

PRIVATE BRIEFING PAPER
RECOMMENDATIONS FOR A RIGHTS-BASED APPROACH TOWARDS THE SYRIAN FORCED
DISPLACEMENT CRISIS DURING THE BRUSSELS VI CONFERENCE

21 March 2022

Since 2014, the war in Syria has caused the largest forced displacement crisis in the world. At the end of 2021, more than 13.5 million Syrians have been displaced (including 6.748 million refugees and 6.8 million Internally Displaced Persons (IDPs)), in addition to 568.000 Palestinian refugees in Syria. Syrian refugees accounted for 27 percent of the global refugee population in 2021, the largest refugee group in the world. Similarly, Syria has the second highest level of internal displacement in the world.

The countries neighbouring Syria have been disproportionately affected by the Syrian forced displacement crisis. The vast majority of Syrian refugees live in host countries in the region, who continue to bear an unequal responsibility for hosting Syrian refugees.

As shown by reports from local and international rights groups, the conditions for the safe, voluntary and dignified return of displaced Syrians remain elusive. In addition to reports by local CSOs and networks, including Refugee Protection Watch, Voices for Displaced Syrians Forum, Syrian Network for Human Rights, Women Now for Development and Sawa for Development and Aid, reports by Amnesty International and Human Rights Watch have confirmed that refugees who have returned to Syria have been subjected to arbitrary arrest and detention, enforced disappearance, kidnappings, torture, including sexual violence; and extrajudicial killings after returning to Syria. Syrian government authorities are specifically targeting returnees to Syria, often accusing those who fled the country of treason or supporting “terrorism”. In some cases, returnees were targeted simply because they came from parts of Syria that had been under opposition control.

Despite the continued lack of safety in Syria, the absence of a political solution and the devastating deterioration in conditions for refugees and host communities in neighbouring host countries, international interest, cooperation, and funding are waning. Harmful practices - such as pushbacks at European borders, forced deportations from host countries, and policies that deprive Syrian refugees of protection - are increasing. At the EU's borders, refugees from Syria, as well as from other countries, are not welcomed or treated humanely - as opposed to the treatment of Ukrainian refugees currently fleeing the conflict.

It is essential that all actors recognise the continuing risks and pressures displaced Syrians face, and to take ambitious steps, in close partnership with local Civil Society Organisations (CSOs) and Refugee-Led Organisations (RLOs), to ensure the implementation of a rights-based approach towards the Syrian forced displacement crisis.

As such, the undersigning organisations recommend including the following elements and language suggestions in the co-chairs statement of the Brussels VI Conference on the Future of Syria and the Region:

1. Take an active leadership role, at all relevant levels, in the development and implementation of a **comprehensive and more ambitious strategy and response** to the Syrian forced displacement crisis, which is based on the UNHCR framework of “**durable solutions**” for international refugee crises.
2. Develop and implement a **gender-mainstreaming and gender equality strategy for future EU support to the refugee response** in neighbouring host countries, including an active commitment to gender mainstreaming training and gender awareness-raising for own staff and partners.
3. Maintain the position that **Syria remains an unsafe destination of return**, and that any return must be safe, voluntary, informed and dignified.
4. Call for the establishment of an **independent multi-stakeholder mechanism**, with an international mandate, **to monitor** the conditions for safe, voluntary, informed and dignified return to Syria.
5. Continue to reiterate the importance of the **Protection Thresholds and Parameters for Refugee Return to Syria**, issued by the UN in February 2018, as the basis and cornerstone

for UN and EU policies regarding refugee return to Syria. Explicitly recognize that the Protection Thresholds cannot be met without substantial progress in the implementation of UN Security Council Resolution 2254.

6. Refer explicitly to UNHCR's 2018 **Comprehensive Protection and Solutions Strategy**, which states that UNHCR has the "responsibility" to "provide up-to-date and objective information to refugees and the international community on conditions in areas of return, including determining whether conditions meet protection thresholds."¹ Furthermore, include explicit language in the co-chairs statement that "a critical activity is verification of a free and informed decision through voluntariness assessments and ensuring that refugees are provided unbiased and detailed information on conditions in areas of intended return."
7. State explicitly that "**premature return, induced by negative push factors, could have a devastating impact on refugees and further destabilize Syria and the region**", and that any return assistance programming should "be based on careful analysis so as to not incentivize returns or create pull factors".²
8. State explicitly that any (limited) support and assistance to those Syrians who return spontaneously, or consider doing so, should **focus on protection activities**, including: pre-departure counselling and providing objective and accurate information on conditions inside Syria, verification of a free and informed return decision through robust voluntariness assessments, increasing access to civil documentation, monitoring cross-border movements, analysis of return trends, and advocacy towards relevant governments on obstacles hindering a safe, voluntary and dignified return.
9. Call on governments hosting refugees and asylum-seekers in the region, as well as other third states, to **fully respect the principle of non-refoulement**, to immediately put an end to all practices of pushbacks of Syrians, and put in place a moratorium on summary deportations of Syrian refugees. In this regard, also articulate an intention to make more resources available for projects that provide **legal assistance to Syrian refugees**.
10. Underline the importance of continuing to work with, and provide financial and capacity-building support to, independent **local civil society organisations working in Syria and neighbouring host countries**. Explicitly commit to accelerate aid localisation efforts and commitments, by committing more resources to humanitarian, development, human rights, and peacebuilding projects and programmes from local civil society organisations and Refugee-Led Organisations (RLOs).
11. Explicitly articulate the intention to ensure that a diverse set of **local CSOs is structurally included in, and have greater power in, discussions and decision making** about refugee policies, including in the UN Durable Solutions Working Groups at regional and national levels and the UN-led political process.
12. Develop a **regular dialogue track between local CSOs, European policy makers and other relevant stakeholders**, that is regularly convened in between the annual Brussels Conference on the Future of Syria and the Region, and which takes stock of the implementation of policy and financial commitments outlined in the co-chairs statement of the Conference. In this regard, include an explicit commitment to **provide regular public reporting on progress made on key mutual policy commitments** from past Brussels conferences.
13. Underscore the importance that the **Government of Lebanon** facilitates greater access to legal residency for Syrian refugees in Lebanon; repeals the 2019 decision to start deportations of Syrian refugees who have entered Lebanon "illegally" after 14 April 2019; allows UNHCR to resume the registration of Syrian refugees; allows legal re-entry into Lebanon to displaced Syrians who returned to Syria but decided to leave the country again out of fear of persecution; ensures full respect for Lebanon's responsibilities under the Convention against Torture (CAT), including article 3 of the Convention; and ensures refugees' access to justice, regardless of their legal residency status;
14. Calls for immediate, full and unhindered access of UNHCR and other independent observers to **Turkish** detention and removal centres, in order to verify the voluntary nature of return

¹ See <https://data2.unhcr.org/en/documents/details/63223>, p 4.

² As stated in the 2018 UNHCR Comprehensive Protection and Solutions Strategy. See <https://data2.unhcr.org/en/documents/details/63223>, p 2, 3.

movements; accelerate efforts to put in place an objective assessment, including a human rights impact assessment, of the EU-Turkey Statement and of cooperation on refugees, asylum seekers and migration, as requested by the European Parliament in May 2021; and encourage the Government of Turkey to facilitate more access to work permits for Syrian refugees, in particular female refugees, living in Turkey.

Signatories:

- **Access Center for Human Rights (ACHR)**
- **Cairo Institute for Human Rights Studies (CIHRS)**
- **Centre Libanais des Droits Humains (CLDH)**
- **Euromed Rights**
- **Human Rights Watch (HRW)**
- **Refugee Protection Watch (RPW) coalition: Alef- Act for Human Rights, Basmeh & Zeitooneh, PAX, Upinion and 11.11.11**
- **Sawa for Development and Aid**
- **Syrian Network for Human Rights (SNHR)**
- **Voices for Displaced Syrians Forum (VDSF)**
- **Women Now for Development**