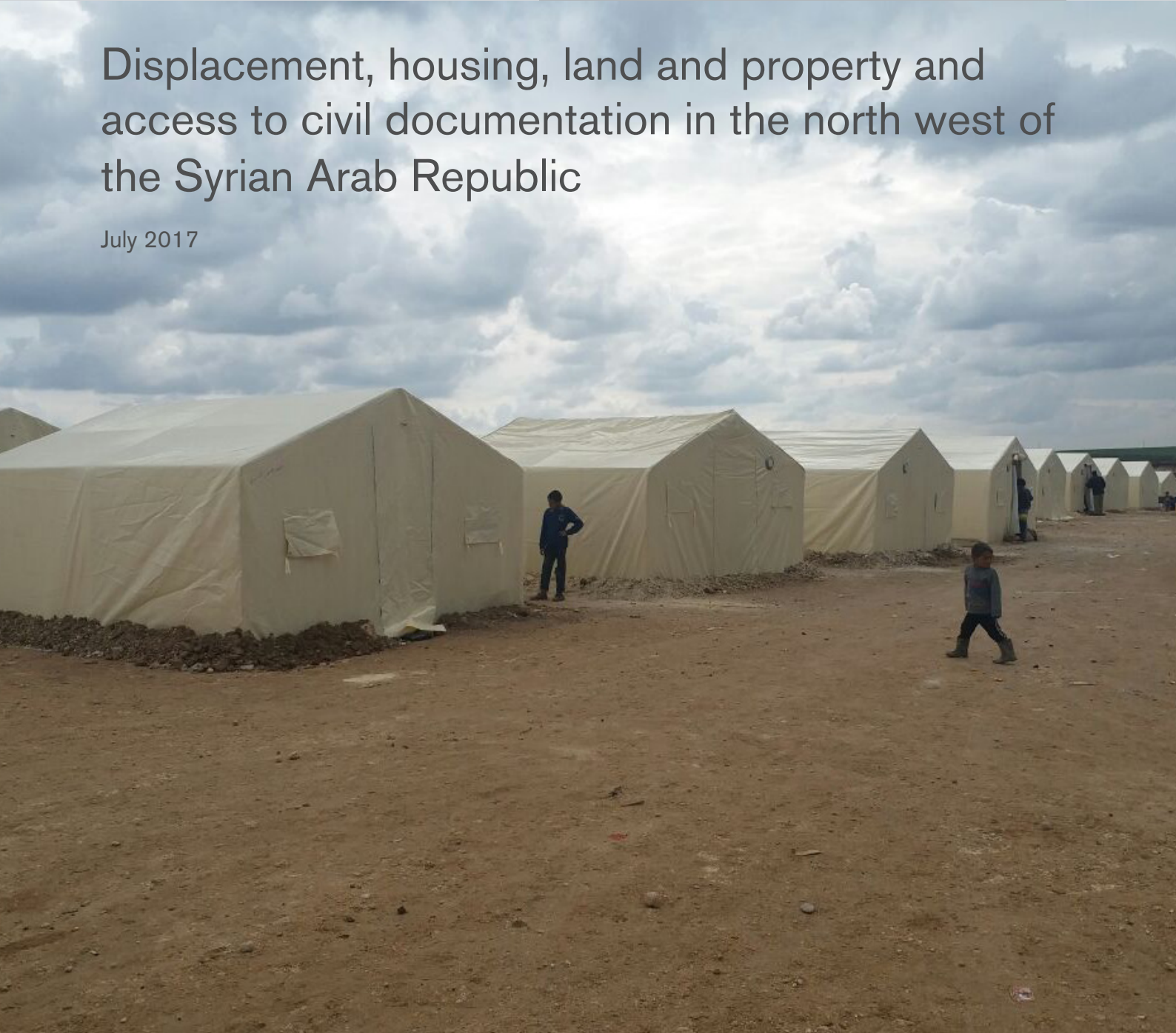


# Displacement, housing, land and property and access to civil documentation in the north west of the Syrian Arab Republic

July 2017



**Photographs:** NRC Photos

**Design and layout:** Christopher Herwig

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## ACRONYMS

CCCM	Camp Coordination and Camp Management
CEDAW	Convention on the Elimination of Discrimination Against Women
CRC	Convention on the Rights of the Child
FGD	Focus group discussion
FSL	Food security and livelihoods
HLP	Housing, land and property
HNO	Humanitarian Needs Overview
ICCPR	International Covenant on Civil and Political Rights
ICLA	Information, Counselling and Legal Assistance
IDP	Internally displaced person
KII	Key informant interview
NGCA	Non-Government-controlled area
NRC	Norwegian Refugee Council
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollars
WASH	Water, sanitation and hygiene

## EXECUTIVE SUMMARY

Housing, land and property (HLP) rights and civil documentation are critical needs of internally displaced people (IDPs) in north west Syria.

This research demonstrates that HLP rights and civil documentation concerns are widespread among IDPs in north west Syria and a foundational concern for the entire humanitarian response. The findings further provide a bleak outlook for early recovery and development efforts given the scale and degree of destruction reported.

### **Weak protection of property left behind**

- 41 per cent of respondents reported that their residence prior to displacement was either destroyed or damaged beyond repair.
- Only 25 per cent of surveyed households who had a property deed reported that it was still with them in good condition and only 30 per cent who had a court decision as proof of property ownership reported that they still had it with them in good condition.

### **Insecure tenancy**

- Only 26 per cent of households reported having a written agreement for their current accommodation and only 15 per cent felt sure that they could remain in their current accommodation for three more months if they wanted to.
- 11 per cent of households cited forced eviction and 92 per cent cited security reasons as a main reason for their re-displacement in the past 12 months.

### **Disputes over inheritance and ownership/ rental disputes were the most common**

- Inheritance and disputes over ownership and rental and hosting arrangements were reported as the most common cause of HLP-related disputes.
- IDPs commonly used a range of alternative dispute resolution mechanisms to resolve HLP disputes.

### **Limited civil documentation compounds vulnerability**

- Only six per cent of respondents reported having current access to government-issued civil documentation.
- Lack of civil documentation was reported as a hindrance to accessing humanitarian aid, education and to exercising freedom of movement.

### **Births go undocumented, youths have no proof of identity**

- 51 per cent of children under five years old were not listed in the family booklet and 13 per cent of children under five years old had no proof of any kind of their birth.
- Youths who turned 14 during the conflict – the age at which they would normally apply for a national identity (ID) card – were found to be at particular risk of having no national identity document.

## KEY RECOMMENDATIONS

1. Given the level of destruction and damage of HLP assets and HLP documentation highlighted by the assessment, significant funding is required for reconstruction and alternative accommodation; as well as investment in HLP initiatives such as awareness raising activities, legal counselling and legal assistance. The latter focuses on informing Syrian IDPs of the importance of protecting and recovering any documentation they have access to, as well as assisting them in proving, by alternative means, their ownership and occupancy rights to property they left behind when they were displaced. It will also be important that funding is provided for initiatives to preserve HLP records and enable IDPs to access them. Key messaging to those at risk of displacement should reiterate the importance of safeguarding documentation.
2. Humanitarian agencies should strengthen activities that promote tenure security for IDPs and protection against forced eviction. Given the high levels of insecurity of tenure of IDPs and the exploitation of the IDP population highlighted by the assessment, Camp Coordination and Camp Management (CCCM), shelter, water, sanitation and hygiene (WASH), food security and livelihood (FSL) and early recovery actors need to perform due diligence in order to ensure that they are dealing with the lawful owner of the property on which the interventions they conduct take place and that the necessary agreements are in place so as to ensure that IDPs are able to remain in accommodation provided and/or use land on which these interventions take place, without the threat of forced eviction. They also need to ensure that IDPs are able to remain on the land/ in the property on/in which the intervention takes place for a reasonable period of time and make use of written agreements to document IDPs' and owners' rights and responsibilities. The assessment also highlighted an urgent need for rental support interventions.
3. Programmes aimed at providing information and assistance on safeguarding, updating or replacing documents should pay particular attention to women's disproportionate lack of civil and HLP-related documentation. In particular, shelter, CCCM and other humanitarian actors need to ensure that women's names are recorded on documentation such as handover certificates and rental agreements so as to better protect their rights.
4. IDPs and others living in areas outside of Government of Syria control need to be able to register life events and access civil documentation that will be officially recognised in order to avoid the risk of statelessness and protect other rights in the short and longer term. UNHCR and other UN and international actors need to engage with and facilitate the Syrian authorities in this regard. It will also be important to ensure that those who have accessed unofficial documentation, often obtained by IDPs to secure basic emergency needs, are not prejudiced in any way for having done so.
5. Given the widespread challenges for IDPs in obtaining civil documentation, it is crucial that humanitarian actors providing assistance, donors supporting relief activities, and authorities do not make the delivery of life-saving humanitarian assistance contingent upon the possession of civil documentation, and that other forms of documentation are acceptable as a means of proving the identity of humanitarian aid recipients (for example, witness statements,



- Mukhtar<sup>1</sup> declarations etc.). Additional information should be sought on current practices relating to the reported requirement of identification papers by humanitarian agencies.
6. Protection and education actors should consider paying particular attention to access to education for students without national ID cards, since proof of identification is a prerequisite for enrolment for the 9th and 12th grade exams.
  7. Health and protection actors should consider the value of providing birth and death notifications, which can be issued by medical staff. These may support later applications for birth certificates and/or the registration of children in family booklets, as well as assisting in proving death which is important, inter alia, for inheritance. Additional information should be sought on the current practices of medical staff in relation to the issuance of birth and death notifications.



<sup>1</sup> Mukhtar – A local leader appointed by Syrian central government in an executive function at community level in Government of Syria controlled areas. Since 2011, sub-districts outside the control of the government may have appointed their own mukhtars in the absence of central government control.

## BACKGROUND

### What are housing, land, and property rights?

Housing, land and property rights are about having a home free from the fear of forced eviction and a place that offers shelter, safety and the ability to secure a livelihood. HLP rights are referenced and defined in several international human rights instruments,<sup>2</sup> as well as in national law in Syria, for instance, in the Constitution of the Syrian Arab Republic.<sup>3</sup> Organisations providing protection and assistance to persons affected by conflict should respect the human rights, including HLP rights, of affected persons at all times, and advocate for their promotion and protection to the fullest extent. The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally, both public and private housing, land and/or property assets.<sup>4</sup>

HLP rights include:

- the right to adequate housing
- the right of access to natural resources, such as land and water
- the right to security of tenure and protection against forced eviction
- the right to non-discrimination in accessing HLP rights, which often entails special protection for the most vulnerable and marginalized persons

The ongoing war in the Syrian Arab Republic (Syria) has resulted in severe housing damage both in urban and rural areas. As in other parts of the country,<sup>5</sup> in north west Syria,<sup>6</sup> multiple displacements, the destruction of housing and infrastructure, and lack of livelihoods and income

<sup>2</sup> For example, Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which was ratified by the Syrian Arab Republic in 1969, recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing”. The General Comments of the ICESCR are also binding upon the Syrian Arab Republic, including General Comment 4 on “The Right to Adequate Housing (Art. 11 (1) of the Covenant)” and General Comment 7 on “The right to adequate housing (Art.11.1): forced evictions”. A further example is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by the Syrian Arab Republic in March 2003, which explicitly protects rural women from discrimination with respect to matters relating to HLP in Article 14 (2) (h) of CEDAW. The Guiding Principles on Internal Displacement also specifically address HLP issues, for example, the right to an adequate standard of living (Principle 18), protection from pillage and arbitrary deprivation of property (Principle 21), and responsibilities relating to the recovery of property (Principle 29).

<sup>3</sup> See, for example, Article 15 of the 2012 Constitution of the Syrian Arab Republic which states: “Collective and individual private ownership shall be protected in accordance with the following basis: 1. General confiscation of funds shall be prohibited; 2. Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law; 3. Confiscation of private property shall not be imposed without a final court ruling; 4. Private property may be confiscated for necessities of war and disasters by a law and against fair compensation; 5. Compensation shall be equivalent to the real value of the property.” Available at [https://www.constituteproject.org/constitution/Syria\\_2012.pdf](https://www.constituteproject.org/constitution/Syria_2012.pdf). Last accessed on 6 June 2017.

<sup>4</sup> More information on the scope of HLP can be sourced from the HLP Area of Responsibility of the Global Protection Cluster, <http://www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property/hlp-area-of-responsibility.html> and from Norwegian Refugee Council (2011) Housing, Land and Property, Training Manual.

<sup>5</sup> See NRC and UNHCR’s report regarding a similar assessment that was conducted in the south of Syria: Displacement, housing, land and property and access to civil documentation in the south of the Syrian Arab Republic, dated June 2017.

<sup>6</sup> The assessment in the north west of Syria was conducted in accessible non-government controlled areas in the following 21 sub-districts: Idleb City, Ma’arat Al-No’mān, Darkosh, Salqin, Dana, Maaret Tamasrin, Badama, Jisr-Ash-Shugur, Harim, Sanjar, Kafr Nobol and Ariha in Idleb Governorate; and Atareb, Azaz, Jebel Saman (Aleppo City), Daret Ezzeah, Jarablus, Ghandourah, Ar-Ra’ee, Hadher and Ain Al Arab in Aleppo Governorate.

generating activities have forced both IDP and host populations to reside in overcrowded and sub-standard shelter conditions, with an impact on their welfare and exposing them to significant protection risks. In the 2017 Syria HNO (Humanitarian Needs Overview),<sup>7</sup> HLP issues were identified in 95 per cent of surveyed sub-districts in Aleppo Governorate<sup>8</sup> and 100 per cent of surveyed sub-districts in Idleb Governorate.<sup>9</sup> In Aleppo Governorate, the most commonly reported HLP issues were damage to property (occurring in 82 per cent of Aleppo's sub-districts); unclear or constantly changing rules in relation to HLP (68 per cent); unlawful occupation of property (63 per cent); no access to property due to lack of funds; and looting of private property (in both cases, 61 per cent).<sup>10</sup> The reported situation in Idleb Governorate was worse with all HLP issues reported in excess of 80 per cent, and often closer to 100 per cent, of sub-districts assessed. The most reported HLP issues were damage to land and property, unaffordable housing and the unavailability of housing (all 100 per cent); closely followed by rental disputes, unlawful occupation and inability to access property due to security (96 per cent); looting of private property (88 per cent); no access to property due to lack of documents (84 per cent); and unclear or constantly changing rules in relation to HLP (81 per cent).<sup>11</sup> Other HLP challenges include illegal and undocumented HLP transactions; HLP disputes; limited access to land for livelihoods; land contamination with explosive hazards; and lack of personal and HLP documentation (the former being a requisite to obtain HLP documentation). In addition, displaced women face particular barriers in accessing their HLP rights: they are less likely than men to have property documents in their name, less likely to be decision-makers in their household, and they are often expected to inherit less than would their male counterparts.<sup>12</sup>



<sup>7</sup> In all cases where data from the HNO is reported, the percentage provided is the percentage of assessed sub-districts reporting the HLP issue.

<sup>8</sup> 2017 Humanitarian Needs Overview, 52

<sup>9</sup> 2017 Humanitarian Needs Overview, 156

<sup>10</sup> 2017 Humanitarian Needs Overview, 48

<sup>11</sup> 2017 Humanitarian Needs Overview, 154

<sup>12</sup> Housing, Land and Property (HLP) in the Syrian Arab Republic, Norwegian Refugee Council (NRC), Briefing Note. May 2016, 9



Civil documentation is not only a prerequisite to obtaining HLP documents and necessary for the recognition, exercise and full realisation of HLP rights, it is also a cross-cutting enabler for other rights, including the right to education, adequate healthcare and freedom of movement. The 2017 HNO showed that lack of civil documentation was reported as an issue in 95 per cent of surveyed sub-districts in Aleppo Governorate<sup>13</sup> and in 100 per cent of surveyed sub-districts in Idleb Governorate.<sup>14</sup> The main reasons for lacking civil documents in Aleppo Governorate were the lack of available services providing civil documents (79 per cent); civil documentation had never been accessed (74 per cent); civil documentation was unaffordable (74 per cent); and civil documentation had been lost (66 per cent).<sup>15</sup> Again, the reported situation was worse in Idleb Governorate. 100 per cent of surveyed sub-districts had occurrences of respondents who had never had documentation, had lost it or there were no services available to access civil documents. It was also reported that respondents did not attempt to obtain documentation (92 per cent); had no trust in or placed no value on civil documents issued (88 per cent); could not afford civil documentation (85 per cent); or civil documentation had been confiscated (69 per cent).<sup>16</sup>

The risky or insurmountable challenges of acquiring, replacing or renewing expired civil documentation in Syria require attention, as do associated challenges for protecting HLP rights. There is a need for forward-thinking programming and policy change, particularly for those displaced since 2011. Such change should consider the specific barriers that displaced communities face, with an enhanced focus on the protection of HLP rights as a cornerstone of multiple humanitarian sectors, such as shelter, CCCM, FSL, agriculture, and WASH, as well as an important catalyst to bridge to early recovery and development interventions. Failure to consider HLP rights in the humanitarian response could compound existing inequalities and discriminatory patterns and could ultimately hinder securing durable solutions for IDP and/ or refugee returns.

Noting the pervasive nature of HLP and civil documentation concerns presented in the Protection Needs Overview, the United Nations High Commissioner for Refugees (UNHCR) and the Norwegian Refugee Council (NRC) undertook an assessment to improve understanding of the HLP and civil documentation environment in non-government-controlled areas (NGCAs) of Aleppo and Idleb Governorates. UNHCR and NRC undertook a similar study in the south of Syria, also in late 2016, coordinated through the Amman Hub of the Whole of Syria coordination mechanism. This report presents the key findings from the research in the north west of Syria.

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13 2017 Humanitarian Needs Overview, 52

14 2017 Humanitarian Needs Overview, 156

15 2017 Humanitarian Needs Overview, 48

16 2017 Humanitarian Needs Overview, 155

## METHODOLOGY AND VALIDITY

The assessment is based on qualitative and quantitative data. Data was collected and reported by a team of enumerators and other staff working for an NGO contracted by NRC to conduct the data collection. The NGO is hereinafter referred to as 'the research team'. The research team members were based in the governorates of Aleppo and Idleb, as well as in Gaziantep (Turkey). All data was collected from October to December 2016. The assessment was conducted only in NGCAs which the research team could access.

Quantitative data was collected through a household survey of 600 IDP households, including basic information on all family members in the household for a family member dataset representing 3,141 persons.

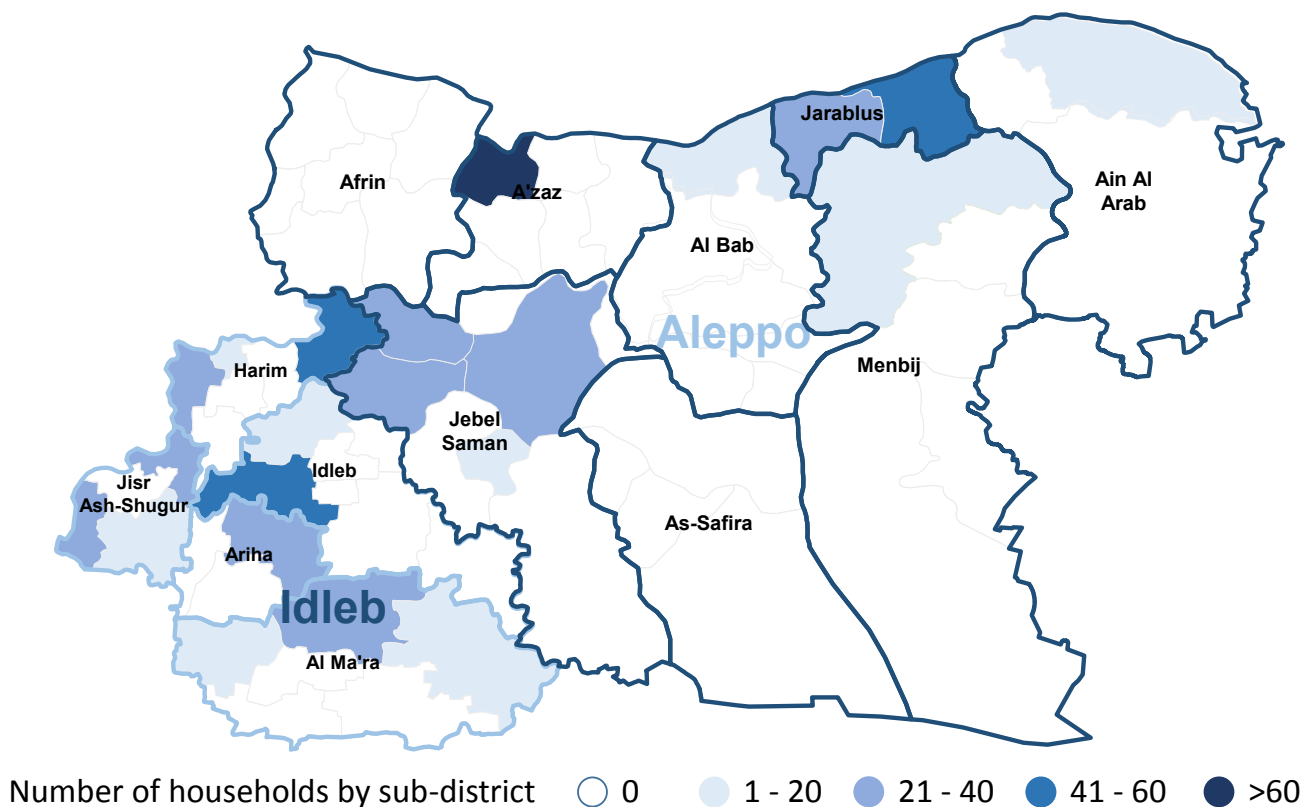


Figure 1: Household survey (n=600): Number of households by sub-district

For the household survey, NRC and the research team reviewed recent information available for the sub-districts in the two governorates included in the assessment, including consideration of the HNO data for 2017<sup>17</sup> and CCCM Cluster Northern Syria Displacement Tracking Data.<sup>18</sup>

21 sub-districts that the research team were able to access were selected

17 Available at <http://hno-syria.org/#more-information>. Last accessed on 6 June 2017.  
 18 Available from the CCCM Cluster. The data considered was that at 30 June 2016.

for data collection. All areas that were insecure or controlled by armed groups that did not permit operations were excluded from the assessment.

To select IDP household units in each sub-district, NRC and the research team assessed the types of accommodation in the CCCM's Displacement Tracking Data and sought to proportionally sample the amount of respondents from each sub-district relative to the size of the IDP population and their distribution across different types of accommodation, including in and around informal camps<sup>19</sup> in other accommodation, including collective centres,<sup>20</sup> and in urban host community settings. Once the breakdown by accommodation type was agreed, the research team used random sampling to identify the individual households which were surveyed.

The survey focused on head of household respondents but also aimed to ensure that an equal number of female and male respondents were reached. Given that women are less likely to be household heads, the research team sought to survey heads of household or, alternatively, the most important female in the household to incorporate enough females into the research. 74 per cent of the females interviewed identified themselves as the most important female in the household, while 26 per cent identified themselves as the household head.

There were dramatic differences in the reported marital status between the males and females interviewed. As discussed in the report, marital status is an important consideration in relation to realising HLP rights and civil documentation. The majority of those interviewed (59 per cent) reported that they were married; however, the vast majority of these were male, with 95 per cent of male respondents reporting that they were married, while only 23 per cent of female respondents reported that they were married. Almost a third of those interviewed were widowed. Females were vastly over-represented in this category, with 62 per cent of the total number of females surveyed reporting that they were widowed, while only three per cent of males surveyed reported that they were widowed. There were a number of factors that are likely to contribute to this, among them the fact that widowed females are less likely to remarry than widowed males as, if they do, they are at risk of losing custody of their children.<sup>21</sup> Eight per cent of those interviewed were divorced and again, females were over-represented in this category, with 14 per cent of the total number of females surveyed reporting that they were divorced, while only one per cent of surveyed males reported that they were divorced. Divorced females face significant challenges in remarrying in comparison with their male counterparts. Only

<sup>19</sup> These are also referred to as informal settlements by the CCCM Cluster in northern Syria. They are defined as follows: 'a group of tented or other types of housing units established by IDPs themselves, or by non-experienced actors, often erected on land to which the occupants have no legal claim.....[M]ost of the IDP camps in Syria fall under this category. Note that the humanitarian actors operating inside of Syria often make a distinction between formal camps and informal camps. Both of these accommodation types fall under the CCCM definition of informal settlement. The main distinction is that formal camps involve more structures and have set up a systematic mechanism for representation at the community level.' CCCM Cluster in Northern Syria (2016) Member Induction Package, published 2 August 2016, Global CCCM Cluster and UNHCR.

<sup>20</sup> These are also referred to as 'collective shelters' and are defined as follows by the CCCM Cluster in Northern Syria: 'Other types of settlements, i.e. public buildings, schools, private collective buildings, e.g. factories, which are inhabited by five or more IDP families.' CCCM Cluster in Northern Syria (2016) Member Induction Package, published 2 August 2016, Global CCCM Cluster and UNHCR. Note that there are relatively few collective shelters in Idleb and Aleppo governorates. The CCCM's Northern Syria Displacement Tracking figures as at 30 June 2016 (which were accessed from the CCCM Cluster in Gaziantep by NRC prior to the assessment) demonstrate this. Of the 85,554 households tracked, only around seven per cent were living in collective centres. Those living in collective centres are under-represented in the assessment that was conducted in north west Syria

<sup>21</sup> Under Article 138 of Syrian Personal Status Law, Legislative Decree 59/1953, a woman loses her right to the custody of her children if she remarries a man outside of her deceased husband's immediate family. This provision of the law is only applied if the deceased husband's family makes a complaint.

one per cent of the total number of households surveyed (both males and females) reported that they were single. The research demonstrated that women are more negatively impacted than men in a number of respects, for example, females were far less likely to work than males (71 per cent of those who reported working were male, whilst only 29 per cent were female); were more likely to report that they were reliant on family members as their main source of income; and were more likely to report having no income (32 per cent of females as compared with 15 per cent of males). It is, therefore, important to appreciate the profile of the majority of the women interviewed, 76 per cent of whom were widowed or divorced.

The qualitative data was collected through 12 focus group discussions (FGDs), six of which were conducted solely with females and six of which were conducted solely with males. In addition, 20 key informant interviews (KIIs) were conducted with 17 male respondents and three female respondents. The FGDs aimed to capture a wide range of views across male and female community members, including IDP, host community and returnee participants in the sub-districts included in the survey which had high numbers of IDPs; while the KIIs aimed to obtain specific information from de facto local authorities<sup>22</sup> or other individuals involved in some way in the administration of HLP and civil documentation or in HLP dispute resolution in a variety of locations within each governorate.

The research<sup>23</sup> was designed so as to produce information that is useful for humanitarian actors and others who are supporting populations in the covered areas of north west Syria in various types of interventions, notably legal counselling and assistance and shelter support, as well as to inform advocacy on behalf of IDPs and other affected persons. However, logistical and practical constraints shaped the research process. The household data is not fully representative of all IDP households in north west Syria or of the IDPs residing in the two governorates selected for inclusion in the assessment at the time of the survey. Not all sub-districts were included in the assessment and the sample therefore more accurately represents IDP households in the sub-districts of Aleppo and Idlib which were accessible to the research team, stratified by accommodation type. It is hard to fully identify the bias that this selection process introduces into the sample (i.e. how different this sample is from a random selection of IDP households across all sub-districts of Aleppo and Idlib governorates, or indeed the whole of Syria, stratified by accommodation type). However, for those sub-districts in NGCAs which were inaccessible due to insecurity, the findings – if anything – are likely to underestimate the challenges and protection issues reported by the survey respondents. It is a safe assumption that IDPs who live in sub-districts rendered inaccessible due to safety issues could likely report more challenges in accessing their HLP rights and exercising their right to legal identity and civil documentation.

The research team relied on the triangulation of all the research findings across multiple sources of data, in particular the comparing of quantitative findings with the qualitative data, as well as cross-checking the data with a similar assessment carried out by NRC in the south of Syria.<sup>24</sup>

22 De facto authorities refer to actors that have assumed authority in areas outside of Government of Syria control and exercise effective control over the territory.

23 The same quantitative and qualitative tools were used for the assessments conducted in both the north west and in the south of Syria to ensure consistent and comparable data collection.

24 Note that the International Rescue Committee (IRC) also recently conducted an assessment on civil status documentation in Idlib city and Saraqeb, Idlib. See 'Civil Status Documentation in Idlib Governorate in Northern Syria', dated March 2017. The relevant findings of the IRC assessment were also taken into account by NRC.



## KEY FINDINGS

NRC's assessment identified a number of key HLP issues and identity and civil documentation challenges, which are highlighted in this assessment report. The civil documentation challenges highlighted relate to both IDPs and host community members in areas outside of Government of Syria control in Idleb and Aleppo Governorates. The HLP challenges identified are primarily faced by IDPs, both in areas of displacement outside of Government of Syria control in Idleb and Aleppo Governorates, and in their areas of origin throughout the country.

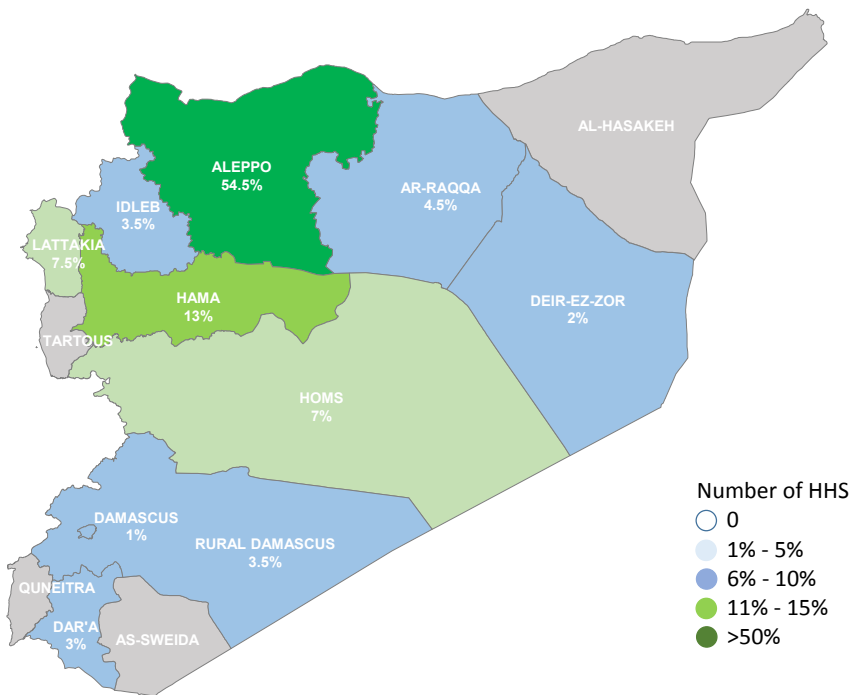


Figure 2: Respondents (n=600) by governorate of origin

### Overview of the Syrian HLP legal framework

The system and practice of land administration established during the Ottoman period heavily influenced Syria's current land tenure systems. Examples include the use of the tabou<sup>25</sup> to represent ownership rights over land and property; the use of witness testimony where documents were lost; and the role of Shari'a Courts to effect the transfer of property rights.

Significant law reforms were introduced after World War II, responding to demands for more equitable access to land. These policies established maximum amounts of land that could be held by individual families, with the aim of giving access to land to peasants, and ensuring that farmers obtained fairer shares of production in the case of sharecropping.<sup>26</sup>

<sup>25</sup> Tabou is a technical term for a title deed in Syria. However, FGDs conducted in connection with the assessment in South Syria revealed that the same word is commonly used to refer to a range of less binding documents that might contribute to legal proof of property ownership.

<sup>26</sup> Maximum Limit of Individually Owned Landholdings under Agrarian Reform Laws or Decrees of 1958, 1963, and 1980 (i.e. Law No. 161 of 27 September 1958; Legislative Decree No. 88 of 23 June 1963, With the Changes Made in Legislative Decree No. 31 of 14 May 1980 in parentheses) and Agricultural Relations Law (Law No.134) of 1958.

The Syrian Civil Code of 1949 has played an important role in the development of the current land tenure system. The Code divides land into five categories:

1. mulk – Land “susceptible to full ownership lying within the perimeter of administratively determined built-up areas;”<sup>27</sup>
2. amirié (or miri) – Land owned by the State;
3. métrouké murfaka – Land owned by the State but subject to a right of use in favour of a collective of people, usually governed by local customs or administrative regulations;
4. métrouké mehmi – Land that belongs to the State at the governorate or municipality level, and which is part of the public domain;
5. khalié mubah – Amirie land that has not been inventoried and delimited, and on which the first occupant with the State’s permission acquires a right of preference.

These categories still apply today; however, substantial overlap of different types of tenure coexists. Although officially abolished in 1958, customary laws, institutions and practice were very strong and influential pre-2011. Customary law is fused with Islamic law in Syria as it is throughout the Muslim world. Pre-2011, customary institutions had authority over rangeland management and benefited from implicit recognition by the State; accordingly, HLP dispute management and resolution was also a key function they performed.<sup>28</sup>



<sup>27</sup> Syrian Civil Code 1949, Art. 86(2).

<sup>28</sup> Norwegian Refugee Council, 2016, op. cit., 7 – 8



## Part 1: Housing, land and property rights in IDPs' area of origin

A large majority of respondents (82 per cent) reported owning their primary residence (i.e. the residence they lived in) in their area of origin before displacement and the vast majority of those (87 per cent) reported that they had possessed a tabou or court decision documenting ownership of their primary residence. This finding is largely reflective of the situation across the country pre-2011 and appears to be in line with official figures from the Syria 2004 Population and Housing Census which reported 87 per cent of houses being owned in Aleppo and 90 per cent of houses being owned in Idlib.<sup>29</sup> It was reported in 52 per cent of cases where a tabou had been issued, and in 58 per cent of cases where a court decision had been issued, that, even if the document was in poor condition, it was either with the IDP or existed in hard copy somewhere else (and was, therefore, potentially accessible). This highlights the importance of key messaging among the IDP community on the importance of recovering and protecting their HLP documentation wherever possible.



29 OCHA ROSC Syrian Population 2004 Census Data, accessed 02 February 2017 at: <https://data.humdata.org/dataset/syrian-arab-republic-other-0-0-0-0-0-0-0>

Nevertheless, several factors related to the ongoing war suggest that HLP rights may become a significant challenge for security of tenure and for the realisation of the right to return to a previous residence and/ or may create the conditions for disputes in the future:

- In 48 per cent of the cases where IDPs reported having previously been in possession of a tabou, it had been destroyed, lost or left behind, and the same was true in respect of 42 per cent of cases where IDPs reported having previously been in possession of a court decision documenting ownership of their home. This creates a high future risk of undocumented, and hence insecure, property rights if HLP rights are not recorded in government registries or if land registries or court records have been destroyed.
- The current state of respondents' primary residence was reported to be intact by only 21 per cent of respondents and 41 per cent reported that their home was destroyed or damaged beyond repair. A further 18 per cent reported that their home was damaged with the possibility of repair; and the remaining 20 per cent did not know the state of their primary residence.

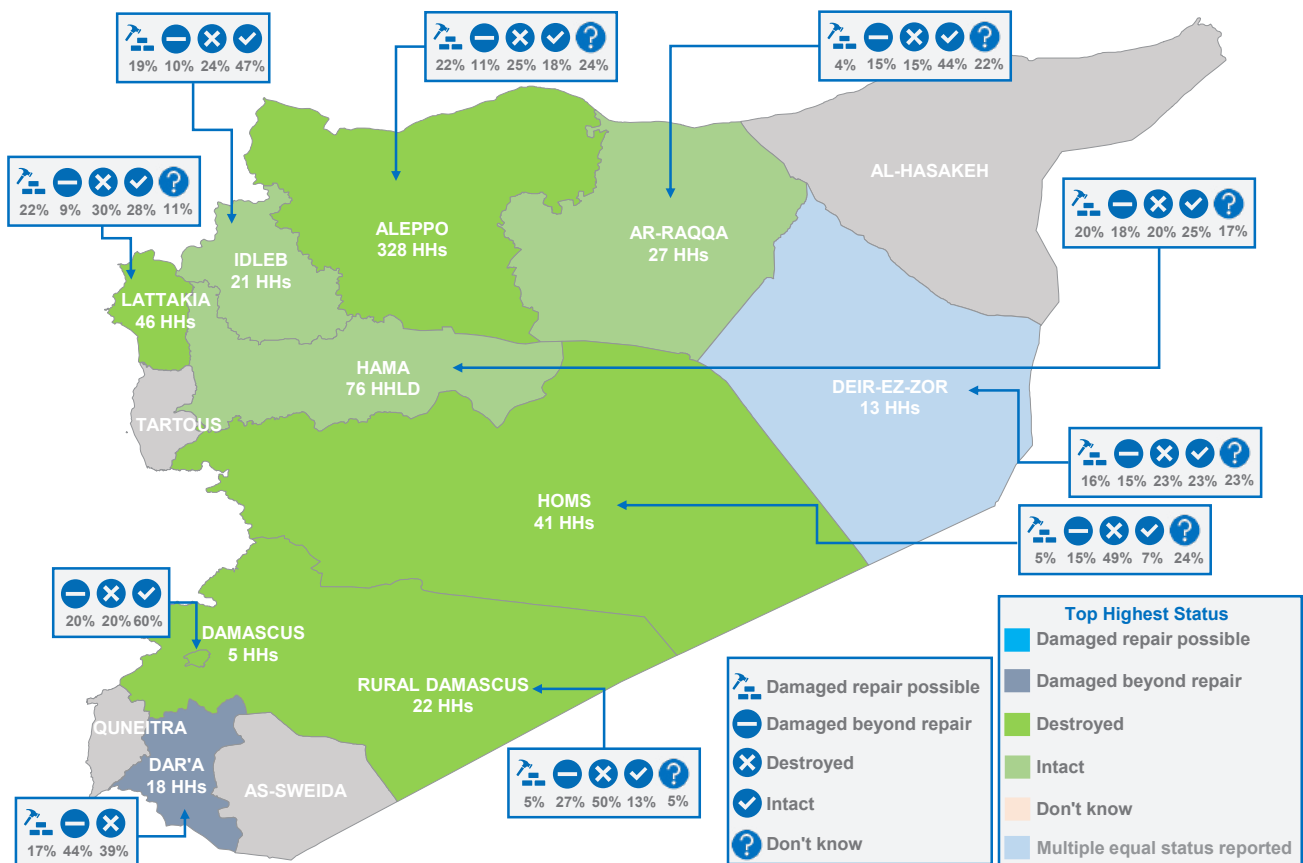


Figure 3: Household status of primary residence by governorate of origin



## Part 2: Housing, land and property rights in displacement

Two thirds of respondents reported that they had been displaced three or more times since 2011; and one in ten reported that they had been displaced in excess of six times. The most important source of income was reported to be work with the Local Council, an INGO, a local/national NGO or other; however, 71 per cent of those who reported this were male respondents and only 29 per cent were females. Female respondents were more likely to report that they were reliant on family members as their main source of income. The vast majority of women reporting this - 87.5 per cent - were widows and divorced women. Likewise, more than double the number of females as compared with males (almost one third of female respondents) reported having no income. Reporting between married, divorced and widowed women was similar in this respect: whilst 36 per cent of married women reported having no income, 30 per cent of divorced and 31 per cent of widowed women respectively reported this. Only 15 per cent of men reported having no income. These findings highlight the increased vulnerability of females, who are more likely than men to be financially dependent on others for income. They also highlight the increased vulnerability of widows and divorced women who, it appears, are more likely to be dependent on extended family members outside of their household for income.

While most household respondents reported that they did not pay for their accommodation in displacement, regardless of whether they were living in or around informal settlements or camps in rural locations or in the host community,<sup>30</sup> a quarter reported that they had to pay some form of rent. Data from FGDs identified rental payments as a key burden on IDP households. Of the 25 per cent of respondents surveyed who were paying for their accommodation, 10 per cent paid less than 30 USD, nine per cent paid between 30 and 60 USD and six per cent paid between 61 and 120 USD. High rent and constant rent increases were reported as a main HLP threat/ challenge in 10 out of 12 FGDs. It is clear that such increases occur because of the increasing demand for accommodation as a result of the increase in the number of displaced persons. It was found that most IDPs would prefer to live in better accommodation but could not afford to. The exploitation of IDPs who were renting accommodation and use of negative coping strategies was widely reported during FGDs,<sup>31</sup> including an **increased risk of sexual and gender-based exploitation and abuse** in the form of pressure from landlords and parents upon girls to enter into forced marriages.<sup>32</sup>

30 About half of the respondents lived in rural locations (i.e. in camps or on land close to camps) and about half of the respondents lived in urban (i.e. host community) locations. In response to the question 'What type of accommodation are you currently residing in?', 30 per cent reported that they were living in a tent in good condition; 10 per cent reported that they were living under plastic sheeting or in a partial tent; 21 per cent reported that they were living in a host family house; 18 per cent reported that they were living in rented accommodation; nine per cent reported that they were living in an owned home; six per cent reported occupying an unfinished building; four per cent reported that they were living in a caravan; eight per cent reported that they were occupying public land; and around one per cent reported that they were living in other accommodation, including collective centres.

31 This was reported in the Azaz female FGD, Ghandoura female FGD, Aleppo male FGD, Salqin female FGD, Maaret Tamasrin female FGD, Idleb city male FGD.

32 Landlords demanding marriage with underage female IDPs in exchange for the IDP family being allowed to stay in rented accommodation was reported in the Darkosh female FGD and in the Salqin female FGD; and parents marrying girls off in order to secure accommodation was reported in the Idleb city male FGD.

The vast majority of IDP households (92 per cent) reported that they had changed residence in the last 12 months for security reasons. In addition to security, concerns related to housing and shelter were reported to be key drivers of movement within the past 12 months. 34 per cent of the sample reported that they had moved to access better or more affordable housing; and 11 per cent reported that a **forced eviction** led them to change their residence.<sup>33</sup> It was reported in eight out of 12 FGDs that there was a significant amount of **forced eviction** from all types of accommodation by armed actors.

Respondent interviews and FGDs pointed to **very weak security of tenure** in areas of displacement. 74 per cent of respondents reported having no written agreement in place in relation to their current residence and of those, 60 per cent reported not even having a clear verbal agreement in place. The lack of clear agreements or agreements of very short duration was also reported as a major HLP threat/ challenge during FGDs. A large majority of IDP households (84 per cent) felt only somewhat sure or were not at all sure whether they could remain in their current residence for three more months if they wanted to, signalling **extremely high levels of insecurity of tenure amongst the IDP population across all accommodation types**.

Other significant HLP-related threats and challenges highlighted during FGDs and KIs included the lack of ability to register changes in real (i.e. immovable property, such as land and housing) property ownership<sup>34</sup> and, related to this, the lack of reliable documentation proving ownership of land and property and the falsification of HLP documents, creating risks for real property buyers. It was reported that these types of problems lead to the devaluation of HLP assets and the exploitation of IDPs who are forced to sell their HLP assets for less than they are worth due to their desperate need for money.

The IDP population reported that **inheritance disputes** (reported by 50 per cent of respondents) and **rental or ownership disputes** (reported by 45 per cent of respondents) are the most common types of HLP disputes that they face in displacement. Overall, the Shari'a court<sup>35</sup> was reported to be the most common way of resolving disputes; however, other dispute resolution mechanisms were also popular, in particular, in the first instance, resolving disputes within families and between the parties and, in the second instance, resolving disputes within families, between the parties and through community mechanisms such as Customary Committees and the Mukhtar. Many other actors, including the police, arbitration committees, Local/ Municipal Councils, de facto land registries, private actors such as facilitators and lawyers, armed actors, area dignitaries and religious leaders were also reported to be involved in dispute resolution, with great geographic variation. Of all HLP dispute types, armed actors were most likely to be involved in cases relating to eviction, occupation and access to and use of land disputes.

<sup>33</sup> In this assessment, we interpret displacement to access better and affordable housing as secondary displacement. It is usually undertaken not as a matter of choice but under duress, to avoid substandard and unsafe housing and to avoid forced eviction.

<sup>34</sup> Note that there is no registration of new real property transactions in NGCAs of Aleppo and Idlib Governorates.

<sup>35</sup> The Shari'a court is regarded as the judicial body in many NGCAs. These courts are established by armed groups, but the level of control over them by armed groups varies from area to area. Shari'a courts often include staff who were lawyers/ judges for the Government of Syria pre-2011 and sometimes also include religious personnel. Shari'a courts have been involved in issuing civil documentation and/ or documentation necessary for the issuance of documents by the de facto civil registries at times but generally Shari'a courts are separate from de facto land registries and de facto civil registries, although sometimes housed in the same buildings as them. Shari'a courts are often involved in HLP dispute resolution.

It appeared that rental disputes are among the most challenging for Shari'a courts to resolve given the lack of written or clear verbal agreements and the fact that the courts cannot control rent prices. In some areas, the Shari'a courts dealt with this challenge by enforcing rent caps imposed by Local Councils. Challenges for those involved in HLP dispute resolution (as highlighted by key informants, including Shari'a court judges), was the **lack of unity and consistency between Shari'a courts** across different areas and **the lack of coordination between HLP dispute resolution actors**, presumably leading to a **lack of hierarchy in decision-making, resulting in forum shopping**.<sup>36</sup> Other challenges included the lack of recognition of the courts' decisions outside their particular jurisdiction (at times limited to a particular sub-district) and even sometimes inside. A further challenge was noted as being the fact that there is **no system for the registration of HLP transactions**, resulting in **lack of a reliable means of proving ownership of real property acquired in NGCAs, as well as increased risks of corruption and the falsification of documents**. All of these challenges were believed to undermine the effectiveness and credibility of the Shari'a courts. It was found that some people in NGCAs seek to have their HLP cases resolved in courts in areas of Syria under Government of Syria control, albeit through facilitators.

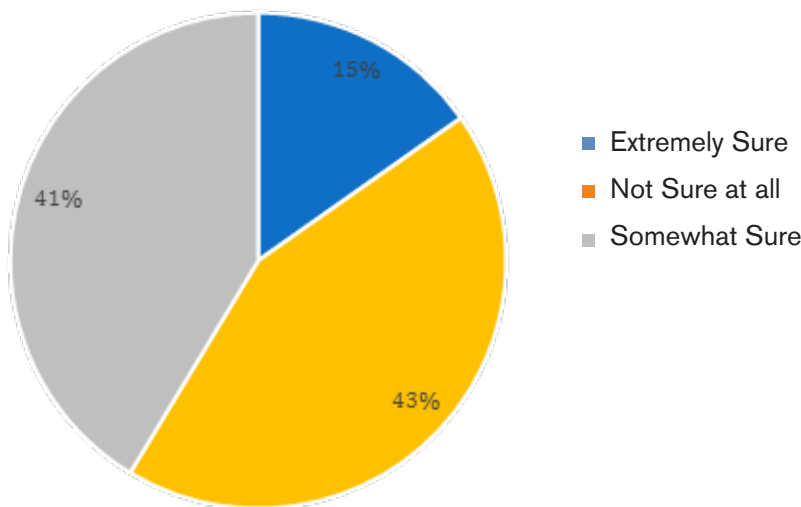


Figure 4: Household survey (n=600): Ability to reside in current residence for three months

<sup>36</sup> Forum shopping occurs where competing justice systems co-exist, leading to a situation where those with the means to do so appeal to multiple fora, or to a particular forum that is likely to render a favourable judgment, with resulting risks in terms of legal clarity and consistency as decisions in one forum can be contradicted by another.

## Part 3: Women's housing, land and property rights

NRC's research also explored women's access to housing, land and property, both prior to and post-2011. Securing HLP rights for women plays an essential role in economic and social outcomes for women and their families. As NRC has documented in other conflict-affected states, women face specific challenges in securing their HLP rights at all stages of an armed conflict. **Discriminatory laws, norms and practices around ownership, inheritance and decision-making – examples of which exist in Syria - prior to a conflict also influence the challenges that women face.**<sup>37</sup> Failure to identify these issues and seek integrated solutions increases the long-term costs of conflict and undermines progress towards gender equity in the enjoyment of rights. As a result of conflict, social norms and legal practices, women's claims to housing, land and property that was theirs prior to displacement, is generally weaker than that of their male counterparts.<sup>38</sup>



Under the property rights system that was in place in Syria pre-2011, women had comparatively weaker rights than men to their primary residence as women's names were often not included on HLP documents and there is commonly no provision in marriage contracts regarding HLP assets accumulated during marriage. This practice remains in place today. During the course of NRC's assessment, it was reported that males in the household often make decisions regarding the primary residence

<sup>37</sup> See the Displaced Women's Rights to Housing, Land and Property project for more information. Available at: <http://womenshlp.nrc.no/> In the Syrian context, an example of a discriminatory HLP law, norm or practice is the common practice of not including the names of women of HLP documentation which has the effect of limiting women's right to HLP assets accumulated during the marriage on divorce or on the death of their spouse.

<sup>38</sup> Nadia Forni, 2001, Land Tenure Systems Structural Features and Policies, FAO, p.33 and, Norwegian Refugee Council, 2016, op. cit., 14.



without consulting females in the household. Only 14 per cent of females, as compared with 78 per cent of males, reported that their name alone was recorded on documentation relating to home ownership, whilst 81 per cent of females reported that another person's name alone (usually a male) was recorded on home ownership documentation. This may have extremely negative implications for women in the case of divorce from, or on the death of their husbands, as, in such cases, the female not named on ownership documentation is likely to lose her home in light of the fact that there is no law on the splitting of assets accumulated during marriage. It was reported by three quarters of both females and males that upon divorce, women are awarded property according to what is written in the marriage contract and, as already discussed, this is unlikely to include property that was accumulated during the course of the marriage.

While it is clear that there is provision in Syrian law for divorced and widowed women, legal protection is sometimes conditional (for example, in the case of an irrevocable divorce, if the husband can prove that the divorce is the fault of his wife, she loses her right to the dower agreed in the marriage contract in accordance with Article 59 of Personal Status Law 59/1953). It is also clear that the law treats women differently from men in terms of the shares they receive through inheritance, with a general rule that males receive twice what females in the same inheritance group receive.<sup>39</sup> Women are, therefore, in a very different situation to men in terms of how the law of inheritance might protect their HLP rights. In the case of the death of a spouse, if a woman has no sons, grandsons or other male offspring, she will receive a quarter of the estate, while if she has sons or other male offspring, she will receive an eighth of the estate and if she is one of several wives, she and the other wives will share the quarter or eighth of the estate between them.<sup>40</sup> In the case of death of a spouse, the husband will inherit half of the estate of his deceased wife if she has no sons or other male offspring and a quarter of the estate of his deceased wife if she has sons or grandsons.<sup>41</sup> These provisions of Syrian law are generally in accordance with Shari'a law.

It was reported by almost four out of five males but only three out of five females surveyed that, upon the death of a husband, the wife and children inherit in accordance with Shari'a law. At the same time, around three quarters of males and females reported that they believed that Shari'a is the most important source of law in inheritance cases. This suggests that although many female IDPs know that Shari'a law is meant to apply in inheritance cases, a lower proportion of females, as compared to males, believe that Shari'a law is actually applied in practice.

In the assessment, inheritance disputes were recorded as the most common form of HLP dispute by both women and men. It was also evident that it is often challenging for women to raise the issue of inheritance outside of the family. Shari'a courts in Idlib and Aleppo are actively dealing with inheritance cases; however, it was reported during FGDs that, due to cultural norms, there is tremendous pressure upon women not to realise their HLP rights, even if they are aware of their right to do so. Anecdotal evidence also strongly supports this trend. It was, therefore, found that while there is legal protection for women under Syrian law, in the form of the shares allocated to women in accordance with Shari'a law, which is incorporated into Syrian law,<sup>42</sup> **many women are unlikely to be able to seek means of protecting their rights as a result of cultural norms as confirmed in FGDs.**

39 Article 277 Personal Status Law, Legislative Decree 59/1953

40 Article 268/2 and 268/3 Personal Status Law, Legislative Decree 59/1953

41 Article 268/1 Personal Status Law, Legislative Decree 59/1953

42 For instance, in Personal Status Law Legislative Decree 59/ 1953, amended in 1975, 2003, and 2010. This law is based upon Shari'a law.

## Part 4: The importance of identity and civil documentation in displacement

### Right to legal identity and civil documentation<sup>43</sup>

**Civil registration** is the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements in each country. This process establishes and provides legal documentation for such events.<sup>44</sup>

Civil registration refers to the recording of **vital events** within a given population. Such vital events are defined as the occurrence of any of the following: birth, still birth, legitimisation, recognition of parenthood, adoption, marriage, annulment of marriage, legal separation, divorce and death.

**Birth registration** is the continuous, permanent and universal recording within the civil registry of the occurrence and characteristics of birth, in accordance with the national legal requirements. It establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights. As such, it is a fundamental means of protecting the human rights of the individual, and of the child in particular, as is clearly stated in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.<sup>46</sup>

#### Article 24 of the International Covenant on Civil and Political Rights:

1. “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.”<sup>45</sup>

#### Article 7 of the Convention on the Rights of the Child:

1. “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”<sup>46</sup>

43 See the “The Information, Counselling and Legal Assistance (ICLA) Guide to Legal Identity” (2016). Norwegian Refugee Council. Oslo, Norway. See also “Guiding Principles on Internal Displacement” noting, for example, Principle 1, regarding non-discrimination on the grounds of being internally displaced, and Principle 20 (1): “Every human being has the right to recognition everywhere as a person before the law.”

44 United Nations, Department of Economic and Social Affairs Principles and Recommendations for a Vital Statistics System, Revision 3 (2014).

45 International Covenant on Civil and Political Rights <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/v999.pdf>

46 Convention on the Rights of the Child

**Civil status** refers to an individual's status as a result of a vital event. These can include birth, still birth, legitimisation, recognition of parenthood, adoption, marriage, annulment of marriage, legal separation, divorce, and death, when that event is officially registered or recorded with the relevant body.

**Civil documentation** is any official document issued by civil registrars or any other authorised body (e.g. courts) that provides proof of an individual's civil status as a result of a personal event. Civil documentation can relate to birth, still birth, legitimisation, recognition of parenthood, adoption, marriage, annulment of marriage, legal separation, divorce, and death.

**Legal Identity** in Syria is referenced in Civil Status Law, which compels all Syrian citizens to register all life events (referred to as civil occurrences).<sup>47</sup> Legal identity is the legal civil status obtained through birth registration and civil identification that recognizes the individual as a subject of law and protection of the state.<sup>48</sup> The concept of legal identity has been included in Target 16.9 of the Sustainable Development Goals: "Provide legal identity to all, including birth registration, by 2030."<sup>49</sup>

In Syria, the Civil Status Department of the Ministry of Interior, and its civil registry offices, are responsible for registering and providing official documentation to confirm births, marriages, divorces and deaths, as well as issuing identity documents such as national ID cards. All Syrians are required by law to register all civil status events with the Civil Status Department (commonly referred to as the Civil Registry or the Nofous).<sup>50</sup>

There are serious repercussions if civil status events are not officially registered. The non-registration of one civil status event can have a significant impact, often leading to the inability to register subsequent events and claim rights. For example, if a marriage is not registered, this will have implications for a child born to the couple in that, as a rule, Syrian nationality is acquired through the father<sup>51</sup> and if the child's parents are not officially married, the child cannot acquire Syrian nationality through his/her father and instead can only gain nationality through being recognised to be illegitimate, abandoned or without other nationality.<sup>52</sup> If a child's birth is not registered and s/he cannot prove Syrian nationality, s/he will not be entitled to a national ID card.

Syrian nationals are required to apply for an ID card when they reach the age of 14.<sup>53</sup> National ID cards are very important documents in Syria as they are legal proof of identity. Syrian nationals are required to carry their ID cards at all times and be ready to present them to the appropriate authorities upon request.<sup>54</sup> National ID cards are required for every aspect and at every stage of life: to sit official school exams; to attend university; to access private and public services such as banking and health; to work; and to marry.

47 See Articles 14 and 15 of Civil Status Law Legislative Decree No 26/ 2007.

48 This concise definition is taken from the Inter-American Development Bank (IDB), Civil Registration and Identification Glossary (2010).

<https://publications.iadb.org/bitstream/handle/11319/402/Civil%20Registration%20and%20Identification%20Glossary.pdf>

49 Sustainable Development Goals <http://www.un.org/sustainabledevelopment/sustainable-development-goals>

50 Under Article 5 Civil Status Law (Legislative Decree 26/2007)

51 Article 3(a) Nationality Act (Law 276, 24 November 1969)

52 Articles 3 Nationality Act (Law 276, 24 November 1969)

53 Article 51 Civil Status Law (Legislative Decree 26/2007 amended by Law 4/2017)

54 Article 55 Civil Status Law (Legislative Decree 26/2007 amended by Law 4/2017)

Conflict and the widespread damage and destruction of many civil registry offices across the country and the fact that official civil registry offices are not generally operational in NGCAs means that many people living in NGCAs have limited access to official Government of Syria civil registration and documentation processes. These facilities simply do not exist in the areas where they live; they themselves feel unable to cross from NGCAs to Government of Syria controlled areas in order to access civil documentation which many perceive would be dangerous; and they cannot afford to pay facilitators to access civil documentation in Government of Syria controlled areas on their behalf. As a result of this lack of access to registration, it was found that among the households surveyed, almost a quarter of IDP household members aged 14 or over did not have ID cards. Moreover, as a result of the limitations in accessing official civil registration, de facto actors are engaging in providing documentation and a variety of documents are circulating.

Only six per cent of respondents reported that they currently have access to Government of Syria documentation. It seems that this is mainly through paying facilitators. People have to pay a significant amount of generally limited resources to obtain documentation in this way and they cannot be certain that the document they receive is a genuinely issued Government of Syria document.

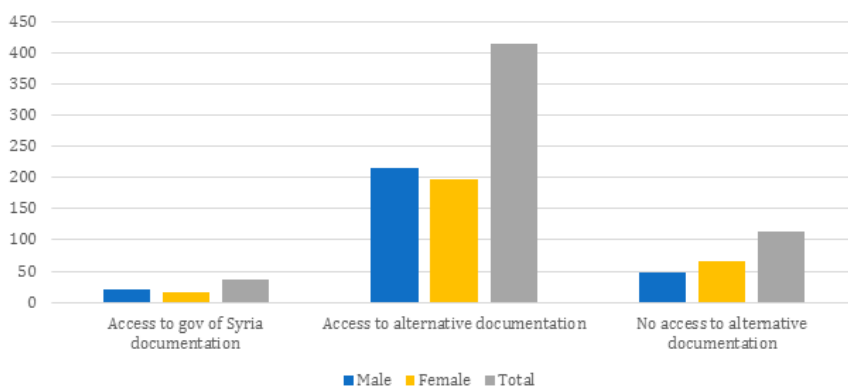


Figure 5: Household survey (n=600): Access to legal identity and civil documentation in displacement

Seven per cent of members of the households surveyed were not included in the household's family booklet<sup>55</sup> and the vast majority of these (89 per cent) were children. 71 per cent of household members not included in the family booklet were children who have been born since 2011. This has important consequences for children as, together with birth certificates, their inclusion in the family booklet is official recognition in relation to their existence, identity and nationality and the family booklet is used more in practice as the proof of identity for children under 14 than birth certificates. Without such official recognition, it will not be possible for children to obtain other documents, such as an ID card and passport. Of those family members not listed in the family booklet, a quarter had no proof of birth (whether a birth notification issued by a medical facility or a birth certificate issued by an official civil registry) and just over a half had some form of proof of birth but, in 65 per cent of cases, it was issued in areas outside of Government of Syria control. Documents issued outside of Syrian government controlled areas are not official documents and so it is unclear

55 The family booklet is the official document used to track information of a genealogical/ legal interest in Syria, such as family composition.



whether they will be acceptable to the Syrian authorities, at least in terms of having evidentiary value for civil status events. It was found that around three quarters of those not included in the family booklet may therefore be at **risk of statelessness**.

It was reported by the overwhelming majority of IDP households (98 per cent), that they had been issued a marriage certificate, 97 per cent of which had been issued by the Government of Syria;<sup>56</sup> however, only 78 per cent of the males surveyed and 63 per cent of females surveyed reported still having a marriage certificate in their possession. Marriage certificates are important documents in Syria, including for the purposes of obtaining a family booklet, registering the birth of children, proving a child's Syrian nationality (as discussed above), and for the purposes of inheritance so that women and children have evidence of their relation to the deceased and can claim their share of the estate. It is of great concern, therefore, that **almost 40 per cent of the females surveyed no longer had their marriage certificate**.<sup>57</sup>



Documentation issued by non-Government of Syria actors in areas outside of Government of Syria control was reported to be available from the Shari'a court, Local Councils, opposition de facto authorities, armed

<sup>56</sup> Presumably, given the low percentage of respondents reporting access to Government of Syria documentation whilst in NGCAs, these documents were obtained whilst the respondents were living in Government of Syria controlled areas.

<sup>57</sup> It may well be that lost or damaged documents are replaceable as all official civil status events are believed to be recorded in the Government of Syria's central database. It must also be borne in mind that those who no longer have marriage certificates may still have their family booklet which would suffice as proof of marriage.

actors and other non-government actors. It was reported by the research team that actors issuing civil documentation often use Government of Syria templates which are widely available. It appears that some of these templates may be exact copies of Government of Syria templates, i.e. including the Government of Syria logo etc., while others are designed on the basis of Government of Syria templates, but may not be exact copies or contain Government of Syria logos.

Over three quarters of household survey respondents reported that they did not experience any problems using documents issued by non-state actors within the respective areas where they were issued, and where problems were experienced or anticipated, this was because it was unclear whether the documents would be recognised outside of the areas where they were issued. Concerns were raised over the fraudulent issuance of documents by household survey respondents and in FGDs and KIs. It was reported by the research team that it is very easy to obtain fraudulent documents in north west Syria and that businesses have been established specifically for this purpose. In FGDs, security concerns in relation to using documents issued by non-Government of Syria actors outside of the areas where they were issued were also raised, as well as problems of identity theft, leading to violation of rights, such as HLP rights. On the other hand, it was reported in FGDs that these documents can be useful in proving identity and ensuring rights within the areas where they are issued, including upon marriage; protecting HLP rights in relation to property transactions; and proving educational achievements, thereby improving employment opportunities. Key informants pointed to the challenges associated with many people having lost civil documents and lack of access to the Syrian Government Civil Registry database in order to verify the identity of those seeking documents from them, often IDPs.



A key conclusion, then, is that unless people have sufficient resources to pay facilitators to obtain lost or missing Government of Syria-issued documentation or to update status in areas of Syria under Government of Syria control, for instance, when key life events happen, there are extremely limited options for people living in areas outside of Government of Syria control to obtain or update vital official civil documentation. Yet they need



legal identity and civil documentation on an ongoing basis. The vast majority of IDPs surveyed (87 per cent) reported that it was necessary for them to have civil documentation, whether official or otherwise, in order to access humanitarian assistance; 60 per cent reported that civil documentation is required in order for children to access school; and 57 per cent reported that they require civil documentation to move around. The experience of the majority of IDP respondents is, therefore, that they need civil documentation in order to survive and meet their basic needs. This is despite the fact that, in terms of access to humanitarian assistance, most humanitarian organisations report that they do not require documentation from IDPs for this purpose. Further clarification on this apparent discrepancy is needed, as well as advocacy with all humanitarian actors to ensure that it is not compulsory for affected populations to provide civil documentation in order to obtain life-saving assistance. Given the contrast between reports received from IDPs through the survey and during FGDs and those received from humanitarian actors, the reality may be that it is much easier for IDPs to access humanitarian assistance if they have civil documentation, as opposed to having to go through alternative procedures such as producing witnesses etc. every time they wish to receive assistance, so that their perception is that such documentation is required or at least more desirable than the alternative. The end result is that **IDPs face the risk of being criminalised** in the process of obtaining documents to secure their basic emergency needs and may well be **exposed to other protection risks** in the longer term.

It was found that there is a **chasm of unmet needs in terms of legal identity and civil documentation for IDPs** in areas outside of the control of the Government of Syria that can only be addressed through people being able to access legal identity and civil documentation that will be recognised by the Government of Syria and internationally.



