



# Country Guidance: Syria

Common analysis and  
guidance note

November 2021

The country guidance represents the joint assessment of the situation in the country of origin by EU Member States.



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## Country Guidance:

### Syria

Common analysis and guidance note

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The country guidance represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance note does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Syria at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive (recast)).

The analysis and guidance provided within this document are not exhaustive.

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**Update: November 2021**

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# Introduction

## Why is country guidance developed?

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Syria, and to foster convergence in decision practices across Member States.

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by EASO, with the task to carry out a joint assessment and interpretation of the situation in main countries of origin.<sup>1</sup> The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EASO training material and practical guides where appropriate. The development of common analysis and guidance notes was also included as a key area in the new mandate of the European Union Agency for Asylum (EUAA).<sup>2</sup>

## What is the scope of this update?



The current version of the guidance updates and replaces the 'Country Guidance: Syria' (September 2020).

This update mainly focuses on the situation of returnees under the '[General remarks, including the implications for leaving Syria](#)' section, the potential refugee status protection needs under [profiles related to the military service](#), the section on [Article 15\(c\) QD](#) under the subsidiary protection chapter, as well as the [internal protection alternative](#) chapter.

## Is this guidance binding?

The country guidance is not binding. However, the guidance note, accompanied by the common analysis, should be taken into account by Member States when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

## Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network. The work of the Network was supported by a Drafting Team of selected national experts and by EASO. The European Commission and UNHCR provided valuable input in this process.

<sup>1</sup> Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.

<sup>2</sup> European Commission, Proposal for a Regulation of the European Parliament and of The Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 - Outcome of the European Parliament's first reading, 10-11 November 2021, [2016/0131/COD](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CONSIL%3AST_13665_2021_INIT&qid=1637929287965), available at [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CONSIL%3AST\\_13665\\_2021\\_INIT&qid=1637929287965](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CONSIL%3AST_13665_2021_INIT&qid=1637929287965).

The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in October 2021 and endorsed by the EASO Management Board in November 2021.

### What is the applicable legal framework?

In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the [1951 Geneva Convention](#)<sup>3</sup> and of the [Qualification Directive \(QD\)](#)<sup>4</sup>; as well as jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

### What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the following general guidance:



These and other relevant EASO practical tools and guidance can be found at <https://www.easo.europa.eu/practical-tools>.

Relevant UNHCR guidelines available at the time of finalising this document, and in particular the [International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI](#), are also taken into account.<sup>5,6</sup>

<sup>3</sup> United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

<sup>4</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

<sup>5</sup> UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.

<sup>6</sup> UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI, March 2021, available at <https://www.refworld.org/docid/606427d97.html>.

## What country of origin information has been used?

The EASO Country Guidance documents should not be considered and should not be used or referenced as sources of COI. The information contained herein is based on EASO COI reports and, in some instances, other sources, as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.

The update is based on the following recent COI:



Other reports used as a basis for the analysis in this document include:

- COI Report: Syria - Internally displaced persons, returnees and internal mobility (April 2020) [EN]
- COI Report: Syria - Targeting of individuals (March 2020) [EN]
- COI Report: Syria - Situation of women (February 2020) [EN]
- COI Report: Syria - Socio-economic situation: Damascus City (February 2020) [EN]
- COI Report: Syria - Exercise of authority in recaptured areas (January 2020) [EN]
- COI Report: Syria - Actors (December 2019) [EN]
- COI Report: Syria - Security situation (May 2020) [EN]

**Annex II. Country of origin information references** provides further details on all COI reports used as a basis for the analysis within this document. References and links within this document are to the respective sections of these COI reports.



To access EASO COI reports, visit <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>.

## How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances that should be taken into account.

## How is this document structured?

The country guidance is structured into guidance note and common analysis:



The **GUIDANCE NOTE** is the first part you will find in this document. It summarises the **conclusions** of the common analysis in a light user-friendly format, providing practical guidance for the analysis of the individual case.

The **COMMON ANALYSIS** is the second, more detailed, part. It defines the relevant elements in accordance with **legislation, jurisprudence and horizontal guidance**, summarises the relevant **factual basis** according to the available COI, and **analyses the situation** in the respective country of origin accordingly.

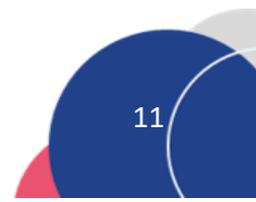


For additional information and to access other available country guidance, see <https://www.easo.europa.eu/country-guidance>



## Guidance note: Syria

The guidance note summarises the conclusions of the common analysis and should be read in conjunction with it.



## General remarks, including the implications of leaving Syria

Last update: November 2021

During the course of the war, Syria became the scene for a series of intersecting conflicts involving many internal and international actors. Three main campaigns have driven the conflict in Syria: the violence between the Syrian government and opposition forces; the efforts of a US-led coalition to defeat ISIL; and the military operations against Syrian Kurds by Turkish forces. Complex alliances, shifting allegiances, rivalries and conflicting interests between the actors involved continue to affect the balance of power and to foster uncertainty.

Hundreds of thousands of civilians have been killed, with most international experts estimating the number around 500 000 since the beginning of the conflict. The conflict has also caused the biggest displacement crisis in the world. According to estimates, it has driven some 5.6 million Syrian refugees out of the country and more than 6 million IDPs have been displaced in Syria.

A combination of factors, including the financial crisis in neighbouring Lebanon, international economic sanctions, and the COVID-19 pandemic contributed to a significant worsening of socio-economic conditions in Syria during the reference period. The economic situation has also contributed to a rapid deterioration of humanitarian conditions in the country.



The significant impact on the civilian population in the country has been the result of deliberate targeting by multiple actors, as well as risks associated with indiscriminate violence.

The individual assessment of international protection needs should also take into account the presence and activity of different actors in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. Moreover, the assessment should account for the dynamically changing security situation in the country.

It should also be noted that in some cases, where international protection needs would be established, exclusion considerations may be relevant.

It is inherent in the situation of applicants for international protection that they have left their country of origin. In the context of Syria, and in particular of targeting by the government of Syria (GoS), this in itself could have implications for the treatment of an individual upon return..<sup>7</sup>

For information on the situation of returnees, see the section in the common analysis: [The implications of leaving Syria](#).

<sup>7</sup> This section uses the terms 'return' and 'returnee' in their usual meaning in everyday language and should not be understood as a reference to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).



The fact of having left Syria in itself would not normally lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, this would be related to circumstances falling under other profiles included in this guidance, and in particular ‘Persons perceived to be opposing the government’. However, in some cases, returnees could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. arrest, torture) and a nexus to a reason for persecution may be substantiated. In cases where no nexus can be substantiated, the implications of having left Syria may be a relevant consideration with regard to subsidiary protection. They should also be taken into account when assessing the willingness of the GoS to provide protection in the meaning of Article 7 QD and in the assessment of IPA.



Read more in the COMMON ANALYSIS

## Actors of persecution or serious harm

Last update: November 2021

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct of an actor ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

**Figure 1. Actors of persecution or serious harm.**

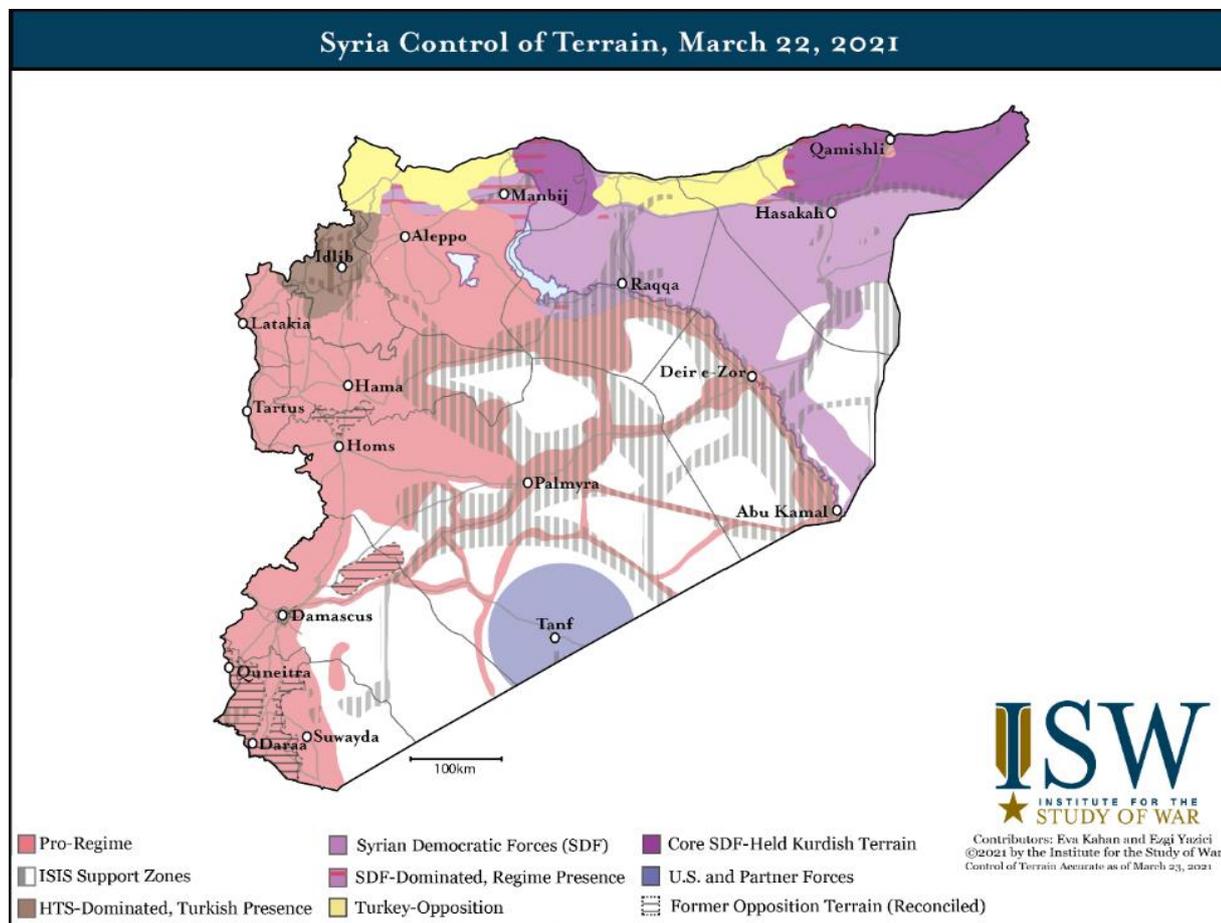


Read more in the COMMON ANALYSIS

This section includes the conclusions concerning some of the main actors of persecution or serious harm in Syria. The list is non-exhaustive.

Their reported areas of control are presented on the map below:

Figure 2. © ISW, Control of terrain in Syria, 22 March 2021.



[→ Read more in the COMMON ANALYSIS](#)

- The **Syrian State actors** include members of security forces and other authorities, such as local councils or other local officials, e.g. *mukhtars*. It should also be noted that the distinction between official State forces and non-State forces is not always clear. The Syrian State authorities, in particular the Syrian Armed Forces including the Syrian Arab Army (SAA), the intelligence services and police force, have committed a wide range of grave human rights violations since the beginning of the conflict.

[→ Read more in the COMMON ANALYSIS](#)

- A number of armed groups are associated with the Syrian State and operate alongside the regular armed forces. There are **local militias** and **non-Syrian militias** made up of foreign fighters and mainly backed by Iran.

The **National Defence Forces (NDF)** are a complex umbrella network, which was set up with Iran's assistance and consists of many different militias (e.g. members of local communities, Shia and Alawite individuals, members of criminal gangs of Alawites linked with the Assad family, Sunnis from Damascus and Aleppo, etc.). They have become auxiliary security institutions and are operating their own prisons and investigation commissions.

Other examples of Syrian pro-government militias include the **Tiger Forces** serving as the army of the Air Force Intelligence and militias of wealthy and powerful Alawite businessmen with close links to the Assad government, such as the al-Bustan militias and Suqor al Sahara.

The **Local Defence Forces (LDF)**, established by Iran, include local militias that operated outside of official military structures, but have been formally integrated in the Syrian Armed Forces in 2017.

**Shia foreign fighters** were mobilised by Iran and sent to fight on the side of the Assad government. The most prominent groups include the Lebanese Hezbollah, the Afghan Fatemiyoun Brigade, the Pakistan Zeinabiyoun Brigade, as well as various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen.

**Palestinian militias**, such as the Popular Front for the Liberation of Palestine - General Command, the SAA-affiliated Palestinian Liberation Army, and the Liwa al-Quds also supported the government military in the conflict.

Armed forces associated with the Syrian State are accused of committing a wide range of human right violations such as arbitrary detention and forced disappearances. They are also involved in a number of criminal activities such as extortion of companies, stealing, looting and smuggling of guns and drugs.

 Read more in the COMMON ANALYSIS

- The security apparatus of the Kurdish Northern and Eastern Autonomous administration is comprised of the **Syrian Democratic Forces (SDF)**, a Kurdish-led multi-ethnic force of Kurds, Arabs and other ethnic groups, with the **Kurdish People's Protection Units (YPG)** as dominating faction and with its internal security forces (**Asayish**).

It is reported that members of the security apparatus have committed a wide range of human rights violations, such as arbitrary detentions, forced disappearances and torture of political opponents and other individuals who refused to cooperate with Kurdish groups. In the course of fighting ISIL, SDF/YPG has reportedly arbitrarily detained and indiscriminately killed civilians. Arbitrary arrests, including unlawful detention under deplorable conditions in makeshift camps and forced disappearances of persons perceived to be affiliated with ISIL and/or armed opposition groups have also been reported.

 Read more in the COMMON ANALYSIS

- The **Syrian National Army (SNA)** is a Turkey-backed umbrella armed group. The SNA also incorporated the **National Liberation Front (NLF)**, a Turkish-backed alliance of opposition-armed groups, formed and active in the Idlib area, into its ranks. The NLF uses the brand of the Free Syrian Army (FSA) - the umbrella armed group formed by the anti-government opposition in 2011. The union of SNA and NLF brought together more than 40 armed opposition groups

which are reported to be under the 'near-total control of Turkey's Ministry of Defence and National Intelligence Organisation (MIT)'. The SNA were reportedly responsible for human rights violations, such as kidnappings, abductions, torture, extortion and assassinations of civilians. Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin were also reported.

 Read more in the COMMON ANALYSIS

- **Hayat Tahrir al-Sham or Organisation for the Liberation of the Levant (HTS)** is a coalition of Islamist Sunni anti-government armed groups, formed through the merger of **Jabhat al-Nusrah** with other smaller factions. The HTS was reported to be the most powerful actor in the Idlib area. However, the GoS offensive in 2019 eroded the group's military and political control. HTS frequently commits serious human rights abuses, such as forced conversions, assassinations, kidnapping, torture, harassment, as well as unlawful detention of civilians.

 Read more in the COMMON ANALYSIS

- The **Islamic State of Iraq and Levant (ISIL)** is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation. ISIL aims to establish a global, Islamic 'caliphate' and fosters violent conflict between Muslims and non-Muslims. In March 2019, ISIL's territorial control and governance in Syria ceased to exist completely. However, ISIL is reported to be forming cells across Syria and evolving into a covert network. The group has killed hundreds of civilians, carrying out public executions, beheadings and crucifixions. Religious minorities in Syria such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to ISIL's religious laws, were specifically targeted. After ISIL lost its territorial control, they target SDF, Syrian government forces and affiliated armed groups, local governance officials, village elders, people perceived as informants against ISIL, as well as US-led coalition forces, and civilians. The attacks include roadside bombs, drive-by shootings and assassinations as well as larger scale attacks.

 Read more in the COMMON ANALYSIS

- In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of LGBTIQ persons, 'honour' violence) or criminal gangs (e.g. kidnapping for ransom).

 Read more in the COMMON ANALYSIS

## Refugee status: guidance on particular profiles

### Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



#### Article 2(d) QD Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply.

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant’s well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).



Read more in the COMMON ANALYSIS

## Profiles

This section refers to some of the profiles of Syrian applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and on some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and they have to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past** or **family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.
- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution is highly likely or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

### 2.1.1 Members of anti-government armed groups

Last update: September 2020

**Risk analysis:** well-founded fear of persecution would in general be substantiated.

**Potential nexus:** (imputed) political opinion.

\* Exclusion considerations could be relevant to this profile.

[→ Read more in the COMMON ANALYSIS](#)

### 2.1.2. Political activists, opposition party members and protesters seen as opposing the government

Last update: September 2020

**Risk analysis:** for those who would be considered opposing the government, well-founded fear of persecution would in general be substantiated. The sole fact of participation in a protest in the past may not be sufficient to establish that an individual would fall under this category.

**Potential nexus:** (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.1.3 Civilians originating from areas associated with opposition to the government

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional aspects (who is in control in the area, whether it was considered an opposition stronghold, etc.)
- level of (perceived) support or collaboration with anti-government forces
- familial ties or other connection to (suspected) members of anti-government armed groups and/or political opposition members
- (perceived) support for the GoS
- etc.

**Potential nexus:** (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.2.2. Draft evaders

Last update: November 2021

**Risk analysis:** well-founded fear of persecution would in general be substantiated. While certain exemptions from military service are envisaged in law, their application in practice lacks predictability.

**Potential nexus:** (imputed) political opinion and/or religion (in the case of conscientious objectors).

[→ Read more in the COMMON ANALYSIS](#)

### 2.2.3. Military deserters and defectors

Last update: November 2021

**Risk analysis:** well-founded fear would in general be substantiated.

**Potential nexus:** (imputed) political opinion and/or religion (in the case of conscientious objectors).

\* Exclusion considerations could be relevant to this profile.

[→ Read more in the COMMON ANALYSIS](#)

### 2.3. Persons with perceived links to ISIL

Last update: September 2020

**Risk analysis for perceived members of ISIL and those perceived to have familial links to ISIL members:** well-founded fear of persecution would in general be substantiated.

**Risk analysis for civilians who resided in territories controlled by ISIL:** not all individuals would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the perceived level of support for ISIL.

**Potential nexus:** (imputed) political opinion.

\* Exclusion considerations could be relevant to this profile.

[→ Read more in the COMMON ANALYSIS](#)

### 2.4. Members of and persons perceived to be collaborating with the SDF and YPG

Last update: September 2020

**Risk analysis for areas where the SNA operates:** well-founded fear of persecution would in general be substantiated.

**Risk analysis for Kurdish-controlled areas:** not all individuals under this sub-profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (areas where ISIL continues to operate)
- visibility of the applicant
- position within the community

- nature of activities undertaken by the individual
- public expression of support for SDF/YPG or condemnation of ISIL's actions
- etc.

**Potential nexus:** (imputed) political opinion.

In relation to persecution by SNA, also potential nexus: race/nationality

\* Exclusion considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

## 2.5. Persons perceived to be opposing the SDF/YPG

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (who is in control of the area of origin of the applicant, if the applicant was located in any of the IDP camps)
- the nature of activities and degree of involvement in activities perceived by SDF/YPG as opposition
- (perceived) affiliation with ISIL (see separate profile '3. Persons with perceived links to ISIL') or Turkish-backed forces (see also '1.1. Members of anti-government armed groups')
- being known to the Kurdish authorities (e.g. previous arrest)
- etc.

**Potential nexus:** (imputed) political opinion.

\* Exclusion considerations could be relevant to some sub-categories of this profile, such as ISIL members and members of the SNA.

 Read more in the COMMON ANALYSIS

## 2.6. Persons fearing forced or child recruitment by Kurdish forces

Last update: September 2020

**Risk analysis:** not all individuals from Kurdish-controlled areas would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender
- falling within an exception ground
- ethno-religious background
- age
- being in an IDP situation
- etc.

**Potential nexus in the case of forced recruitment:** while the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.

**Potential nexus in the case of child recruitment:** the individual circumstances of the applicant need to be taken into account.

 Read more in the COMMON ANALYSIS

### 2.7.1. Members of the Government of Syria and Baath party officials

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

**Potential nexus:** (imputed) political opinion.

\* Exclusion considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

### 2.7.2. Members of government armed forces and pro-government armed groups

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

With regard to the risk associated with leaving Syria, in addition to considerations related to 'The implications of leaving Syria' see '2.2. Military deserters and defectors'.

**Potential nexus:** (imputed) political opinion.

\* Exclusion considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

### 2.7.3. Civilians perceived to be

Last update: September 2020

## supporting the government

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (depending on the presence and activity of anti-government armed groups)
- level of (perceived) support or collaboration
- etc.

**Potential nexus:** (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

## 2.8. Journalists, other media professionals and citizen journalists

Last update: September 2020

**Risk analysis for journalists who are seen as critical by the actor in control of the particular area:** well-founded fear of persecution would in general be substantiated.

**Risk analysis for other journalists:** not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- topic they report on
- regional aspects (reach of the actors they report on)
- visibility
- etc.

**Potential nexus:** (imputed) political opinion.

In relation to persecution by extremist groups, such as HTS, also potential nexus: religion.

[→ Read more in the COMMON ANALYSIS](#)

## 2.9. Human rights activists

Last update: September 2020

**Risk analysis for human rights activists perceived as critical of the actor in control of the particular area:** well-founded fear would in general be substantiated.

**Risk analysis for other human rights activists:** not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- topic they work on
- regional specifics
- visibility
- etc.

**Potential nexus:** (imputed) political opinion.

In relation to persecution by extremist groups, such as HTS, also potential nexus: religion.

[→ Read more in the COMMON ANALYSIS](#)

## 2.10. Doctors, other medical personnel and civil defence volunteers

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances, could include:

- regional specifics (the risk is higher in areas affected by armed confrontations)
- perceived support for anti-government armed groups
- nature of activities (e.g. members of the White Helmets would generally be at higher risk)
- etc.

**Potential nexus:** (imputed) political opinion

In relation to risks such as kidnapping for ransom: generally, no nexus

\* Some medical personnel may have been involved in excludable acts, such as discriminating practices with regard to treatment of wounded or aiding and abetting torture.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.1. Sunni Arabs

Last update: September 2020

**Risk analysis:** being a Sunni Arab in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as '1. Persons perceived to be opposing the government' and '3. Persons with perceived links to ISIL'. The individual assessment should also take into account risk-impacting circumstances, such as the regional specifics (e.g. living in areas controlled by extremist groups).

**Potential nexus:** (Imputed) political opinion.

In case of persecution by extremist groups, also: religion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.2. Kurds

Last update: September 2020  
\*Minor updates added November 2021

**Risk analysis for Kurds from areas under the control of the SNA:** well-founded fear would in general be substantiated.

**Risk analysis for other Kurds:** not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- statelessness
- identity document
- area of origin and/or residency
- etc.

**Potential nexus:** race, nationality (statelessness) and/or (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.3. Druze

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence of extremist groups)
- perceived support for anti-government armed groups
- etc.

**Potential nexus:** race and/or religion and in some cases (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.4. Alawites

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence of anti-government and extremist groups)
- perceived opposition to the GoS
- etc.

**Potential nexus:** (imputed) political opinion.

In case of persecution by extremist groups, also: religion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.5. Christians

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include regional specifics (e.g. Christians in areas where opposition armed groups or ISIL operate are at higher risk, lower risk in the GoS-controlled areas and in Kurdish-controlled areas where ISIL has no operational capacity), etc.

**Potential nexus:** religion and/or (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.6. Yazidis

Last update: September 2020

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence and activity of extremist groups)
- gender
- etc.

**Potential nexus:** race/nationality and/or religion.

[→ Read more in the COMMON ANALYSIS](#)

### 2.11.7. Palestinians

Last update: September 2020

\*Minor updates added November 2021

**For Palestinians who availed themselves of protection or assistance by**

**UNRWA:** refugee status is to be granted ipso de facto in accordance with Article 12(1)(a) QD.

**For Palestinians who did not avail themselves of protection or assistance by UNRWA:**

**Risk analysis:** not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of habitual residence
- identity documents
- (perceived) involvement with a party in the conflict
- etc.

**Potential nexus:** (imputed) political opinion and/or nationality.

 Read more in the COMMON ANALYSIS

## 2.12. Women

Last update: September 2020

The different forms of violence against women in Syria are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

### 2.12.1. Violence against women and girls: overview

**Risk analysis:** not all women and girls face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- perception of traditional gender roles in the family
- poor socio-economic situation
- social status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, such as widows, divorced or separated women, displaced women and girls, women and girls with disabilities, female heads of households)
- area of origin or residence (e.g. in relation to presence of extremist groups)
- lack of documentation (e.g. death certificates of husbands)
- etc.

**Potential nexus:** (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

 Read more in the COMMON ANALYSIS

### 2.12.2. Women perceived to be associated with anti-government armed groups

See the profiles:

- 2.1. Persons perceived to be opposing the government
- 2.3. Persons with perceived links to ISIL

 Read more in the COMMON ANALYSIS

### 2.12.3. Forced and child marriage

**Risk analysis:** not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced/child marriage. Risk-impacting circumstances could include:

- young age
- personal status
- area of origin and residence

- ethnicity
- religion
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- living in IDP situation
- etc.

**Potential nexus:** membership of a particular social group (e.g. in relation to refusal to enter into a forced or child marriage).

 Read more in the COMMON ANALYSIS

#### 2.12.4. Women perceived to have violated family honour

**Risk analysis:** not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violation of family honour. Risk-impacting circumstances could include:

- age
- personal status
- area of origin and residence
- perception of traditional gender roles in the family or community
- situation of the family
- etc.

**Potential nexus:** membership of a particular social group (e.g. women who have previously been subjected to sexual violence).

 Read more in the COMMON ANALYSIS

#### 2.12.5. Single women and female-headed households

**Risk analysis:** not all women under this sub-profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- personal status
- area of origin and residence
- perception of traditional gender roles in the family or community
- economic situation
- availability of civil documentation
- education
- etc.

**Potential nexus:** membership of a particular social group (e.g. divorced women or widows).

 Read more in the COMMON ANALYSIS

## 2.13. Children

The section on children addresses certain child-specific circumstances of increased vulnerability and risks that children in Syria may be exposed to:

### 2.13.1. Violence against children: overview

**Risk analysis:** not all children face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- family members perceived to be involved with the opposition or anti-government armed groups (see '1. Persons perceived to be opposing the government', '3. Persons with perceived links to ISIL')
- poor socio-economic situation (e.g. residing in IDP camps)
- social status (the risk of sexual violence and exploitation is higher for separated and unaccompanied children and for children in female-headed households)
- area of origin or residence
- lack of documentation
- religion
- etc.

**Potential nexus:** (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

 Read more in the COMMON ANALYSIS

### 2.13.2. Child recruitment

**Risk analysis:** not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. Risk-impacting circumstances could include:

- poor socio-economic situation (for example, residing in IDP camps)
- social status
- area of origin or residence
- ethnicity
- etc.

**Potential nexus:** the individual circumstances of the applicant need to be taken into account.

\* See also 2.6. Persons fearing forced or child recruitment by the Kurdish forces.

 Read more in the COMMON ANALYSIS

### 2.13.3. Child labour

**Risk analysis:** not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour. Risk-impacting circumstances could include:

- age
- gender
- poor socio-economic status of the child and his or her family (e.g. being a member of a female-headed household)
- being in an IDP situation
- region of origin or residence
- etc.

**Potential nexus:** the risk of child labour as such may not generally imply a nexus to a reason for persecution. However, the individual circumstances of the applicant need to be taken into account.

[→ Read more in the COMMON ANALYSIS](#)

#### 2.13.4. Child marriage

See the section 2.12.3. Forced and child marriage under the profile 2.13. Women.

[→ Read more in the COMMON ANALYSIS](#)

#### 2.13.5. Access to education

**Risk analysis:** not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to education. Risk-impacting circumstances could include:

- identification documents
- gender (girls are at a higher risk)
- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- IDP situation
- area of origin and residence
- etc.

**Potential nexus:** the individual circumstances of the child should be taken into account. For example, in the case of denied identity documentation due to origin from an opposition-held territory, (imputed) political opinion may apply.

[→ Read more in the COMMON ANALYSIS](#)

#### 2.13.6. Lack of documentation

**Risk analysis:** not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to documentation. Risk-impacting circumstances could include:

- deceased or missing fathers
- being born out of wedlock or as a result of sexual violence
- area of origin and residence
- gender
- poor socio-economic situation of the child and the family
- IDP situation
- member of a female-headed household
- etc.

**Potential nexus:** the individual circumstances of the child should be taken into account. For example, in the case of children born as a result of sexual violence, persecution may be for reasons of membership of a particular social group.

 [Read more in the COMMON ANALYSIS](#)

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## 2.14. LGBTIQ persons

Last update: September 2020

**Risk analysis:** well-founded fear of persecution would in general be substantiated.

**Potential nexus:** membership of a particular social group.

 [Read more in the COMMON ANALYSIS](#)

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## Subsidiary protection



The contents of this chapter include:

- [Article 15\(a\) QD](#): death penalty or execution
- [Article 15\(b\) QD](#): torture or inhuman or degrading treatment or punishment
- [Article 15\(c\) QD](#): serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

### Article 15(a) QD

#### Death penalty or execution

Last update: September 2020

The death penalty is envisaged under the Syrian Penal Law and can be imposed for the following crimes: aggravated murder, military offenses, terrorism-related offenses, drug trafficking, treasonous acts, arson resulting in death, gang robbery resulting in death, as well as other offenses not resulting to death, such as subjecting a person to torture or barbaric treatment during commission of a gang-robbery; attempting a crime punishable by the death penalty; and being convicted for the second time for a felony punishable by forced labour for life.

In addition, the Counter-Terrorism Law No.19 was adopted in 2012. It defines terrorism broadly and envisages harsh punishment, including the death penalty. The Military Field Courts, which try civilians and military personnel for 'crimes committed during wartime or during military operations' can also impose the death penalty upon approval by the President of Syria. There are reports that death penalties and executions were extensively implemented in Syria's prisons. However, no official figures have been disclosed by the GoS. An amnesty decree was issued by President Bashar al-Assad in September 2019 reducing death penalty to life imprisonment. However, there is no available information regarding the implementation of the decree.

In Kurdish-controlled areas, a legal code based on the 'Social Contract' is applied by the Kurdish authorities. According to it, the death penalty has been abolished.

Extremist groups such as HTS and ISIL have carried out public executions, beheadings and crucifixions for transgressing the moral codes of the Sharia law in areas under their control, killing hundreds of civilians. They also reportedly subjected women, girls, and minorities to illegal executions for breach of the imposed codes and for 'dishonouring' their families.

Some profiles of applicants from Syria may be at risk of death penalty or execution. In such cases there could be nexus to a Convention ground (see for example the profiles [1. Persons perceived to be opposing the government](#), [2.2. Military deserters and defectors](#), [3. Persons with perceived links to ISIL](#)).

In cases where there is no nexus to a reason for persecution under the definition of a refugee, the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.

Read more in the COMMON ANALYSIS

## Article 15(b) QD

### Torture or inhuman or degrading treatment or punishment

Last update: September 2020

\*Minor updates added November 2021

In the cases of applicants for whom torture or inhuman or degrading treatment or punishment may be a real risk, there would often be a nexus to a reason for persecution under the definition of a refugee, and such individuals would, therefore, qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground and the applicant would not qualify for refugee status, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of an actor, in particular the intentional deprivation of the applicant of appropriate healthcare.

Healthcare facilities have been destroyed or damaged in targeted attacks by actors in the conflict, therefore deliberately limiting access to healthcare in the respective areas. In such cases, the application of [Article 15\(b\) QD](#) may be considered where refugee status has not been found to apply.

- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Prison and detention centres in Syria have been reported as harsh and, in many instances, life-threatening, due to food shortages, gross overcrowding, physical and psychological abuse, and inadequate sanitary conditions and medical care. Reports mention that prisoners and detainees face the risk of ill-treatment and even execution, while deaths in custody resulting from torture or other ill-treatment have been documented. Various methods of torture have been reported, including physical violence, sexual torture, psychological torture, health neglect and detention conditions, forced labour, torture in military hospitals and separation. Children are not separated from adults and are held in the same prisons, suffering from the same types of torture.

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under [Article 15\(b\) QD](#).

Please note that [exclusion](#) considerations could be relevant.

 Read more in the COMMON ANALYSIS

## Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last update: November 2021

The necessary elements in order to apply [Article 15\(c\) QD](#) are:

**Figure 3. Article 15(c) QD: elements of the assessment.**



In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.

[→](#) Read more in the COMMON ANALYSIS

The following is a summary of the relevant conclusions concerning the situation in Syria:

- a. **Armed conflict:** There are multiple overlapping non-international (internal) and international armed conflicts taking place in Syria:
- The government of Syria is involved in a non-international armed conflict with various anti-GoS armed groups, most notably HTS, the SNA and ISIL.
  - The US-led coalition against ISIL is in an international armed conflict with Syria, due to its military intervention in Syria without the consent of the GoS.
  - Syria is also in an international armed conflict with Turkey, who has carried out military operations against ISIL and Kurdish armed groups in Syria, and controls parts of northern Syria with the help of anti-government armed groups. Military confrontations between Syrian and Turkish armed forces took place during the conflict, most recently in March 2020.
  - Turkey is also engaged in a non-international conflict in Syria with YPG forces.
  - Syria is involved in an international armed conflict with Israel, who has been conducting airstrike on Iranian targets in Syria without the consent of the GoS.

[→](#) Read more in the COMMON ANALYSIS

- b. **Civilian:** [Article 15\(c\) QD](#) applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity.

The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- Syrian Armed Forces
- pro-government militias
- SDF and Asayish
- SNA
- HTS and other anti-government armed groups
- ISIL and its predecessor groups.

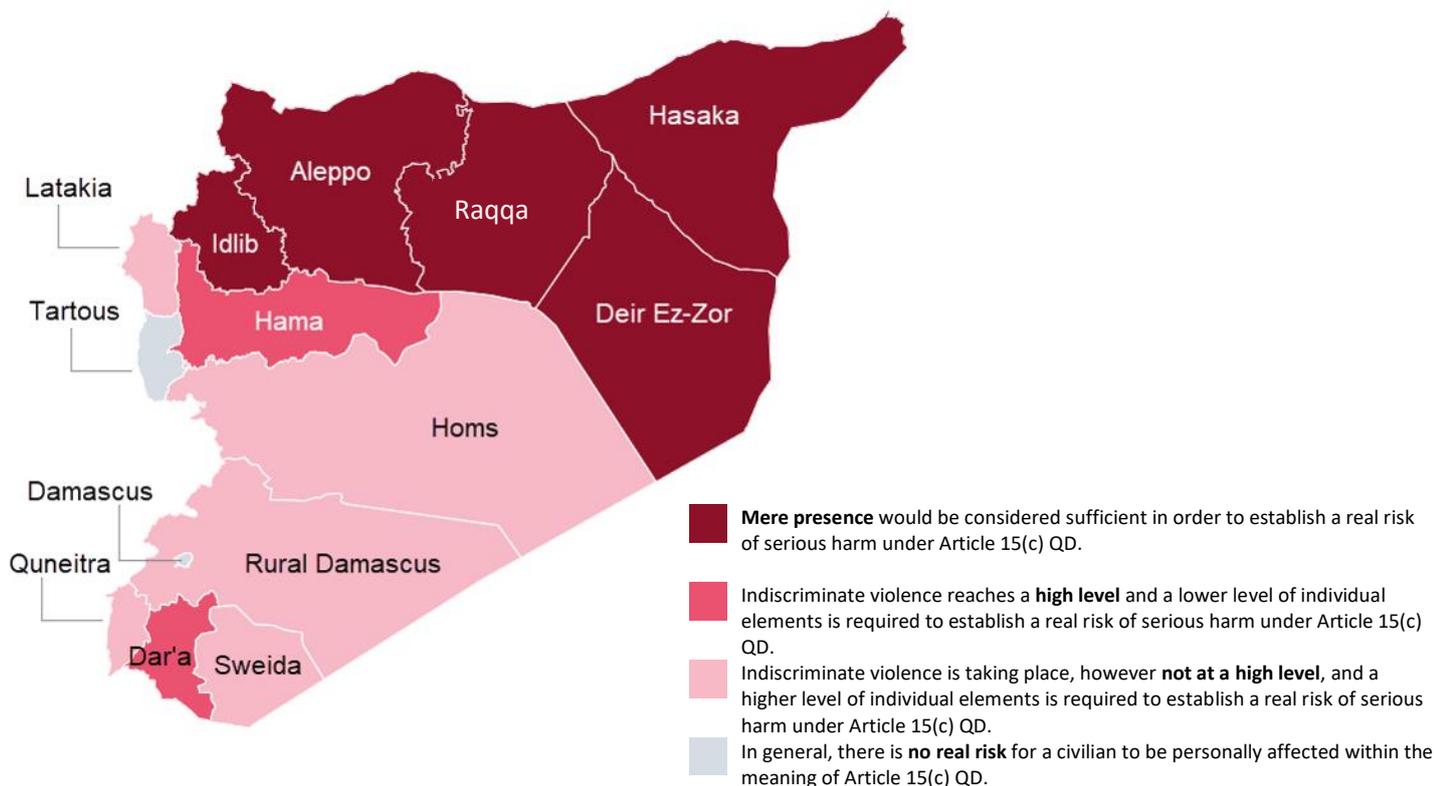
It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her.

 Read more in the COMMON ANALYSIS

- c. **Indiscriminate violence:** Indiscriminate violence takes place to a different degree in different parts of the territory of Syria. The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Syria. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (primarily, 1 January 2020 - 31 March 2021). Up-to-date country of origin information should always inform the individual assessment.

Figure 4. Level of indiscriminate violence in Syria (based on data as of 31 March 2021).



For the purposes of the guidance note, the governorates of Syria are categorised as follows:

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant territory, would **solely on account of his or her presence** there, face a real risk of being subjected to the serious threat referred to in [Article 15\(c\) QD](#).

This includes the governorates of Aleppo, Deir ez-Zor, Hasaka, Idlib, and Raqqa.

Territories where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#), however, indiscriminate violence reaches a **high level**, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the governorates of Dar'a and Hama.

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the governorates of Homs, Latakia, Quneitra, Rural Damascus, and Sweida.

Territories where, in general, there is no real risk for a civilian to be personally affected within the meaning of [Article 15 \(c\) QD](#).

This includes the governorates of Damascus and Tartous.

 Read more in the COMMON ANALYSIS

**d. Serious and individual threat:** In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- gender
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation
- etc.

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**e. Threat to life or person:** The risk of harm as per [Article 15\(c\) QD](#) is formulated as a ‘threat to a civilian’s life or person’ rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to civilians’ life or person in Syria include killing, injury, abduction, child recruitment, explosive remnants of war, etc.

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- f. **Nexus:** The nexus 'by reason of' refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian's life or person) and includes:
- Harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, and
  - Harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.

 Read more in the COMMON ANALYSIS

## Actors of protection

Last update: September 2020

[Article 7 QD](#) stipulates that protection can only be provided by:

a. the State;

b. parties or organisations controlling the State or a substantial part of the territory of the State;

provided they are **willing and able** to offer protection, which must be:

**effective** and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,

and when the applicant has **access to such protection**.

### The State

#### The Government of Syria

Assad and Baath Party leaders dominate all branches of government as an authoritarian regime.

Despite the government's ability to recapture the majority of Syria's territory, the conflict significantly affected the State's role, reach and institutional capacity in government-held areas. The government lacks the forces to secure the areas it retakes, but also pursues punitive policies against local populations. At the same time, the GoS reportedly managed to maintain State institutions and economic entities functional to a certain degree, despite the economic pressure.

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is subjected to political influence, intimidation and abuse, lacks adherence to legal procedures and suffers from widespread corruption. The right to a fair trial is enshrined in the Constitution but is not respected in practice. Other serious deficiencies in the judicial system were also reported, such as very slow procedures, pre-trial detention exceeding the sentence for the crime, judges with no legal training. In the World Bank's 2018 indicator for rule of law, Syria scored 0.96 out of 100.

Corruption was also reportedly a widespread problem in the police forces. The police were reported to take part in arbitrary home raids and warrants were rarely issued or presented by the police when operating arrests.



In general, the GoS would not be considered an actor of protection meeting the criteria under [Article 7 QD](#). However, in very exceptional cases, it might be established that the GoS is willing and able to provide protection that is effective and non-temporary.

 Read more in the COMMON ANALYSIS

## Parties or organisations controlling the State or a substantial part of the territory of the State

### Northern and Eastern Syria Autonomous Administration

In the Kurdish-controlled territories in northeast Syria, Kurdish forces have introduced self-governing sub-regional security and governance institutions. They also introduced and operate their own justice system in the areas under their control. The Kurdish justice system is not recognised internationally or by the Syrian government and reportedly lacks fair trial standards. Moreover, the lack of due process and reported human rights violations by the Kurdish security forces would not qualify such a justice mechanism as a legitimate form of protection.



It can be concluded that the Northern and Eastern Syria Autonomous Administration in the Kurdish-controlled areas in Syria do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

 Read more in the COMMON ANALYSIS

Where no actor of protection meeting the requirements of [Article 7 QD](#) can be identified in the home area of the applicant, the assessment may proceed with examination of the availability of [internal protection alternative](#).

## Internal protection alternative

Last update: November 2021

The required elements in order to apply [Article 8 QD](#) are:

**Figure 5. IPA: elements of the assessment.**



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Syria, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

[→](#) Read more in the COMMON ANALYSIS

### Part of the country

Last update: November 2021

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.



For the purposes of this document, the analysis focuses on the possibility of applying IPA with regard to Damascus City - the capital and the most important economic centre in Syria.

[→](#) Read more in the COMMON ANALYSIS

### Safety

Last update: November 2021

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

**Figure 6. IPA: examination of under the safety criterion.**



### Absence of persecution or serious harm

The assessment should take into account:

▶ **general security situation in relation to indiscriminate violence**

The general security situation in Damascus City should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). In this regard, it has been concluded that in the governorate of Damascus, there is, in general, no real risk for a civilian to be personally affected within the meaning of Article 15(c) QD.

▶ **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by **State actors**, internal protection in Damascus would in general not be considered safe. This would also include State-affiliated actors, such as foreign allies and pro-regime militias.

With regard to persecution or serious harm by **SDF, YPG, ISIL, HTS or other anti-GoS armed groups**, it should be noted that these groups are active within certain regions and their operational capacity in Damascus City is currently limited. Therefore, the criterion of safety may be considered satisfied in most cases. However, particular consideration should be given to the individual circumstances of the applicant and whether they are perceived by the actor as a priority target.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Syria and the actor of persecution or serious harm can be the **Syrian society** at large (e.g. for [14. LGBTIQ persons](#) and [12. Women](#)), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the **family or community** (e.g. forced marriage, honour crime), taking into account the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

See also [1. Actors of persecution or serious harm](#).

▶ **whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make them a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace them in Damascus City.

▶ **other risk-enhancing circumstances**

The information under the section [2. Refugee status](#) should be used to assist in this assessment.

**Availability of protection against persecution or serious harm**

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. However, in light of the analysis in the chapter [4. Actors of protection](#), the possibility to consider the criterion of safety satisfied in relation to availability of protection would be limited to very exceptional cases.



The requirement of safety may be satisfied in Damascus City, depending on the profile and the individual circumstances of the applicant. For those who have a well-founded fear of persecution by the GoS and/or by society at large, IPA in Damascus will generally not meet the criterion of safety.

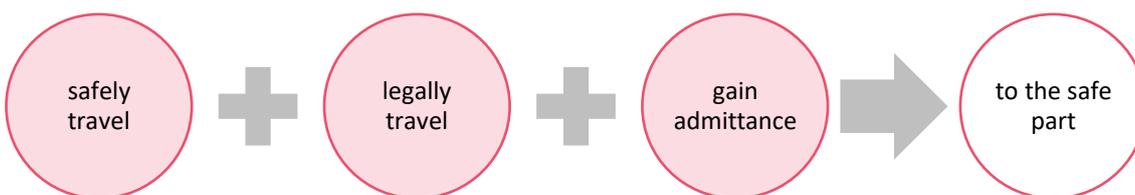
 Read more in the COMMON ANALYSIS

**Travel and admittance**

Last update: November 2021

In case the criterion of ‘safety’ is satisfied, as a next step, case officers have to establish whether an applicant can:

**Figure 7. Travel and admittance as requirements for IPA.**



It should be noted that in the context of Syria and in particular the security measures related to State actors, the three requirements should be read in conjunction.

- ✓ **Safely travel:** When assessing the requirement of safety of travel, the presence of permanent and potential temporary checkpoints should be taken into account. Passing through checkpoints requires identification documents.

Treatment at checkpoints was reported to include arbitrary arrests, extrajudicial detentions, torture and forced disappearances. Profiles at particular risk of arrest at checkpoints tend to be those who return to Syria without security clearance or status settlement in place prior to traveling, individuals who work or carry out activities believed to oppose the government, men of military age, and those with family members who were forcibly displaced to Idlib or Aleppo. Particular attention should also

be given in the case of women, as the insecurity has affected them disproportionately and restrictions on them have intensified.

- ✓ **Legally travel:** The Syrian Constitution provides for freedom of movement of citizens unless 'prevented by a decision from the competent court or the public prosecution office or in accordance with the laws of public health and safety'. However, in practice, freedom of movement in Syria in 2019 was 'severely restricted' due to ongoing combat and 'proliferation of regime and militia checkpoints'. Syrian citizens are also allowed to travel internationally, but the government denied access to passports and civil documentation based on political views, association with the opposition, or geographical location associated with the opposition. The GoS imposed exit visa requirements and was reported to closely monitor Damascus Airport and border crossings. Exit visas were not generally required for Syrians who intended to leave the country, but 'certain profiles', including government officials and men aged 18-42, needed to obtain permission from one or more agencies to be allowed to cross the borders.
- ✓ **Gain admittance to:** In order to settle, change residence, and/or rent property in Damascus, one needs to get a security clearance issued by the security services regardless of where the person comes from (abroad, other GoS-controlled governorates or areas outside GoS control) and the rental or purchase contract need to be certified by the *mukhtar* of the area to which the person intends to move, who then sends the contract information to the security branches for approval.

Access to some areas of Damascus, such as Al-Qaboun, Al-Yarmouk, Jobar, and Al-Qadam, is almost completely prohibited due to significant destruction and security permission is required for entering those areas.



For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA in Damascus City should proceed with an assessment of the requirements of safety and legality of travel and of gaining admittance.

The profile and individual circumstances of the applicant should be taken into account in this regard. For individuals who would return to Syria without identity documents or without security clearance or status settlement in place prior to traveling, these requirements would not be satisfied.



Read more in the COMMON ANALYSIS

## Reasonableness to settle

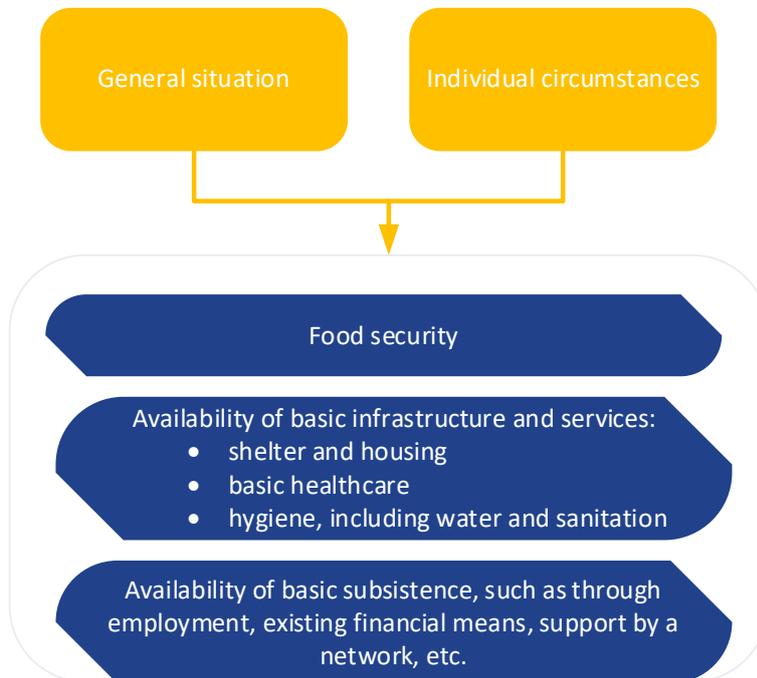
Last update: November 2021

According to [Article 8 QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family's subsistence and to the availability of basic

healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

**Figure 8. IPA: assessment of the reasonableness requirement.**



### General situation

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

The general circumstances prevailing in Damascus assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the city as such. The person's ability to navigate the above circumstances will mostly depend on access to financial means and in exceptional cases, the reasonableness requirement may be satisfied. The assessment should take into account the individual circumstances of the applicant.

[Read more in the COMMON ANALYSIS](#)

### Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- civil documentation
- gender
- age
- support network
- professional and educational background and financial means
- ethnoreligious and linguistic background
- state of health

- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.

 Read more in the COMMON ANALYSIS

### Conclusions on reasonableness

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in Damascus City and the individual circumstances of such applicants, as outlined in the sections above.



For those applicants who meet the ‘safety’ and ‘travel and admittance’ requirements under [Article 8\(1\) QD](#), the availability of IPA in Damascus City will depend on the assessment of the reasonableness to settle there.

Based on the general situation in the capital city, and taking into account the applicable individual circumstances, internal protection in Damascus City may be a reasonable alternative only in exceptional cases. Such exceptional cases would in particular include some adult applicants with significant financial means or who have a support network that is willing and capable of assisting them in accessing basic subsistence if they settle in the city.

In this regard, the rapidly evolving economic situation and food insecurity, as well as the impact of covid-19 on those and on the healthcare system in Damascus, should also be considered.

 Read more in the COMMON ANALYSIS

## Exclusion

Last update: September 2020



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion	
<b>Refugee status</b>	<ul style="list-style-type: none"><li>• a crime against peace, a war crime, or a crime against humanity</li><li>• a serious non-political crime outside the country of refuge prior to his or her admission as a refugee</li><li>• acts contrary to the principles and purposes of the United Nations</li></ul>
<b>Subsidiary protection</b>	<ul style="list-style-type: none"><li>• a crime against peace, a war crime, or a crime against humanity</li><li>• a serious crime</li><li>• acts contrary to the principles and purposes of the United Nations</li><li>• constituting a danger to the community or to the security of the Member State in which the applicant is present</li><li>• other crime(s) (under certain circumstances)</li></ul>

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant, while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to their application.

 Read more in the COMMON ANALYSIS

In the context of Syria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. While the focus in this chapter is primarily on the recent events, it should be highlighted that applicants can be excluded from international protection for acts committed in the more distant past (e.g. during the Syrian Occupation of Lebanon (1976-2005) or in the context of the Muslim Brotherhood Uprising in Syria (1979-1982), or based on their involvement in other excludable acts of the Syrian regime). In the context of the different conflicts since 2011, most actors have been widely reported to engage in actions which may lead to exclusion.

 Read more in the COMMON ANALYSIS

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Syria.

### **a. Crime against peace, war crime, crime against humanity**

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising, could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Some acts in the current conflicts, such as extrajudicial killings, torture and forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of the SAA, the GoS intelligence- and security services and associated armed groups (e.g. NDF), as well as anti-government armed groups (e.g. FSA, ISIL, *Jabhat al-Nusrah*/HTS, SNA), Kurdish political actors (PYD) and security forces (SDF, YPG, Asayish) can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

In terms of qualifying the relevant acts as war crimes, the following classification of some of the conflicts taking place in Syria may be relevant:

- non-international armed conflict between GoS and various anti-GoS armed groups, most notably HTS, SNA and ISIL;
- international armed conflict between the US-led coalition against ISIL and GoS (due to its military intervention in Syria without the consent of the GoS);
- international armed conflict between Syria and Turkey, as the GoS has not accepted Turkish presence on its territory. Military confrontations between Syrian and Turkish armed forces also took place during the conflict;
- international armed conflict between Syria and Israel, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS;
- non-international armed conflict between Turkey and the YPG forces.

## b. Serious (non-political) crime

Criminal activity in Syria is widely reported including kidnappings, assassinations, gun smuggling, drug smuggling, human trafficking and robberies. Such serious (non-political) crimes would trigger the application of [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

## c. Acts contrary to the purposes and principles of the United Nations

(Former) membership in terrorist groups such as ISIL and *Jabhat al-Nusra*/HTS could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

## d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.

 Read more in the COMMON ANALYSIS



## Common analysis: Syria

The common analysis represents the joint assessment of EU Member States of the situation in the country. It is based on common country of origin information, published by EASO, which is analysed in accordance with the 1951 Geneva Convention and the Qualification Directive (recast), further taking into account the jurisprudence of the CJEU and ECtHR and general EASO guidance. Recent UNHCR international protection considerations are also taken into account.

# General remarks, including the implications of leaving Syria

Last update: November 2021

The Syrian armed conflict began in 2011 as a civil uprising against the government of President Bashar al-Assad, inspired by the Arab Spring protests. Since 2012, the conflict became increasingly violent and developed in a full-scale civil war, as armed opposition groups confronted Syrian government forces and began seizing key territories. The rise of Islamist groups and subsequent infighting marked another phase in the conflict that culminated in 2014, with the Islamic State of Iraq and the Levant (ISIL) conquering large areas in the eastern part of the country and further into Iraq and establishing the so-called 'Islamic State caliphate'. The creation of the 'caliphate' prompted the military intervention of an international US-led coalition against ISIL. Since late 2015, military interventions of other external actors in support of Assad marked the comeback of the Syrian government, which gradually recaptured most territories and consolidated its control. By the end of 2018, the conflict was viewed as having shifted decisively in Assad's favour. Assad was re-elected for a fourth term as President of Syria in the May 2021 elections, which were found to lack any form of credibility. [[Actors](#), 1.1; [Security 2021](#), 1.2]

During the course of the war, Syria became the scene for a series of intersecting conflicts involving many internal and international actors [[Actors](#), 1.1]. Three main campaigns have driven the conflict in Syria: the violence between the Syrian government and opposition forces; the efforts of a US-led coalition to defeat ISIL; and the military operations against Syrian Kurds by Turkish forces [[Security 2021](#), 1.4]. Complex alliances, shifting allegiances, rivalries and conflicting interests between the actors involved continue to affect the balance of power and to foster uncertainty [[Actors](#), 1.1].

Hundreds of thousands of civilians have been killed, with most international experts estimating the number at around 500 000 since the beginning of the conflict. The conflict has also caused the biggest displacement crisis in the world. According to estimates, it has driven some 5.6 million Syrian refugees out of the country and more than 6 million IDPs have been displaced in Syria, 70 % of whom have been displaced for over five years. [[Security 2021](#), 1.6.3, 1.6.5]

A combination of factors, including the financial crisis in neighbouring Lebanon, international economic sanctions, and the COVID-19 pandemic contributed to a significant worsening of socio-economic conditions in Syria during the reference period. The economic situation has also contributed to a rapid deterioration of humanitarian conditions in the country. [[Damascus 2021](#), 3.1.3]



The significant impact on the civilian population in the country has been the result of deliberate targeting by multiple actors, as well as risks associated with indiscriminate violence.

The individual assessment of international protection needs should also take into account the presence and activity of [different actors](#) in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. Moreover, the assessment should account for the dynamically changing security situation in the country.

It should also be noted that in some cases, where international protection needs would be established, exclusion considerations may be relevant.

## »»» The implications of leaving Syria

It is inherent in the situation of applicants for international protection that they have left their country of origin. In the context of Syria, and in particular of targeting by the government of Syria (GoS), this in itself could have implications for the treatment of an individual upon return.<sup>8</sup>



This section is to be read in conjunction with the other sections of this country guidance, and in particular those concerning different profiles under [Refugee status](#), [Article 15\(b\) QD](#), [Actors of protection](#) and [Internal protection alternative](#).

Following the Syrian forces' territorial gains over the past years, the government is trying to foster the image of stability and is now calling on refugees to return. These GoS statements constituted a change from the previous stance of the GoS, which had perceived the mass exodus as a means of gaining a more homogenous society and ensuring subservience from the civilian population [[IDPs and returnees](#), 3.1]. On 11 November 2020 the GoS organised a two-day Russia-backed conference in Damascus aimed at facilitating the return of millions of Syrian refugees to Syria. The conference was attended by a few countries including Lebanon, Iraq, Iran, Russia, China, and Venezuela. The EU boycotted the conference, arguing that the situation in Syria was not conducive to a safe, voluntary, dignified and sustainable return of refugees. The EU pointed out that the Syrian authorities continued to violate human rights, including forced conscription, indiscriminate detention, forced disappearances, torture, physical and sexual violence and discrimination in access to housing, land and property. Thus, the EU regarded the conference on return as premature. UNHCR and the US also boycotted the event [[Returnees from abroad](#), 1.1; [Damascus 2021](#), 2.2.1].

There are no available statistics on how many Syrians and stateless persons from Syria have returned from the EU to Syria in 2020 [[Returnees from abroad](#), 1.2]. For the same year, 12 817 voluntary refugee returns from Lebanon and Jordan to Syria were recorded, while for the first three months of 2021, 2 107 such returns were recorded. The COVID-19 pandemic obstructed the process of return from Lebanon to Syria. On 22 March 2020, the Syrian authorities closed the land crossings between Lebanon and Syria. As a result, Syrians who had left Lebanon got stuck in the buffer zone between the two countries [[Returnees from abroad](#), 1.3.3, 1.3.4]. The total number of self-organised refugee returns to Syria for 2020 was indicated by UNHCR to be 38 233, mainly from neighbouring countries [[Damascus 2021](#), 2.2.1]. With regard to returns from Lebanon, sources noted that the extent to which these returns were truly 'voluntary' in nature could be questioned. Lebanon was struck by a series of setbacks: the COVID-19 pandemic, the Beirut Port explosion, and financial, economic and political crises, and

<sup>8</sup> This section uses the terms 'return' and 'returnee' in their usual meaning in everyday language, and should not be understood as a reference to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).

Syrian refugees were among the most vulnerable and impoverished groups in Lebanese society, since many had neither legal residency nor a durable income [[Returnees from abroad](#), 1.3.2].

In mid-October 2020, the Turkish Minister of Interior stated that over 414 000 Syrians had returned voluntarily to Syria, without clarifying whether the Syrians who had been ‘resettled’ in the buffer zone alongside the Turkish-Syrian border actually originated from this area. UNHCR had recorded 16 805 voluntary returns from Turkey to Syria in 2020 and 5 124 voluntary refugee returns during the first three months of 2021. [[Returnees from abroad](#), 1.3.2]

The Syrian Ministry of Interior issued a circular in March 2019 waiving the punishment of illegal exit by means of imprisonment and/or fines which used to be in effect previously. However, a formal procedure referred to as ‘status settlement’ or ‘security clearance’ is a prerequisite for returning to Syria after having exited illegally. The aim of the processes is to legalise one’s status or to ‘sort out [one’s] affairs’. [[Returnees from abroad](#), 2.1, 3.1]

According to the DIS, the application for a security clearance is a procedure through which the Syrian authorities cross-check whether a person is on any ‘wanted list’ and is to be considered a security threat, whereas settling one’s status involves a process in which a person settles their outstanding security issues with the Syrian authorities, like having left the country illegally, having participated in an anti-government demonstration, or having evaded the military service. However, several sources have noted that there was no clear distinction between applying for a security clearance and settling one’s status. [[Returnees from abroad](#), 3.1]

As far as the procedure itself is concerned, a security clearance can be applied for at a Syrian embassy or consulate by the returnee himself/herself or inside Syria by a first-degree relative who will have to prove their family ties with the returnee. The completion of the application for a security clearance requires the ‘return’ or ‘reconciliation’ forms to be filled out. The forms contain questions requiring extensive information on any involvement they or their relatives have had with the political opposition. Depending on the applicant’s answer to the security-related questions, they may either incriminate themselves for being aware of ‘terrorism activities’ or they may fail to fulfil their citizen’s duty to report ‘terrorism’. According to some sources, the Syrian authorities are interested in persuading dissident returnees to come back home only to arrest them upon return either to quell their anti-government activism or to extort money from their families. [[Returnees from abroad](#), 3.2]

Syrian refugees in Lebanon have pointed out that a risk they fear upon returning is the practice of writing a *taqir* (a ‘report’, meaning reporting people to the security agencies). They reported on instances of detention upon return as a result of being denounced by neighbours or even family members. The practice of writing a *taqir* is reportedly used either to avoid being targeted, for personal gain or vengeance. [[IDPs and returnees](#), 3.5]

All applications are forwarded to Syria’s security apparatus. Once the security clearance is granted, the returnee would obtain written approval, a document stamped by the Syrian Ministry of Interior. There are also sources according to which applications could be rejected for numerous different reasons, for example, for criticising the GoS on social media, having a relative in detention, having a name that is similar to that of a wanted person, returning from a country that is deemed hostile to the GoS, hailing from a former opposition stronghold, etc. In general, the processing of applications for a security clearance is arbitrary and non-transparent. [[Returnees from abroad](#), 3.2]

Returnees at the border may be detained for a short period - between one hour and several days. Even among the ‘voluntary returnees’, some may face issues such as extortion, forced conscription, arrest, detention, torture and death in custody, for example persons who had evaded military conscription or

who, or family members of whom, had connections with an armed opposition group, or who are part of an NGO inside or outside Syria, or are travelling back and forth to Syria from abroad, etc. [Targeting, 1.3.6]. Disappearances and arrests on return to Syria, including at the airport in Damascus, have been reported. In 2020, SNHR documented 89 cases of arrests of returnees from abroad, without specifying the areas of return [Damascus, 2.2.1]. Between January and September 2020, SNHR documented 38 cases of arrests of Syrian returnees from abroad, either through Damascus Airport or from Lebanon, via official crossings or through smuggling routes. Those returning from Lebanon had previously undergone status settlement. In January 2020, Mazen al-Hummada, a prominent Syrian human rights activist was arrested upon his return to Syria at Damascus airport. His whereabouts remained unknown. According to multiple sources, obtaining a security clearance will by no means guarantee a safe return to Syria, and the Syrian authorities continued to arrest, (temporarily) detain, interrogate, torture and/or prosecute returnees in terrorism courts upon return. [Returnees from abroad, 5]

Returnees also face a lack of rule of law, widespread human rights violations, and poor economic prospects. State guarantees as part of reconciliation agreements are not fulfilled, for both individuals and communities. Returnees have been arrested, detained, harassed or conscripted after they had completed the reconciliation process and received protection papers [Targeting, 1.3.6]. In reports of the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI) from August 2020 and January 2021, the UN observed that the Syrian authorities routinely denied Syrians return to their places of origin, most notably in formerly besieged areas that had been retaken by the Syrian armed forces. Some sources stated that some groups of returnees were denied access to a particular area of origin, because of their ethnicity, religion and/or political orientation [Returnees from abroad, 4.1].

Lacking civil documentation does not necessarily obstruct the process of return itself, according to some sources. Those who do not have a passport or whose passport expired, for instance, can apply for a *laissez-passer* at a Syrian diplomatic mission abroad. However, a lack of civil documentation certainly represents an obstacle upon return when seeking to access government services, to initiate legal procedures and to file property claims. [Returnees from abroad, 4.2]

According to some sources, there were no consequences known of having applied for asylum abroad and the sources had no information that such applicants were specifically punished on return. [Targeting, 1.3.6, Returnees from abroad, 2.2]



The fact of having left Syria in itself would not normally lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, this would be related to circumstances falling under other profiles included in this guidance, and in particular [Persons perceived to be opposing the government](#). However, in some cases, returnees could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. arrest, torture) and a nexus to a reason for persecution may be substantiated. In cases where no nexus can be substantiated, the implications of having left Syria may be a relevant consideration with regard to subsidiary protection. They should also be taken into account when assessing the willingness of the GoS to provide protection in the meaning of [Article 7 QD](#) and in the assessment of an internal protection alternative (IPA).

# 1. Actors of persecution or serious harm

This chapter looks into the topic of ‘actors of persecution or serious harm’. It focuses on the main actors in Syria, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.



The contents of this chapter include:

- [Preliminary remarks](#)
- [Overview: areas of control](#)
- [1.1. The Government of Syria and associated armed groups](#)
- [1.2. Syrian Democratic Forces and Asayish](#)
- [1.3. Anti-government armed groups](#)
- [1.4. Islamic State of Iraq and the Levant \(ISIL\)](#)
- [1.5. Other non-State actors](#)

## Preliminary remarks

[Article 6 QD](#) defines ‘actors of persecution or serious harm’ as follows.



Article 6(d) QD  
Actors of persecution or serious harm

Actors of persecution or serious harm include:

(a) the State;

(b) parties or organisations controlling the State or a substantial part of the territory of the state;

(c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct of an actor ([Article 6 QD](#)). For

example, it cannot simply be the result of general shortcomings in the health system of the country of origin.<sup>9</sup>

The notion of ‘**State**’ within the meaning of [Article 6\(a\) QD](#) should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other function(s) and acting at any level, be it central, federal, regional, provincial or local. It could, for example, include the civil service, armed forces, security and police forces, etc. In some cases, private entities may also be given State powers and therefore be considered a State actor of persecution or serious harm.

‘**Parties or organisations controlling the State or a substantial part of the territory of the State**’ can refer to two possible scenarios:

- ▶ Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or
- ▶ Parties or organisations controlling a substantial part of the State’s territory in the context of an armed conflict.

**Non-State actors** against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of [Article 6 QD](#). Non-State actors could, for example, include individuals and groups, such as clans and tribes, guerrillas and paramilitaries, militias, extremist religious groups, terrorists, criminals, political parties, and family members, including members of the extended family, etc.

## Overview: areas of control

Last update: November 2021

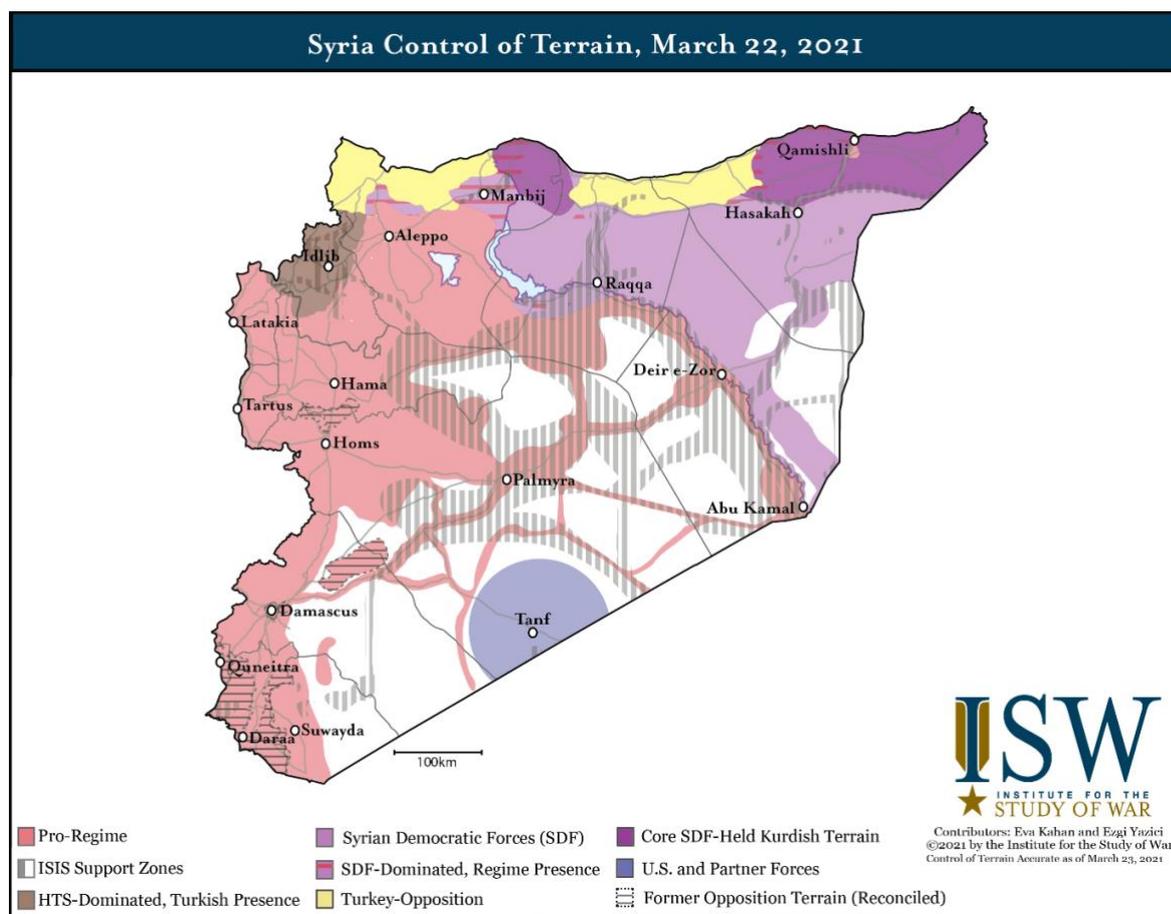
In Syria, a wide range of different groups and individuals can be considered as actors of persecution or serious harm. This includes a multitude of internal and international actors pursuing their own interests and goals. The conflict in Syria has become increasingly international in character, drawing the involvement of countries such as the United States, Russia, Turkey, Iran, Israel and others [[Actors](#), 1.2; [Security 2021](#), 1.4].

The following subsections highlight the main actors of persecution or serious harm in Syria in a non-exhaustive manner. Their areas of control and activity are outlined below.

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<sup>9</sup> CJEU, *Mohamed M'Bodj v État belge*, C-542/13, judgment of 18 December 2014, paras. 35-36.

Figure 9. © ISW, Control of terrain in Syria, 22 March 2021.



- The **GoS** controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all governorates’ capitals [Security 2021, 1.5.1].
- In the north-east, Kurdish-led **Syrian Democratic Forces (SDF)** controlled most of the territory that was previously under ISIL control in Syria, including most of Raqqa and Hasaka governorates, part of Deir Ez-Zor governorate north-east of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, and the area around Tal Rifaat [Security 2021, 1.5.3].
- Turkish-backed armed groups operating under the umbrella of the **Syrian National Army (SNA)** controlled areas in northern Aleppo, in the context of ‘Operation Euphrates Shield’ (the area between Azaz, Al-Bab, and Jarablus) and ‘Operation Olive Branch’ (Afrin district). The Turkish-led offensive of October 2019 into Kurdish-controlled areas, dubbed ‘Operation Peace Spring’, also led to the control of the area between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate). [Security 2021, 1.5.2].
- In the northwest, an area incorporating parts of Idlib governorate, northern Hama, northern Latakia and western Aleppo governorates is regarded as the last remaining stronghold of anti-GoS armed groups, with **Hay’at Tahrir al-Sham (HTS)** considered the most important and powerful actor in the area. In 2019, GoS escalated the military operations in the area, which continued through the first two months of 2020. In late March 2021, new escalation of hostilities was reported. [Security 2021, 1.4.4, 1.5.4].

- **ISIL** holds no territory in Syria. Following their territorial defeat, hostilities have largely decreased. However, ISIL attacks reportedly continue, especially in areas where it previously held territory. Most ISIL attacks recorded in 2020 took place in Deir ez-Zor governorate (around 50 %), followed by Homs, Raqqa and Hama governorates. Small number of attacks were also reported in Hasaka, Aleppo, Dar'a, Idlib, and Quneitra governorates. In 2021, ISIL cells demonstrated an expanding area of operation, including governorates where they were absent for years, such as the Afrin area of Aleppo. [[Security 2021](#), 1.5.3, 2.2]
- The Tanf border crossing, close to the tri-border area between Syria, Iraq and Jordan, has been controlled by the US and allied forces from the **Global Coalition Against Daesh** since 2016 [[Security 2021](#), 1.5.5].

## 1.1 Government of Syria and associated armed groups

Last update: September 2020

\*Minor updates added November 2021

As of March 2021, GoS controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all of the governorates' capitals. GoS has regained control of the majority of territory from opposition forces, including opposition strongholds like Aleppo city, Dar'a governorate, Eastern Ghouta, southern Damascus, Homs governorate and territories in Hama governorate. Between April 2019 and the beginning of March 2020, the GoS carried out a military offensive against opposition-held areas in parts of Idlib, northern Hama and western Aleppo governorates, managing to take control of formerly rebel-held territories. The offensives caused a high number of civilian casualties, massive displacement of civilians and a humanitarian crisis. [[Security 2021](#), 1.5.1]

The conflict has significantly affected the State's role, reach and institutional capacity in government-held areas. Foreign actors, including Iran, Russia and the Lebanese Hezbollah, and pro-GoS militias, exert significant influence over parts of the territory nominally under GoS control. Other foreign militia from Afghanistan, Pakistan and Iraq, mainly backed by Iran, also operate in Syria on the side of the GoS. The GoS controls only 15 % of the country's international land borders while the rest are being controlled by foreign actors. GoS allies control around 20 % of Syria's borders. In areas nominally under the government's control, its authority was reported to be 'dispersed, fragmented, and outsourced to multiple groups in the form of pro-regime paramilitaries, foreign powers and local militias'. This has also created overlapping structures that undermined centralised control by the government. Such areas include, for example, Dar'a, Homs, Hama, Aleppo, Deir ez-Zor, Quneitra, Eastern Ghouta [[Actors](#), 2.1, 2.3.4; [Security 2021](#), 1.4.1, 1.5.1].

Syrian State actors include, for example, members of the Syrian Armed Forces, the police and other authorities. Some militias - mainly backed by Iran - are also considered State actors.

The **Syrian Armed Forces** consist of the **Syrian Arab Army (SAA)**, the navy, the air force, the **intelligence services** and the **National Defence Forces (NDF)**. Bashar al-Assad acts as commander in chief of the Syrian Armed Forces. A number of laws empower the security apparatus and allow its members to act with impunity [[Actors](#), 2.2.5, 2.3.1; [Security 2021](#), 1.4.1].

The **Fifth Corps** was initially an association of militias, which was then incorporated into the official military structure in 2016. It is a special army branch that Russian forces actively helped to establish and that recruits from other parts of the population than the regular SAA branches. It consists of individuals who have already completed their military service, civil servants, former militia members and, notably, former rebels. [[Targeting](#), 1.2.1; [Recaptured areas](#), 2.7.1.1]

Four main **intelligence services** (Air Force Intelligence, Military intelligence Department, General Intelligence Directorate and Political Security Directorate) are operating in Syria, all with a central branch in Damascus and regional branches across the country. The services operate outside the law with no defined boundaries between their areas of jurisdiction and with overlapping responsibilities. Since the outbreak of the conflict, the regime has relied on the intelligence services to maintain control of the country and to focus on opponents of the regime. Each intelligence agency runs its own prison and interrogation facility, with some controlling more than one facility [[Actors](#), 2.3.2].

The **police force** consists of four separate divisions: emergency police, traffic police, neighbourhood police and riot police. Police commands are present in each governorate and while they report to the Ministry of Interior, they can receive orders from branches of the intelligence agencies, for example with regard to arrests and detentions. There have also been frequent instances where police acted as informers on anti-government activity and political dissidence in support of the services [[Actors](#), 2.3.3].

Various **pro-government militias**, both local and foreign, are operating in Syria alongside the regular armed forces. Such militias played a key role in the survival of Assad's government and were involved in many military offensives and local security enforcement throughout the conflict. Experts made a distinction between **local militias**, such as the **NDF**, and **non-Syrian militias** made up of foreign fighters, mainly backed by Iran. [[Actors](#), 2.3.4]

After the beginning of the civil war, the pro-government militias were at first organised as '**popular committees**' from local communities, controlled or loyal to the regime, to defend their towns and neighbourhoods against opposition forces. They comprised mainly of Shia and Alawite individuals. The regime also relied on a network of criminal gangs of Alawites linked with the Assad family, described by the opposition as **shabiha**, who were mobilised and armed to suppress the early protests. By 2012, the government consolidated these militias under its control and incorporated them under an umbrella network set up with Iran's assistance, called the **NDF**. The NDF were reported to be 'quite inclusive of all the groups that are willing to fight on the side of Syrian government', including Sunnis from Damascus and Aleppo, 'mercenaries, crime lords, and unemployed citizens'. They have become auxiliary security institutions, which operate their own prisons and investigation commissions. [[Actors](#), 2.3.4]

Other examples of Syrian pro-government militias include the **Tiger Forces**, serving as the army of the Air Force Intelligence and militias of wealthy and powerful Alawite businessmen with close links to the Assad government, such as the **al-Bustan militias** and **Suqor al Sahara**. [[Actors](#), 2.3.4]

The **Local Defence Forces (LDF)**, established by Iran, include local militias that operated outside of official military structures but have been formally integrated in the Syrian armed forces in 2017. [[Actors](#), 2.3.4]

Apart from Syrian pro-government militias, **Shia foreign fighters** were mobilised by Iran and sent to fight on the side of the Assad government. The most prominent groups included the Lebanese Hezbollah, the Afghan Fatemiyoun Brigade, the Pakistani Zeinabiyoun Brigade, as well as various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen. [[Actors](#), 2.3.4]

**Palestinian militias** such as the Popular Front for the Liberation of Palestine - General Command, the SAA-affiliated Palestinian Liberation Army and the Liwa al-Quds also supported the government military in the conflict. [[Actors](#), 2.3.4]

Syrian State actors including associated armed groups have committed a wide range of human rights violations since the beginning of the conflict. Numerous sources report on extrajudicial executions by the GoS, including its intelligence services. Arbitrary detention and forced disappearances by government forces and pro-government militias have also been continuously reported. Detainees have been kept in detention without charges for longer periods than the legal limit set by law or indefinitely. [[Actors](#), 2.2.3, 2.3.2-2.3.4, 2.4]

Government forces, in particular the intelligence services, use torture during interrogations in order to obtain confessions or to gather information. Most of the victims were men but torture of women and children also occurred. It is documented that a high number of people have died under torture inflicted by GoS forces. [[Actors](#), 2.2.2, 2.2.3, 2.2.6, 2.3.2, 2.4]

In recaptured areas, the GoS pursues punitive policies against local populations. Detained civilians from these areas were also being held incommunicado and denied access to a lawyer. There were also reports of rape of and sexual violence against women, girls and occasionally men during ground operations, raids and in detention, considered to amount to war crimes and crimes against humanity. [[Actors](#), 2.1, 2.2.6, 2.4]

Pro-government militias are also involved in a number of criminal activities, such as extortion of companies, stealing, looting and smuggling of guns and drugs [[Actors](#), 2.3.4].

Impunity was reportedly pervasive and there were no functional civil remedies for human rights violations [[Actors](#), 2.1.4].



For further information on human rights violations committed by the GoS and associated armed groups and their relevance as potential exclusion grounds, see [6. Exclusion](#).

## 1.2 Syrian Democratic Forces and Asayish

Last update: September 2020

\*Minor updates added November 2021

The **Syrian Democratic Forces (SDF)** are the main unified military force of the Autonomous Administration of North and East of Syria. SDF are a Kurdish-led multi-ethnic force comprising of Kurds, Arabs and other ethnic groups. It was created in 2015 to support the US-led coalition in the war against ISIL. It is considered being a 'broad spectrum security apparatus that conducts counterinsurgency operations, (local) patrols, checkpoint operations, detention operations and clearance patrols'. The Kurdish forces have been US's 'largest partner force' in the fight against ISIL and were supplied by them with training and military equipment. The SDF exercised territorial control over most of Raqqa and Hasaka governorates, part of Deir ez-Zor governorate north-east of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, and the area around Tal Rifaat. [[Actors](#), 3.2.1, [Security 2021](#), 1.4.3]

SDF was neither in alliance with the Syrian opposition nor with the government, but it was nevertheless largely dependent on the GoS, which funded certain State institutions in the area and paid salaries to State employees [[Targeting](#), 3].

The SDF is dominated by the **Kurdish People's Protection Units** (*Yekîneyên Parastina Gel*, **YPG**), who helped to establish the SDF in October 2015 and who provide its core fighting forces and largely ensure its leadership [[Actors](#), 3.2.1]. The **YPG** were established in 2012 as the military wing of the **Kurdish Democratic Union Party (PYD)** - a Syrian branch of the Kurdistan Workers' Party (PKK). There are two groups: the **YPG** and the **Women's Protection Units** (*Yekîneyên Parastina Jinê*, **YPJ**) [[Actors](#), 3.2.1].

YPG and YPJ are reportedly 'responsible for defence and security, including protecting the 'external borders' with Iraq, Turkey and the rest of Syria'. Various sources estimate SDF's strength to be around 40 000 to 60 000 fighters, of which estimated 20 000 to 30 000 fighters are from YPG [[Actors](#), 3.1.2, 3.2.1].

The PYD and the YPG are deeply connected to the PKK on organisational and ideological levels and the presence of PKK-members – known as 'cadres' - within the YPG and its affiliated bodies is described as 'significant' and as the 'real power' behind these institutions. Although the SDF has agreed to pull out the non-Syrian cadres from their positions it is reported that the PKK remains 'enormously influential' within the upper ranks of the SDF [[Security 2021](#), 1.4.3].

The **Asayish** are the Kurdish internal security forces and fulfil various security roles that range from police to counterterrorism. The Asayish is comprised of six branches: traffic police, counter-terror forces, women's Asayish, checkpoint security, general security and anti-organised crime. The counter-terror forces deal with security situation that involve kidnappings, terrorism, suicide attacks, capturing fugitives and intelligence. They also provide support to SDF/YPG operations. Asayish reportedly has command centres in each canton of the Kurdish-controlled region, some of which operate independently from each other. Mid-2017, Asayish estimates put their strength between 10 000 and 12 000 members. There are also 30 000 police officers operating in Kurdish-controlled areas in northeast Syria [[Actors](#), 3.2.2; [Security 2021](#), 1.4.3].

There is information on corruption, extortion and abuses of power at the hands of SDF personnel. Several sources noted that the PYD and the affiliated Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents such as the Kurdish National Council (KNC), arrests of journalists, members of human rights organisations, and individuals who refused to cooperate with Kurdish groups. [[Actors](#), 3.2.3, 3.3]

Local sources noted that SDF/YPG has arbitrarily detained and indiscriminately killed civilians during anti-ISIL raids. Arbitrary arrests and forced disappearances of persons perceived to be affiliated with ISIL or armed opposition groups have also been reported. Moreover, it was reported that thousands of women, men and children continued to be unlawfully interned or detained, some of them held in deplorable conditions in makeshift camps unfit to meet their basic needs. [[Actors](#), 3.3]

There have also been accounts of marginalisation of Arabs in governance matters and temporary closures of schools that refused to adopt the Kurdish curriculum [[Actors](#), 3.3]. In Deir Ez-Zor governorate, Arab residents complained about the lack of services, discrimination, forcible conscription and a failure to release prisoners [[Actors](#), 3.2.3].

The recruitment and use of 313 children by YPG/YPJ in the period from January to December 2018 has also been verified [[Actors](#), 3.3].



For further information on human rights violations committed by the SDF and the Asayish and their relevance as potential exclusion grounds, see [6. Exclusion](#).

### 1.3 Anti-government armed groups

Last update: September 2020  
\*Minor updates added November 2021

A number of anti-government armed groups operate in Syria. The most significant groups, in particular those active in the north of the country, are listed in this section.

The **Syrian National Army (SNA)** is a Turkey-backed armed umbrella group based in northern Aleppo governorate. SNA are in control of the 'Operation Euphrates Shield' (area between Azaz, Al-Bab, and Jarablus) and 'Operation Olive Branch' (Afrin district) areas in northern Aleppo governorate, and of the 'Operation Peace Spring' area between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate).

By the end of 2017, Turkey had incorporated various armed groups that fought alongside them in the 'Euphrates Shield' operation into the SNA, under the formal supervision of the so-called Syrian Interim Government's Ministry of Defence. The SNA reportedly has between 30 to 40 distinct armed groups in its composition. It includes armed opposition groups from northern Syria as well as displaced factions from Damascus, Rural Damascus, Homs and Hama governorates.

- The Levant Front is regarded as the largest faction in the SNA and the only one whose formation precedes Turkey's military intervention in Syria in 2016. The Levant Front is reported to be in control of Azaz.
- The Hamza Division, al-Mutasim Brigade and the 51<sup>st</sup> Brigade are deployed in the Euphrates Shield Area between Azaz, Al-Bab and Jarablus.
- In Ras al Ain, the Turkmen factions Sultan Murad Division and Hamza Division are reported to be in control.
- Major towns located between Tall Abyad and Ras al-Ayn are controlled by the Tajammu Ahrar al-Sharqiya faction.
- Afrin is dominated by the Sultan Murad Division.

Although united under the SNA banner, the constituent groups are in practice unaccountable to other actors except Turkey, they compete with each other and are often unpopular with the local population. The UN has reported clashes between armed groups that operate under the SNA umbrella, as well as splitting of the region into areas of influence between different factions.

[[Actors](#), 4.3, 5.1, 5.2; [Security 2021](#), 1.4.2]

At the beginning of October 2019, as Turkey was preparing to launch an offensive against Kurdish-controlled areas in north-eastern Syria, the SNA incorporated the **National Liberation Front (NLF)** into its ranks. The NLF is also a Turkish-backed alliance of opposition-armed groups, formed and active in the Idlib area in 2018. The group uses the brand of the Free Syrian Army (FSA) - the umbrella armed

group formed by the anti-government opposition in 2011. It is made up of moderate but also Islamist factions. The main factions include:

- *Feilaaq al-Sham*: considered the main actor in the NLF and Turkey's closest rebel partner, founded by the members of the Muslim Brotherhood;
- *Ahrar al-Sham*: Salafi armed group that controls local communities in southern Idlib and the northern Hama countryside;
- The Free Idlib Army: alliance of formerly Western-supported factions;
- *Jaish al-Ahrar*: *Ahrar al-Sham* splinter group;
- *Harakat Nour al-Din al-Zinki*, an Islamist faction that is based near Aleppo and has repeatedly changed sides between rival insurgent groups.

NLF lost control over territory in Idlib after clashes with HTS and subsequently, following an agreement between the groups, ceded the civil administration and surrounding areas in Idlib to HTS. Following the clashes, some NLF fighters evacuated the Idlib area towards the Turkish-backed rebel-controlled Afrin in Aleppo governorate. Since the agreement, the two groups have fought together against the GoS offensive into the Idlib area.

The union of SNA and NLF brought together more than 40 armed opposition groups which are reported to be under the 'near-total control of Turkey's Ministry of Defence and National Intelligence Organisation'. Estimations of the total strength of the combined forces vary between around 35 000 fighters and 80 000 fighters.

[[Actors](#), 4.3, 5.1; [Security 2021](#), 1.4.2, 1.4.5]

There were documented kidnappings, abductions, torture, extortion and assassinations of civilians by armed groups operating under the SNA. Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin were also reported. Turkish forces and the affiliated SNA were reportedly responsible for indiscriminate attacks on residential areas, summary killings and unlawful attacks that killed and injured civilians, among others. The SNA-branded group *Ahrar al-Sharqiya* has been most frequently named as the perpetrator of summary killings and human rights abuses during the October 2019 offensive [[Actors](#), 5.2]. In addition, SNA-affiliated groups, including *Ahrar al-Sham*, *Jaysh al-Islam*, *Harakat Nour al-Din al-Zinki*, are reported to conduct child recruitment [[Targeting](#), 12.1].

***Hayat Tahrir al-Sham* or Organisation for the Liberation of the Levant (HTS)** is described as the most important and powerful actor in the Idlib area, the armed opposition's main stronghold.

HTS was formed in 2017 as a coalition of Islamist Sunni anti-government armed groups. It is comprised of several armed factions, including *Jabhat Fatah al-Sham* (also known as *Jabhat al-Nusra* and previously as the *Al-Nusra Front*), *Ansar al-Sham* and *Ajnad al-Sham*, among others. Its primary objective is to establish Islamic rule in Syria through overthrowing the Assad government and ousting Iranian militias. HTS's precursor organisation - *Jabhat al-Nusra*, was formed in Syria in 2011 as an Al Qaeda affiliate within the armed opposition to the GoS. The US, UN, EU and Turkey have designated HTS as a terrorist organisation, affiliated with Al Qaeda. HTS's strength was evaluated to be between 7 000 and 10 000 fighters.

HTS controlled over 90 % of Idlib governorate, alongside adjacent parts of northern Hama and western Aleppo governorates. During 2019, the GoS forces increased their military offensive against the armed opposition groups in the Idlib area. This offensive eroded the military and political control of HTS and

increased Turkish presence in Idlib and high-ranking defections from the group have further weakened HTS' position. Despite these setbacks, HTS has managed to remain the dominant armed group in the area.

HTS has created several civilian bodies in the territory under their control, including a governance body responsible for civilian functions - the Syrian Salvation Government, a court system that applies Sharia law, and an extensive prison system.

It was reported that HTS frequently commit serious human rights abuses, including harassment, assassinations, kidnapping, and torture, as well as unlawful detention of civilians. Civilians have also been extorted and kidnapped for ransom. The group has conducted formal military campaigns, assassinations, hostage takings, and 'lone wolf' operations, including suicide bombings. Members of religious minorities have been forced to convert to Islam and adopt Sunni customs. The UN reported the recruitment and use of 187 children by HTS in the period from January to December 2018.

[[Actors](#), 4.1; [Security 2021](#), 1.4.4]

Apart from HTS, other armed groups operate in the Idlib area. They are predominantly Islamist groups, relate differently to Turkey, and are said to 'have an ambiguous or symbiotic relationship' with HTS. These Islamist groups include *Hurras al-Din* (HAD), an Al Qaeda-linked group that split from HTS in 2018; the **Turkistan Islamic Party** (TIP), an Uighur-Chinese-dominated jihadist militant faction; and smaller Islamist groups, including *Ansar al-Tawhid*, a splinter of *Jabhat al-Nusrah*, the *Khattab Al-Shishani Brigade* comprised of Chechen fighters, the *Katiba al-Tawhid wal-Jihad (KTJ)* made up of fighters from central Asia, among others [[Actors](#), 4.2; [Security 2021](#), 1.4.5].



For further information on human rights violations committed by various anti-government armed groups and their relevance as potential exclusion grounds, see [6. Exclusion](#).

## 1.4 Islamic State of Iraq and the Levant (ISIL)

Last update: November 2021

[Main COI references: [Actors](#), 6; [Security 2021](#), 1.4.6; [Targeting](#), 6.2]

The **Islamic State of Iraq and the Levant (ISIL)**, also known as ISIS, IS and Daesh, was originally created by the wing of Al Qaeda in Iraq and smaller Iraqi Sunni insurgent groups. It is a UN- and EU-designated terrorist organisation aiming to establish a global, Islamic caliphate and fostering violent conflict between Muslims and non-Muslims. After ISIL's territorial control in Syria was reduced to a small area located in the eastern part of the country with the capturing of Baghouz in March 2019, ISIL's territorial control and governance in Syria ceased to exist completely. However, ISIL is reported to be forming cells across Syria and evolving into a covert network.

The Kurdish-controlled areas in northeast Syria comprise of most of the territory that was previously under ISIL's control in Syria. These areas are viewed as 'the main theatre for [ISIL]'s insurgency'. In Raqqa and Hasaka governorates, ISIL is thought to operate sophisticated clandestine networks, capable of carrying out more complex attacks.

ISIL reportedly operates in a decentralised manner, allowing decision-making to each independent cell. Most ISIL attacks were carried out by small cells using small-arms fire and IEDs for attacks on security forces and civilians.

It is reported that ISIL has greatly increased its capabilities in central Syria during 2020, expanding its area of operations from the heart of the Syrian Badia - where it controls several small swaths of territory north to central Aleppo governorate, west to Salamiyah, Hama and southwest to Qaryatayn of Homs. In the first half of 2020, ISIL concentrated its insurgent activity in Deir ez-Zor and Homs governorates. In the second half of 2020, an increase of ISIL attacks and seizures of villages were reported in east Hama governorate. In January 2021, ISIL launched more than 100 attacks in north-east Syria, mainly in Deir ez-Zor governorate. ISIL also operated in areas of Aleppo, Raqqa and Hasaka, and in Idlib, albeit in a more limited scale. There was also ISIL activity reported in Homs, Quneitra, and Dar'a governorates. While security operations against ISIL cells were carried out during the reference period, observers have deemed them insufficient to neutralise ISIL presence.

Estimations of ISIL's strength vary, putting the number of ISIL members in Iraq and Syria between 8 000 and 16 000. Detained ISIL fighters and their families in northeast Syria number more than 100 000, including around 11 000 ISIL fighters, a significant number of whom are foreign fighters.

Since the establishment of its so called 'caliphate' in Syria and Iraq, ISIL has killed hundreds of civilians, carrying out public executions, beheadings and crucifixions. Religious minorities in Syria, such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to the group's religious laws, were specifically targeted. For example, in July 2018, an ISIL attack on the Druze community in Sweida governorate reportedly led to the bombing, shooting, and stabbing of more than 300 Druze to death and to the abduction of 20 Druze women and 16 children.

In addition, ISIL has conducted targeted assassinations against GoS forces, attacks on tribal leaders in Deir ez-Zor, intimidation and extortion of local merchants and farmers, as well as a large-scale kidnapping of civilians in Hama governorate.

ISIL targeted SDF, Syrian government forces and affiliated armed groups, local governance officials, village elders, people perceived as informants against ISIL, as well as US-led coalition forces, and civilians. The attacks include roadside bombs, drive-by shootings and assassinations, as well as larger scale attacks. ISIL's tactics have also included assassinations and burning of crops fields in northern Syria. In the Idlib area, ISIL has targeted armed groups with bombings and assassinations. ISIL sleeper cells and suicide bombers were reportedly active in the Kurdish-controlled areas, attempting to liberate former ISIL fighters or their family members from prisons or displacement camps.



For further information on human rights violations committed by various anti-government armed groups and their relevance as potential exclusion grounds, see [6. Exclusion](#).

## 1.5 Other non-State actors

Last update: September 2020

Human rights violations, which could amount to persecution or serious harm, are also committed by other non-State actors, such as family members or criminal gangs.

Some examples include domestic violence and 'honour' violence by family members, as well as other forms of gender-specific violence including sexual violence, violence against LGBTIQ individuals, etc. See the profiles of [LGBTIQ persons](#) and [Women](#), etc.

## 2. Refugee status

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition ([Article 2\(d\) QD](#)) and proceeds with the analysis of information concerning 14 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment that an individual under this profile risks would amount to persecution and an assessment of the level of risk), and conclusions with regard to the potential nexus to a reason for persecution.



The contents of this chapter include:

- [Preliminary remarks](#)
- [Analysis of particular profiles with regard to qualification for refugee status](#)
  - [1. Persons perceived to be opposing the government](#)
  - [2. Persons who evaded or deserted military service](#)
  - [3. Persons with perceived links to ISIL](#)
  - [4. Members of and persons perceived to be collaborating with the SDF and YPG](#)
  - [5. Persons perceived to be opposing the SDF/YPG](#)
  - [6. Persons fearing forced or child recruitment by Kurdish forces](#)
  - [7. Persons associated with the Government of Syria](#)
  - [8. Journalists, other media professionals and citizen journalists](#)
  - [9. Human rights activists](#)
  - [10. Doctors, other medical personnel and civil defence volunteers](#)
  - [11. Ethno-religious groups](#)
  - [12. Women](#)
  - [13. Children](#)
  - [14. LGBTIQ persons](#)

### Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD  
Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to [Article 9\(1\) QD](#):



### Article 9(1) QD Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- (a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- (b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under [Article 9\(1\) QD](#) or the absence of protection against such acts ([Article 9\(3\) QD](#)), on the other.

The applicability of the respective reason(s) should be assessed in relation to [Article 10 QD](#).

Common analysis regarding specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area<sup>10</sup> of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;

<sup>10</sup> Protection needs are firstly assessed with regard to the applicant’s home area in the country of origin. The ‘home area’ in the country of origin is identified on the basis of the strength of the applicant’s connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

- nature of the applicant's actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)). On the other hand, it should be noted that in order to establish well-founded fear of persecution there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin ([Article 5 QD](#)).

Once the required level of persecution as well as nexus have been established in relation to the home area of the applicant, the availability of protection in accordance with [Article 7 QD](#) should be explored (see the chapter [4. Actors of protection](#)). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under [Article 8 QD](#), if applicable according to national legislation and practice (see the chapter [5. Internal protection alternative](#)).

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable. In the context of Syria, various actors have been reported to commit excludable acts and such considerations may be particularly relevant (see the chapter [6. Exclusion](#)). The sections below make specific references to the relevance of exclusion considerations for certain profiles.

Where the applicant does not qualify for refugee status, in particular where the requirement of nexus is not satisfied, the examination should proceed in order to determine his or her eligibility for subsidiary protection (see the chapter [3. Subsidiary protection](#)).



For further general guidance on qualification as a refugee, see [EASO Practical Guide: Qualification for international protection](#).

## Analysis of particular profiles with regard to qualification for refugee status



This chapter refers to some of the profiles of applicants from Syria, encountered in the caseload of EU Member States. **It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs.**

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive lists of examples with regard to sub-profiles at a differentiated risk and to circumstances, which would normally increase or decrease the risk, are to be taken into account in light of all circumstances in the individual case.

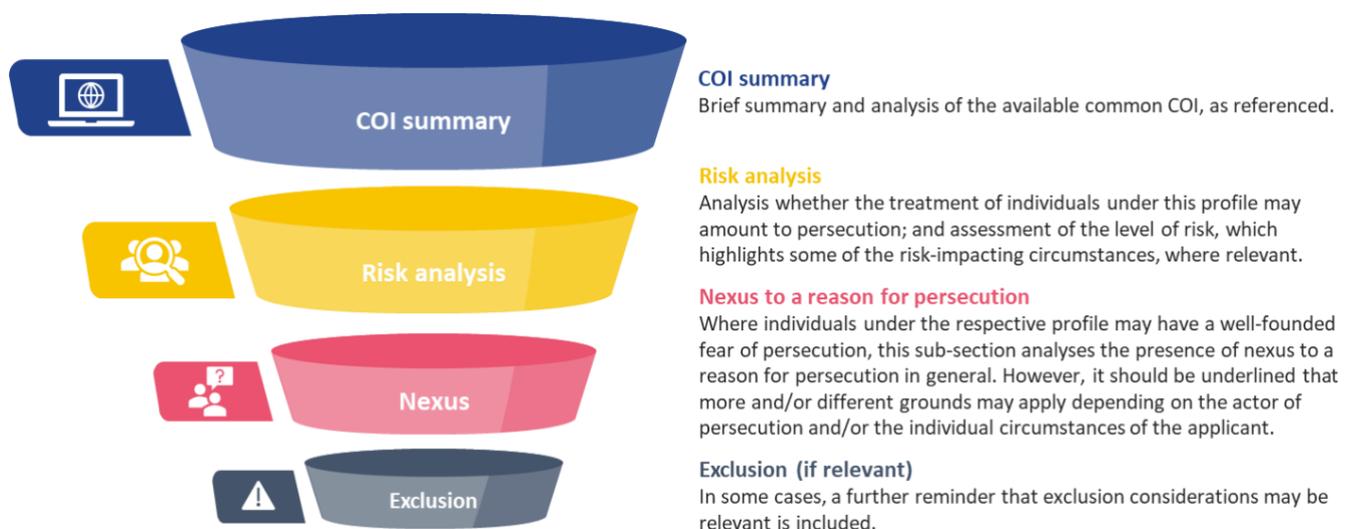
In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**.

**Family members**, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could be the basis for refugee status. It should also be noted that individuals belonging to the family of a person qualifying for international protection could have their own protection needs.

The individual applicant could fall under **more than one profile** included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

**The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.**

For each profile, the sections below provide:





When analysing the protection needs of the individual applicant, [the implications of leaving Syria](#) should also be given due consideration.

## 2.1 Persons perceived to be opposing the government

Last update: September 2020

This profile refers to different groups viewed by the government as opposition, such as members of anti-government groups, political opposition activists and protesters, and civilians originating from areas associated with opposition to the government. For information about other profiles, which may be relevant see [Persons who evaded or deserted military service](#); [Journalists, other media professionals and citizen journalists](#); [Human rights activists](#); and [Doctors, other medical professionals and civil defence volunteers](#).

### COI summary: overview

[Main COI references: [Targeting](#), 1, 1.2.3; [Actors](#), 2.4]

Government forces harshly repressed the anti-government protests that erupted in 2011 and the ensuing military uprising. Throughout the conflict, the GoS has used systematic torture, unlawful detentions and disappearances, starvation and medical deprivation sieges, as well as mass casualty weapons, including chemical weapons, against civilians. Civilians perceived to be either supporting the opposition or insufficiently loyal to GoS were arbitrarily arrested and detained. In particular, individuals perceived to be opposition supporters were most likely to be detained arbitrarily by government forces and its allied militias. [[Targeting](#), 1, 1.2.3]

GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government, professionals such as humanitarian workers, doctors, lawyers, journalists, bloggers and online activists, as well as draft evaders and defected soldiers. Individuals living in opposition-controlled areas, those in recaptured areas, returnees from abroad, relatives of suspected armed groups members and those who have been in contact with family members or friends residing in opposition-controlled areas, have also been targeted. [[Targeting](#), 1]

Active combat has ended in many areas of Syria, but security services continue to abuse the rights of perceived opponents of the government. The priority of GoS is to eliminate remaining structures of resistance and discourage future rebellion, leading to arrests of civilians as well as former opposition fighters in reconciled areas taken by GoS. [[Targeting](#), 1.2.1]

Syrians ended up wanted by the government and arbitrarily detained for a wide variety of reasons and sometimes for no reason at all. A checkpoint officer's mood, as well as having a similar name with a person that in fact opposes the government, could lead to an arrest. However, GoS also specifically targeted persons perceived to be opposing the government. [[Targeting](#), 1.1.3]

More than 100 000 people have been detained, abducted or gone missing during Syria's civil war, largely at the hands of the GoS. GoS forces arrested civilians perceived to be supporting the opposition

or deemed insufficiently loyal to the government, including peaceful demonstrators, human rights activists, residents in opposition-held areas and relatives of suspected armed opposition fighters. Thousands of detainees are being held without trial, some since the outbreak of the conflict in 2011. Intelligence services were reported to commit systematic rights abuses. They created a wide network of informants and used phone surveillance to ensure that the government kept a close watch of the most mundane of Syrians' everyday life and to restrict criticism of Assad and his government.

[[Targeting](#), 1.1.1]

Government forces, especially the intelligence branches, are reported to torture perceived opponents. Most of the victims were men between the ages of 18 and 60, but torture of women and children was also reported. Extrajudicial executions by the intelligence branches were also reported. The massive and systematised torture and killing of detainees in Syria's state prisons over the course of the conflict is widely documented. [[Targeting](#), 1.1.2, 1.1.4]

## 2.1.1 Members of anti-government armed groups

Last update: September 2020

There are multiple anti-government armed groups active in Syria (see [Anti-government armed groups](#)). This profile addresses members of anti-government armed groups, including current and former (reconciled) members, and their targeting by the GoS.

For targeting of members of these groups by other armed actors, see [Persons perceived to be opposing the SDF/YPG and Members](#) of and [Members of and persons perceived to be collaborating with the SDF and YPG](#).

### COI summary

The government's security forces, the police, the army, pro-government militias and the different branches of the intelligence service carried out extensive arrest campaigns during the first years of the civil war. Already in 2012, it was estimated that tens of thousands of people had been arrested on the grounds of alleged affiliation to or support for anti-government groups. Those who were arrested were subjected to systematic torture in one of the intelligence services' many detention centres. They were detained for days or months, often without being brought before a judge and without being told what they were accused of. In most cases, the detainees' families were not informed of their whereabouts. Detainees were held in crowded cells and without sufficient food. [[Security 2019](#), 4.3]

GoS has entered into so-called reconciliation agreements with different actors in most of the areas the GoS forces have recaptured from various anti-government groups in the last few years. The reconciliation agreements vary to a great extent. They may range from opposition fighters remaining involved in security and governance roles in their areas up to cases of virtual opposition surrender involving (forced) evacuations of fighters or even whole populations. In several places, armed rebel groups have switched sides in the conflict as part of a reconciliation agreement. [[Targeting](#), 1.2.1]

Applications from individuals who wished to surrender are also possible. The formal process known as 'resolving status' typically involves interrogation about previous opposition activities (such as participating in protests, relief work in rebel-held areas or fighting with rebels), many of which fall under the GoS's expansive definition of 'terrorism'. Additionally, it involves a pledge to abstain from these actions in the future. Thereafter, the individual receives a clearance paper and the security agencies supposedly remove him or her from their list of wanted persons. [[Recaptured areas](#), 2.5.1]

However, the reconciliation agreements have been broken often. In particular, former activists, opposition commanders and persons who have been affiliated to an armed rebel group have been arrested despite the reconciliation agreements [[Targeting](#), 1.2.1]. Furthermore, civilians and former opposition fighters who signed reconciliation agreements with GoS and who took up positions in local administration or military forces have been killed by unknown perpetrators in what appeared to be targeted killings [[Recaptured areas](#), 3.2.2.1].

In Dar'a governorate, many former rebels chose to stay unlike in other parts of Syria. Reconciled fighters and civilians joined the pro-GoS forces in order to avoid being perceived as opposition affiliates or terrorists. [[Recaptured areas](#), 3.2.2.1]

In Homs, a significant number of reconciled combatants were incorporated into the Fifth Corps, 4th Brigade. They were deployed in the desert around Palmyra with minimal training and equipment and were reported to have suffered severe losses. [[Security 2020](#), 2.6.2.1]

The GoS is also recruiting 'thousands' of reconciled fighters in the areas taken under their control in 2017-2018, including the governorate of Quneitra. Since early 2019, the fighters have reportedly been transferred to the northern countryside of Hama and Idlib. [[Security 2020](#), 2.13.3]

In Rural Damascus, reports from May 2019 noted that intelligence branches were arbitrarily detaining, disappearing, and harassing people in areas retaken from the anti-government groups, among them Eastern Ghouta. Those targeted included former armed and political opposition leaders and former anti-government fighters who had all signed reconciliation agreements with the GoS. [[Security 2020](#), 2.11.3.2]

In summer 2019, reports were received that the Palestine Branch of the military intelligence service had arrested three former rebel commanders in Damascus, who had signed reconciliation agreements with GoS. Other unarmed members of the opposition and their family members had reportedly also been arrested, even though they had all signed reconciliation agreements [[Recaptured areas](#), 3.1.6.1]. It was also reported that the secret police has conducted a campaign of arrests against former opposition figures in southern Syria [[Targeting](#), 1.2.1; [Recaptured areas](#), 3.2.2.1].

Some groups and individuals are denied or do not enter into the reconciliation agreements. This applies to individuals that have 'Syrian blood on their hands' as well as those that are considered by GoS to be affiliated with terrorist groups like ISIL or HTS. Another condition of the reconciliation process is that it 'shall not overturn criminal sentences that are unrelated to current events in Syria, or which are related to the rights of other Syrian civilians'. Those who refuse the reconciliation agreement with GoS, as was the case for around 10 000 persons from Dar'a and Quneitra governorates, were evacuated to areas under the armed opposition's control in Idlib and northern Aleppo governorates [[Recaptured areas](#), 2.5.3]. It was reported that the GoS considers the fighters who chose passage to Idlib over the 'reconciliation deals' to be 'irreconcilable', suggesting that it will entertain no such bargain in case Idlib is recaptured [[Security 2020](#), 2.1.3].

There are reports of reconciliation agreements not being observed by the government, for both individuals and communities. There are many reports of returnees having been arrested, detained, harassed or conscripted after they had completed the reconciliation process and received protection papers [[Targeting](#), 1.3.6].

### Risk analysis

Actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assassination, torture, arbitrary arrest).

For members of anti-government armed groups, well-founded fear of persecution would in general be substantiated. In case of reconciliation agreement, well-founded fear of persecution would also be substantiated in general, as those are often broken in practice and the reconciled fighters may furthermore face a risk of targeting by other actors.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.1.2 Political activists, opposition party members and protesters seen as opposing the government

Last update: September 2020

This sub-profile refers to individuals who would be seen by the government as opposing it, in particular to (perceived) political activists, protesters and opposition party members.

### COI summary

Political activism in Syria had been kept in check by the government for decades. Although a 2011 decree allowed for the registration of independent political parties, in practice the government enforced it selectively, permitting only pro-government groups to form official parties. Members of political parties, which are known to support the calls for overthrowing the Assad government, are considered enemies of the state. Most of the members of the political opposition to the Assad government have either fled Syria, were killed or are in prison. [[Targeting](#), 1.2.2]

GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government, professionals such as humanitarian workers, doctors, lawyers, journalists, bloggers and online activists, as well as draft evaders and defected soldiers. Government forces harshly repressed the anti-government protests that erupted in 2011 and the ensuing military uprising [[Targeting](#), 1].

Since the beginning of the conflict, the targeting of political activists and protesters who sided with the opposition has been a key element in the GoS's counterinsurgency strategy. Opposition protests in government-held areas are often met with gunfire, mass arrests, and torture and killing of those detained. The GoS forces conduct regular raids to detain political and civil activists [[Targeting](#), 1.2.2]. There are also reports that persons believed to have been involved in opposition-related activities, including protesters, are on the 'wanted lists' [[Targeting](#), 1.1.3, 1.3.6].

Targeting of political activists opposing GoS can also occur through other parties than the government forces or its allied militias [[Targeting](#), 1.2.2].

### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. detention, torture, killing).

For individuals considered by the government as opposing it, such as political activists and opposition party members, well-founded fear of persecution would in general be substantiated.

In the case of past participation in a protest, if the individual stayed in areas under the control of the government for a certain period of time and did not face any repercussions, an individual assessment of whether they may be likely to be seen as opposing the government should take place. The individual assessment should take into account risk-impacting circumstances, such as: regional aspects (who is in control in the home area of the applicant), the nature of their activities and degree of involvement, leadership role, etc. The sole fact of participation in a protest in the past may not be sufficient to establish a well-founded fear of persecution.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

## 2.1.3 Civilians originating from areas associated with opposition to the government

Last update: September 2020

This profile refers to civilians from areas associated with opposition to the government, in particular (former) opposition-held areas in Dar'a, Rural Damascus, Idlib, Latakia, Aleppo, Hama, Homs, Quneitra. It addresses the situation of civilians from recaptured areas as well as, briefly, areas which continue to be under the control of anti-government armed groups.

### COI summary

The government's territorial gains over the course of the Syrian conflict were followed by continued arbitrary arrests and detention [[Targeting](#), 1.2.3]. Arbitrary arrests and forced disappearances of alleged opposition supporters took place in recaptured areas [See e.g. [Recaptured areas](#), 3.1.5.1; [Security 2020](#), 2.9.3.6, 2.11.3.2, 2.12.3.2].

GoS treats individuals from former opposition-held areas with a heavy degree of suspicion. The intelligence agencies created a wide network of informants and used phone surveillance to ensure that the government kept a close watch of the most mundane aspects of Syrians' everyday life and restricted criticism of Assad and his government [[Targeting](#), 1.1.1]. The scrutiny of individuals from former opposition-held areas is the highest in Damascus, given the concentration of security personnel in the city as well as the importance of the capital to the government. The GoS also restricted the access of civilians that wished to return to Damascus and Rural Damascus and unlawfully demolished houses of residents [[Targeting](#), 1.2.3].

Furthermore, civilians were arrested for communicating with their relatives or friends in rebel-held territory or abroad and they were prevented from establishing further contact [[Targeting](#), 1.1.1]. GoS also punished family members of alleged opposition supporters by applying a number of laws that violate their individual property rights. Women with familial ties to opposition fighters were reportedly detained for intelligence-gathering purposes or retribution [[Targeting](#), 1.2.3].

There are also reports of deliberate targeting of civilians in areas held by opposition groups. Starting in February 2019, ground offensives and airstrikes on areas controlled by anti-government armed groups escalated significantly, with reports pointing to the deliberate targeting of civilian infrastructure, including hospitals, schools, markets, mosques, residential areas, agricultural resources. [[Security 2020](#), 1.6.1.2, 2.1.3]

### Risk analysis

Some actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary detention, forced disappearance).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional aspects (who is in control in the area, whether it was considered an opposition stronghold, etc.), and level of (perceived) support or collaboration with anti-government forces, familial ties or other connection to (suspected) members of anti-government armed groups and/or political opposition members, (perceived) support for the government, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

## 2.2 Persons who evaded or deserted military service

Last update: November 2021

This section provides an analysis with regard to the profiles of:



- **Draft evader:** A draft evader is a Syrian male, above the age of 18, who has avoided being drafted into the SAA either by hiding from the Syrian authorities or by fleeing Syria.
- **Deserter:** A deserter is a former SAA soldier (e.g. a conscript, a non-commissioned officer (corporal or sergeant) or an officer) who has left his post or unit in the SAA and is thus no longer in active military service.

- **Defector:** A defector is a former SAA soldier who has left the SAA and defected to an armed opposition group in Syria.

‘Military service’ is used broadly to cover both military service and reserve service in the SAA.

For more information on the structure of the Syrian Armed Forces, see [Government of Syria and associated armed groups](#).

## 2.2.1 Military service: overview

Last update: November 2021

[Main COI reference: [Military service](#)]

Male citizens between the age of 18 and 42 are obliged by law to perform their military service. Career soldiers can be called to service up to the age bracket of 48 to 62, depending on the rank. Registered Palestinians residing in Syria are also subject to conscription and usually serve in the ranks of the SAA-affiliated Palestinian Liberation Army. After completing compulsory military service, former soldiers can be called up for reserve service. The age limit is less dependent on the universal draft than on the government’s mobilising efforts and local developments. In January 2021, sources indicated that Syrian authorities focused recruitment on men between the ages of 18 and 30, while older people tended to avoid the recruitment more easily [[Military service](#), 2.1, 2.3]. A source had noted that the age limit for reserve service can be increased if the person possessed specific qualifications, such as in the case of doctors, tank drivers, air force personnel, artillery specialists and combat equipment engineers. While there were some rare reports of recruitment under and above the legal age, most sources were not aware of such practices.

### Conscientious objection

According to Article 46 of the Constitution of the Syrian Arab Republic, ‘compulsory military service shall be a sacred duty and is regulated by a law for all men over the age of 18 years’. The right to conscientious objection is not legally recognised and there are no provisions for substitute or alternative service. The GoS reportedly views the act of conscientious objection as high treason. Only Christian and Muslim religious leaders are exempt from the military based on conscientious objection, although Muslim religious leaders are required to pay an exemption fee. [[Military service](#), 2.2]

### Exemptions and deferrals

The law permits exemptions from military service for the categories of individuals as described below. However, the process for obtaining an exemption was assessed to include more limitations and more variation on case-by-case basis. In practice, the exemptions are generally implemented, but an increasing level of arbitrariness and corruption has been reported. There are also reports that returnees have been conscripted despite promises that they would be exempted. [[Military service](#), 3]

The following are possible exemptions and deferrals according to the law:

- **Only sons:** The only male child of his parents can be exempted from military service. The exemption is also applicable if the parents of the only son are divorced, or if one or both parents are deceased. In addition, an only son will be exempted if he has half-brothers or has become an only male child as a result of the death of one or more of his brothers. Legislative Decree No 33, issued on 6 August 2014, which amends a number of articles of Legislative Decree No 30 of 2007 on the mandatory military service law, altered the number of sons per family who may postpone military service, with the numbers becoming as follows: '1 may postpone if 2-4 brothers were performing mandatory, voluntary, or reserve military service, 2 if there were 5-8 brothers in the military service, and 3 if there were 9 or more brothers in the service'. Before the amendments, only one son could postpone. A family's only son can still benefit from the exemption regulation, but the GoS has been tightening controls on this. Instead of renewing the exemption every two years, the person concerned is obliged to renew it every single year until his mother reaches the age when she is not expected to be able to give birth to another child (approximately by the age of 50, according to the source). According to several sources, between January and March 2020, the GoS has implemented the provision of exempting sons from military service in practice. However, some sources noted that they would not exclude the possibility that this exemption is not always applied in areas formerly controlled by the opposition. [[Military service](#), 3.1]
- **Medical cases:** Reliable information concerning medical reasons for exemption from military service is difficult to obtain. However, there are reports that even older and obese men, who in the past would have been exempted relatively easily, were conscripted if required by the authorities. It was also noted as probable that a person would not be given an exemption unless his medical condition was very clearly visible. A source also pointed out that in some cases it was possible for an individual to get an exemption based on medical grounds if a bribe was paid. Some sources indicated that those who suffered from a serious mental illness, had a disability, or became disabled while serving in the army were either exempted from military service or assigned to an administrative position. However, other sources indicated that soldiers with mental disorders, continued to serve in the army. [[Military service](#), 3.2]

A new decree from November 2020 stipulated that men in Syria, who have been or will be assigned to an administrative position for medical reasons (*'khadamat thabiteh'*), could pay an exemption fee of USD 3 000. In this case, however, they were not entitled to state housing and cooperatives and were not allowed to borrow from public Syrian banks for five years. Information on the medical criteria and the practical implementation of this amendment had not been found. [[Military service](#), 3.4.1]

- **Students:** Students at universities may, under certain conditions, be exempted from military service, although a 2017 change in law made it more difficult for university students to continue deferring their conscription. Amendments made to the Military Service Law in July 2019 by Legislative Decree No.12 introduced more restrictions on the age limits allowed to start different levels of education, as well as the number of study years during which students are permitted to request exemption from military service. Persons who have reached the age of 27 are usually not granted a deferral by the military police. Students applying for a deferral from military service face more scrutiny than before, while students without proper documentation are conscripted immediately. According to a report from February 2020, university students still benefitted from the deferral of military service while studying. However, the source noted that Syrian men from former opposition-controlled areas were not allowed to defer their military service by attending university. [[Military service](#), 3.3]

- **Paying an exemption fee:** According to Law 30/2007, Syrian young men residing abroad, including registered Palestinians from Syria, can pay a fee (*'Badal al-Naqdi'*) to get an exemption from compulsory military service and they are not to be called up again. Since 2007, this decree has been amended several times, latest in November 2020. Until then, the exemption fee applied to a male living abroad for no less than four years. The fee was USD 5 000 before the war and rose to approximately USD 8 000 later. The November 2020 amendment set new amounts for the exemption fees depending on the length of stay outside Syria: men who stayed abroad for one year, two years, three years or four years are required to pay USD 10 000, USD 9 000, USD 8 000 or USD 7 000 respectively to obtain an exemption. The number of years of residence is calculated for the period either before or after the person reached the age of military recruitment. Those whose length of stay exceeded five years after reaching military age must pay a penalty of USD 200 per year in addition. Furthermore, individuals who were born outside Syria and have continuously resided there until reaching the age of 18 can pay USD 3 000, while others who resided abroad for more than ten years can obtain an exemption by paying USD 6 500. Those exceeding 25 years will have to pay USD 8 000. Not only persons who left the country legally, but also those who left illegally can be exempted from their military service obligations. The deadline for paying the fee is three months after receiving the call for conscription. Such arrangements are reportedly being implemented in practice, but they in no way constitute a guarantee against forced conscription. The use of exemption fee is often linked with corruption, bribery and discretionary application. [[Military service](#), 3.4]

### Amnesties

Amnesty laws have been issued on several occasions since March 2011 to grant draft evaders or deserters amnesty from prosecution, including in 2018, 2019 and in 2020. However, military service would still have to be completed and those who were part of the armed opposition or dissented against GoS were excluded from the amnesty. In order to benefit from the amnesty, draft evaders or deserters had to turn themselves in within a certain period of time following the issuance of the decree. In October 2018, a circular was issued that forbade the arrest of reservists. Those reservists could still be called up again in the event of war or a state of emergency. Despite the amnesty, the GoS issued new lists of persons called for emergency military service, which contained 400 000 names, including a large number of youths whose names had just been removed from the list by virtue of the amnesty measure. [[Military service](#), 4.3]

Legislative Decree No. 6 of 22 March 2020 specified that the maximum grace period was three months for those who fled within Syria and six months for those who fled outside the country. Several sources stated that little to no information was available on the implementation and scope of the general amnesties. Very few individuals would be interested in using the amnesty law, the main reasons being that it did not pardon them for fulfilling the military service. Other sources also mentioned that there was distrust among the population, because the GoS reportedly did not respect prior amnesties and reconciliation agreements, e.g. by arresting and detaining Syrians or by sending them directly to military service. [[Military service](#), 4.3]

### Discharge

According to Law No 35/2011, which amended the military conscription Law No 30 of 2007, military service lasts between 18 to 21 months. However, since the outbreak of the conflict, most conscripts have not been discharged even after their compulsory military service has been fulfilled and had to continue their service. Limited demobilisation campaigns of conscripts and reservists have been reported since 2018. In late March 2020, two administrative orders were issued, ending the service of

certain categories of kept-in-service conscripts and called up reservists as of 7 April 2020. Two additional orders were reportedly issued in November 2020, terminating the service and recall of certain reservist categories. In January 2021, the Syrian Ministry of Administrative Development announced that more than 10 000 demobilised soldiers and reservists had passed exams to enter top tier public service jobs. [[Military service](#), 2.6].

### Regional specifics

In the recaptured territories, men of military age must also perform compulsory military service. Although reconciliation agreements usually gave them a six-month grace period once they had clarified their situation with the security forces (*'taswiyat al-wada'*), reports document the arrest, detention and forced conscription of individuals before this grace period expired. Many 'reconciled' men, including deserters and draft evaders are said to have joined pro-government forces such as the Russian-led Fifth Corps or the National Defence Forces (NDF), or other elite forces such as the Fourth Armoured Division. According to the reports, they were subjected to pressure to join these units in order to receive better salaries, to stay in their home regions and not be perceived as opponents of the government. [[Military service](#), 2.3.1]

In Sweida governorate, the Druze military-age men, who were largely protected by a tacit agreement with the Syrian authorities, have been under increasing pressure to serve in the army since mid-2018. By January 2021, some 50 000 people were reportedly wanted for conscription. Attempts to recruit were often repelled by the local community. [[Military service](#), 2.3.2]

As for the areas controlled by the SDF in north-east Syria, recent reports assume that recruitment is taking place, but mainly on a voluntary basis [[Military service](#), 2.3.3].

### Deployment

All conscripts are potentially at risk of being sent to the frontlines. Deployment reportedly depends on the army's need for manpower as well as the conscript's individual qualifications, his background or his experience in fighting. However, there is information that conscripts from reconciled areas are disproportionately often deployed to the front shortly after their enlistment and with minimal combat training as a form of punishment for their disloyalty to the regime. Several sources indicated that reservists are also deployed to the frontlines, although in smaller numbers. [[Military service](#), 2.5.1, 2.5.2]



Military service in Syria may trigger exclusion considerations. In terms of what excludable acts military service may involve, see [The Government of Syria and associated armed groups](#) under [6. Exclusion](#).

## 2.2.2 Draft evaders

Last update: November 2021

This profile refers to men who have refused or evaded conscription, including those who have not yet been confronted with conscription. It also includes reservists who may be called into military service.

For information on military service and definition of ‘draft evader’ see [2.2.1 Military service: overview](#).

### COI summary

Following the outbreak of COVID-19 and the cessation of major military operations in Syria in early 2020, SAA military recruitment activities have reportedly slowed down. According to recent reports from 2021, the SAA was regularly calling up new conscripts and reservists, and conscription drives were reported from all areas under government control, particularly from retaken areas. There is also information about a new circular dated 10 January 2021 ordering the reduction of combat readiness and overall mobilisation. No further information on the implementation of the circular in practice could be found. [[Military service](#), 2.3]

GoS is reported to view as political dissent the activities of wide categories of individuals, including draft evaders [[Military service](#), 1]. Regarding recruitment methods, it was reported that the names of men called up for military service were recorded in so called ‘wanted lists’ and in central databases, which were also accessible to officers at mobile or fixed checkpoints. There is information that these data were also used in other government facilities or hospitals to call up conscripts. Other sources describe incidents of conscripts being identified and forcibly recruited during house searches or while having queued at bakeries in order to buy bread. As a result, draft evaders deliberately avoided leaving their houses, passing through checkpoints, interacting with state institutions, and seeking medical treatment, and were living in constant fear of forced recruitment. Paying bribes was reportedly a common method of evading military service, e.g. to have one’s name removed from wanted lists or to be waved through checkpoints. [[Military service](#), 2.4]

Moreover, there are reports of draft evaders from former opposition-controlled areas who were considered disloyal to the army and threatened with harsher treatment after recruitment, such as being sent to the frontlines, physical abuse that amounted to torture, or in some cases even execution. [[Military service](#), 2.5]

According to the Syrian Military Penal Code (Articles 98, 99), draft evaders are punished with one to six months of imprisonment in peacetime, after which they have to complete their military service in full. In wartime, draft evasion is a criminal offense, punishable by up to 5 years in prison and individuals have to complete their military service. In practice, punishments are reportedly applied arbitrarily. Draft evaders are more likely to be arrested and sometimes detained for a short time before being sent to participate in active fighting. [[Military service](#), 4.1]

In December 2019, an amendment to Article 97 of the Military Service Act was issued. According to reports in February 2021, those who reached the age of 43 without having fulfilled their compulsory military service and without having paid the exemption fee within three months could be subjected to executive confiscation of assets without previous warning. [[Military service](#), 4.1.1]

With regard to past amnesties, see [2.2.1 Military service: overview](#).

There are also reports of family members of those evading military service and deserters facing retaliation by GoS. Concerning family members of draft evaders, reports range from pressure and harassment to house searches, interrogations and arrests, with sources noting that family members of draft evaders from former opposition-held areas have been more severely harassed [[Military service](#), 4.1.2, 4.2.1].

## Risk analysis<sup>11</sup>



In accordance with [Article 9\(2\)\(e\) QD](#), ‘acts of persecution [as qualified in paragraph 1] can, inter alia, take the form of: [...] prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2)’.

In the case of the ongoing armed conflict in Syria, where various excludable acts have reportedly been committed by the Syrian Armed Forces, in conjunction with the fact that the individual recruits and reservists generally have no control over their role within the armed forces, neither with regard to their place of deployment nor with regard to the assignment of specific tasks, this is found to apply [see the chapter [6. Exclusion](#)]. Therefore, a well-founded fear of persecution would in general be substantiated.

Regarding the fact that there are no provisions for alternative service, and there is no right to conscientious objection except for Christian and Muslim religious leaders, a well-founded fear of persecution would also in general be substantiated for other persons who have evaded conscription on grounds of conscience. The individual assessment whether someone is a conscientious objector should look into whether the opposition to military service is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person’s conscience or his deeply and genuinely held religious or other beliefs, and constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance...<sup>12</sup>

Other actions to which draft evaders could be exposed may also be of such severe nature that they would amount to persecution (e.g. arbitrary arrest along with other forms of mistreatment such as physical violence, the risks associated with the treatment in detention facilities, including torture).

In the case of draft evaders, a well-founded fear of persecution would in general be substantiated. While certain exemptions from military service are envisaged in law, their application in practice lacks predictability. Taking into account that amnesty decrees are limited in time and do not remove the obligation to perform military service, they would also generally not impact the level of risk associated with draft evasion.

### Nexus to a reason for persecution

Available information<sup>13</sup> indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion...<sup>14</sup> It is for the competent national authorities to ascertain, in the light of all

<sup>11</sup> See also CJEU, *Andre Lawrence Shepherd v Bundesrepublik Deutschland*, C-472/13, judgment of 26 February 2015 (Shepherd), and *EZ v Federal Republic of Germany, represented by the Bundesamt für Migration und Flüchtlinge*, C-238/19, judgment of 19 November 2020 (EZ).

<sup>12</sup> See also *EZ*, paras.26-32.

<sup>13</sup> The *EZ* judgment of 19 November 2020 is based on the situation in Syria in 2017.

<sup>14</sup> See also *EZ*, para.60.

the circumstances at issue, whether that nexus is plausible on a case-by-case basis...<sup>15</sup> In the case of conscientious objectors, persecution may also be for reasons of religion...<sup>16</sup>



Article 9(2)(e) in conjunction with Article 9(3) of Directive 2011/95 must be interpreted as meaning that the existence of a connection between the reasons mentioned in Article 2(d) and Article 10 of that directive and the prosecution and punishment for refusal to perform the military service referred to in Article 9(2)(e) of that directive cannot be regarded as established solely because that prosecution and punishment are connected to that refusal. Nevertheless, there is a strong presumption that refusal to perform military service under the conditions set out in Article 9(2)(e) of that directive relates to one of the five reasons set out in Article 10 thereof. It is for the competent national authorities to ascertain, in the light of all the circumstances at issue, whether that connection is plausible.

**EZ, para. 61 and fourth point of operative part**

### 2.2.3 Military deserters and defectors

Last update: November 2021

This profile refers to men who have left military service (duty or post) without permission. In accordance with the terms of the Syrian Military Penal Code, a ‘fugitive military person or military-equivalent person’ is considered: any military person or equivalent person who is absent from his squad or detachment without permission for a certain period qualified by the law; and any military person who travelled alone from one place to another or from point-to-point and his vacation has ended and he has not returned within a certain time period from the date fixed for his arrival or return. The applicable durations of absence depend on whether the offence takes place in peace or war time, the duration of service, and whether the person crosses an international border...<sup>17</sup>

For information on military service and definitions of ‘deserter’ and ‘defector’, see [2.2.1 Military service: overview](#).

#### COI summary

According to the Military Penal Code (Articles 100, 101), desertion is punishable by one to five years imprisonment in peacetime and can result in a prison sentence up to twice as long in wartime [[Military service](#), 4.2]. Those who have left the country following desertion can be punished with a penalty of up to 15 years imprisonment in wartime. Desertion to the enemy is punishable by life imprisonment or the death penalty. Deserters are punished more severely than draft evaders. [[Military service](#), 4.2]

<sup>15</sup> See also *EZ*, para.61.

<sup>16</sup> See also *EZ*, para.26-32.

<sup>17</sup> Article 100, Syria: Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, unofficial translation by UNHCR, available at <https://www.refworld.org/docid/58a5e1b34.html>.

Most reports of deserters date back to the early years of the conflict, but the number of deserters and defectors has reportedly increased between January 2020 and January 2021. Information largely relates to deserters and defectors from former opposition-held areas, which have undergone a reconciliation process. According to reports from 2018 and 2019, deserters were among the groups most likely to be detained arbitrarily by the GoS forces. In previous years, they were often punished in the same way as those who actively joined the opposition. In targeted campaigns, the government systematically arrested defectors and military personnel suspected of sympathising with the opposition. [[Military service](#), 4.2; [Targeting](#), 2.3.2]

Current reports note that despite reconciliation processes and time-limited partial amnesties, deserters and defectors were subjected to arrest, detention, enforced disappearance, torture and even death under torture. It was reported that deserters are usually detained by branches of the Syrian intelligence services, which may expose them to the risk of torture and enforced disappearances. Sources also indicated that in some cases deserters would be given a short prison sentence followed by military service, including to the frontlines. One source also indicated that the GoS would not only punish deserters according to the provisions of the Military Penal Code but would also make use of the provisions of the Anti-terrorism Law of 2012. Deserters and defectors were also reportedly at risk of being arrested when returning to Syria following the amnesty. [[Military service](#), 4.2, 4.3]

There are also reports of family members of deserters facing retaliation by GoS. A January 2021 source noted that family members of defectors may also be subjected to torture, death in custody and execution. The extent to which family members may face consequences would be influenced by factors such as the rank of the deserter/defector, the family's place of residence and religious background and the secret service and officer in charge of the area. [[Military service](#), 4.1.2, 4.2.1]

### Risk analysis<sup>18</sup>

Military deserters and defectors could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. forced disappearance, torture, death penalty).



Moreover, in accordance with [Article 9\(2\)\(e\) QD](#), 'acts of persecution [as qualified in paragraph 1] can, inter alia, take the form of: [...] prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2)'

In the case of the ongoing armed conflict in Syria, where various excludable acts have reportedly been committed by the Syrian Armed Forces, in conjunction with the fact that the individuals generally have no control over their role within the armed forces, neither with regard to their place of deployment nor with regard to the assignment of specific tasks, this is found to apply [see the chapter [6. Exclusion](#)]. Therefore, a well-founded fear of persecution would in general be substantiated.

Taking into account the absence of a procedure for obtaining, or recognition of, the status of conscientious objector and the absence of alternative service in Syria, in the case of individuals who have deserted military service on grounds of conscience, well-founded fear of persecution would also

<sup>18</sup> See also CJEU, *Shepherd* and *EZ*.

in general be substantiated. The individual assessment whether someone is a conscientious objector should look into whether the opposition to military service is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person's conscience or his deeply and genuinely held religious or other beliefs, and constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance...<sup>19</sup>

In the case of military deserters and defectors, a well-founded fear of persecution would in general be substantiated.

Taking into account that amnesty decrees concerning deserters are limited in time and do not remove the obligation to perform military service, they would generally not impact the level of risk associated with desertion of military service.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion...<sup>20</sup> In the case of conscientious objectors, persecution may also be for reasons of religion...<sup>21</sup>



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.3 Persons with perceived links to ISIL

Last update: September 2020

This profile refers to (perceived) members of ISIL, individuals with familial links to ISIL, as well as civilians who resided in territories controlled by ISIL.

### COI summary

ISIL is a UN- and EU-designated terrorist organisation. The group began capturing territory in Syria in 2013, which attracted an international US-led coalition military response. Since September 2014, the US-led Global Coalition Against Daesh has carried out military operations against ISIL and other targets in Syria [[Actors](#), 1.2.2]. By August 2017, the coalition conducted over 11 000 airstrikes against ISIL targets in Syria. Turkey has conducted ground operations against ISIL since 2016. GoS forces also fought against ISIL, reclaiming territories such as Palmyra, while Russia claimed airstrikes on ISIL targets. Detained ISIL fighters and their families in north-east Syria number more than 100 000. [[Security 2020](#), 1.4.6]

<sup>19</sup> See also *EZ*, paras.26-32.

<sup>20</sup> See also *EZ*, para.60.

<sup>21</sup> See also *EZ*, para.26-32.

The Kurdish-controlled areas in northeast Syria comprise most of the territory that was previously under ISIL control in Syria and which sources considered 'the main theatre for ISIS's insurgency'.  
[[Targeting](#), 6.2]

**SDF/YPG** arbitrarily detained and indiscriminately killed civilians during anti-ISIL raids. SDF was responsible for raids, arrests and forced disappearances. IDPs settled in Raqqa, Hasaka and Deir Ez-Zor governorates were particularly targeted by SDF, whom it accused of ISIL affiliation. The informal detention centres for ISIL fighters and affiliates were reported to be severely overcrowded and lacking adequate medical care. Thousands of wives and children of ISIL fighters were also held in makeshift camps where the living conditions were reported to be deplorable [[Targeting](#), 3.2]. The Al Hol camp in Hasaka governorate hosts more than 66 000 persons, around 96 % of whom are women and children. Because of their familial links to ISIL, they have reportedly suffered discrimination at the hands of SDF forces, as well as harassment, denial of healthcare, restricted movement due to security considerations, and looting. [[Security 2020](#), 2.7.3.3]

In 2015, the YPG established the terrorism court - known as the 'People's Court' - to prosecute ISIL fighters and affiliates. The court has judges and prosecutors lacking judicial training, who often come from different professional backgrounds, such as architects, construction workers, bakers or auto mechanics.

The Kurdish authorities were reported to have tried thousands of Syrian ISIL suspects in flawed proceedings. The Kurdish People's Court tried and sentenced 7 000 ISIL suspects and other 6 000 were awaiting trial. The Kurdish authorities' approach to prosecution of ISIL fighters was described as uneven, with some fighters being freed or given light sentences, while other wait years for a trial. Defence lawyers for cases of ISIL fighters were reportedly not available due to fears of retaliation from ISIL cells. Kurdish authorities handed out reduced sentences to ISIL members who have surrendered to them or released them as part of reconciliation deals brokered with tribal leaders. [[Actors](#), 3.1.4]

SDF regularly claims to arrest ISIL affiliates, but it has been accused of arresting civil activists involved in the uprising against the Assad government. There were several incidents of arrests of local activists and humanitarian workers in Raqqa governorate under the accusation of ISIL affiliation. [[Targeting](#), 3.2]

YPG forces were reported to be engaged in razing of villages, confiscation of property and forced displacements of people in retaliation for perceived affiliation or sympathies to ISIL or other armed groups during anti-ISIL operations in Hasaka and Raqqa governorates carried out in 2015. [[Targeting](#), 3.2]

Those considered to be affiliated with terrorist groups such as ISIL can be denied entering in reconciliation agreements with the **GoS**. However, GoS has on several occasions struck deals with the group and participated in the evacuation of its members. In May 2018, ISIL soldiers and their families were evacuated from Yarmouk Camp and Hajar al-Aswad in Damascus to areas that were then under ISIL control in the desert in Badia [[Recaptured areas](#), 2.5.3, 2.5.3.1].

The Syrian Penal Code envisages the death penalty for terrorism-related offences, including terrorist acts and the financing of terrorist acts, regardless of whether such acts result in death or not. However, little information is available about death sentences passed and there is no information on executions. [[Actors](#), 2.2.3]

### Risk analysis

In itself, the prosecution of the criminal acts of the insurgents and their targeting in accordance with the rules of international humanitarian law do not amount to persecution. However, certain acts to which persons with perceived links to ISIL could be exposed could be of such severe nature that they would amount to persecution (e.g. forced disappearance, death penalty, killing).

For perceived members of ISIL and those perceived to have familial links to ISIL members well-founded fear of persecution would in general be substantiated.

In the case of civilians who resided in territories controlled by ISIL, not all individuals would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the perceived level of support for ISIL.

### Nexus to a reason for persecution

Available information indicates that, persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.4 Members of and persons perceived to be collaborating with the SDF and YPG

Last update: September 2020

This profile refers to members of the SDF and the YPG, as well as to other individuals perceived to be collaborating with them.

See also the profile [11.2. Kurds](#).

### COI summary

The COI summary focuses on targeting of such individuals by the SNA and by ISIL.

#### a. Targeting by the SNA

[Main COI reference: [Targeting](#), 6.1]

The UN and other human rights organisations documented kidnappings, abductions, torture, extortion and assassinations of civilians at the hands of armed groups operating under the SNA umbrella. Looting, theft and expropriation of Kurdish properties by SNA factions, such as in the aftermath of the capture of Afrin and in the areas of al-Bab, Jarablus and Azaz, were also reported. Armed groups and criminal gangs in Afrin abducted civilians of Kurdish origin, wealthy individuals including doctors,

businesspersons and merchants for economic, political and security reasons. Perceived supporters of the Kurdish administration were regularly arrested, detained, tortured and extorted by armed groups. Those suspected of affiliation with Kurdish authorities were reportedly arrested and asked to pay fines of USD 400 for their release. Abductions were carried out primarily at checkpoints or at the victim's home during the night.

In April 2019, the Syrian Observatory for Human Rights (SOHR) reported on the arrest of the president and members of the Kurdish National Council in Afrin, as well as 2 600 Kurdish citizens. At the time of reporting, around 1 100 were still in detention while the rest were released upon paying a ransom that in some cases reached 10 million Syrian pounds (approximately EUR 17 600). In October 2019, Hevrin Khalaf, a Kurdish female politician who was secretary general of the Kurdish Future Syria Party, was summarily killed by members of SNA.

IDPs who returned to Afrin found their properties confiscated or destroyed and some homes redistributed to Sunni Arab IDPs. Returnees were precluded from living in the area due to their real or perceived affiliation to YPG, while killings of returnees have been also reported. The Col noted that it 'finds that there are reasonable grounds to believe that members of the armed groups in Afrin continued to commit war crimes of hostage-taking, cruel treatment and torture'.

During the Turkish-led incursion into the north-east Syria in October 2019, Turkish forces and affiliated armed groups including SNA reportedly committed attacks on residential areas, summary killings and unlawful attacks that have killed and injured civilians, and targeted civilian infrastructure, such as the main water station in Hasaka governorate [[Security 2020](#), 2.7.3].

UN sources also reported that armed groups supported by Turkey carried out arbitrary arrests for the purpose of ransom to punish people for requesting to recover stolen property, or for alleged affiliation to the PYD or YPG [[Security 2020](#), 2.7.3]. Moreover, arrests by SNA-affiliated armed groups of Arab men who had previously served the SDF, have been reported.

In and around the so called 'safe zone' established by SNA and the Turkish armed forces between Tall Abyad (Raqqqa governorate) and Ras al Ain (Hasaka governorate), sources indicate that persons of Kurdish ethnicity - especially those affiliated to, or with attributed affiliation to, SDF/YPG or any part of the Kurdish forces, have been at risk of denied returns, arbitrarily arrested or had their property confiscated [[Security 2020](#), 2.7.3].

#### **b. Targeting by ISIL**

[[Targeting](#), 6.2]

ISIL continued to conduct small-scale operations, like ambushes, assassinations, and IED attacks against GoS forces and SDF and their civilian affiliates in the Middle Euphrates River Valley and Hasaka governorate [[Security 2020](#), 2.7.3].

Attacks such as roadside bombs, drive-by shootings and assassinations of local SDF collaborators by ISIL have been documented in Kurdish-controlled areas that were previously under the ISIL control. Arab men who joined the SDF were also targeted. ISIL also maintained a steady low-level violence in Deir Ez-Zor's eastern countryside, including roadside bombs, assassinations and drive-by shootings. Lists of SDF recruits and civilian employees were posted by ISIL on several mosques in the city of Deir Ez-Zor demanding that they 'repent' [[Targeting](#), 6.2].

Assassinations of governance officials, village elders, people perceived as informants against ISIL, collaborators with the SDF, as well as attacks on local security forces, were reported. ISIL were also reported to target political and military figures associated with the SDF, members of the SDF security apparatus and prisons where ISIL detainees were held [[Targeting](#), 6.2].

In February 2020, the UN Security Council noted an increase in attacks targeting the international counter-ISIL coalition and local non-State armed groups in Deir Ez-Zor and Hasaka governorates. An increase in ISIL attacks aimed at SDF military targets, such as headquarters, vehicles, and fighters, was also reported in Raqqa governorate [[Security 2020](#), 2.7.3, 2.8, 3.1].

### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, abduction, killing).

For members of and persons perceived to be collaborating with SDF/YPG in areas where the SNA operates, a well-founded fear of persecution would in general be substantiated.

In Kurdish-controlled areas that were previously under the ISIL control, the threat posed by ISIL to individuals under this profile has decreased compared to previous years. Nevertheless, ISIL continues to be capable of attacks in those areas and members of and persons perceived to be collaborating with the SDF/YPG are viewed by ISIL as a priority target. Not all individuals under this sub-profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (areas where ISIL continues to operate), visibility of the applicant, position within the community, nature of activities undertaken by the individual, public expression of support for SDF/YPG or condemnation of ISIL's actions, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In the case of persecution by SNA, it may also be for reasons of race/nationality.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.5 Persons perceived to be opposing the SDF/YPG

Last update: September 2020

This profile refers to different groups perceived by the SDF/YPG as opposing them. It includes, in particular, political opponents, persons with (perceived) links to ISIL (see also [2.3 Persons with perceived links to ISIL](#)), and persons associated with Turkey and/or the SNA. In addition, it addresses the situation of Arabs and Christians in Kurdish-controlled areas.

## COI summary

[Main COI reference: [Targeting](#), 3]

Different profiles of individuals can be considered by the SDF/YPG as opposition:

### a. Political opponents and supporters of opposition parties

[Main COI reference: [Targeting](#), 3.1]

PYD is viewed as the dominant political actor in the Kurdish-controlled areas, where it exercises ultimate control. Most of the Kurdish opposition is united under the umbrella group of the Kurdish National Council (KNC).

With the establishment of PYD-run administration, many opposition parties are said to have gone into exile or have been suppressed by the PYD. PYD and the affiliated Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents, such as the members and leaders of KNC. Burning of KNC offices and blocking of political activities was also reported. In the months preceding the 2017 local elections in northeast Syria, Kurdish authorities launched a campaign of arrests of 'illegal' and unpermitted political parties, resulting in the closure of nearly all opposition party offices. In January 2019, the PYD-run administration allowed 'unlicensed' political parties to open new local offices. Due to the Turkish military offensive in October 2019, talks about a deal between the PYD and KNC have emerged.

Activists, journalists, members of human rights organisations, members of civil society who opposed their policies, individuals who refused to cooperate with Kurdish groups, civilians supporting competing political parties, and individuals perceived to be insufficiently loyal, had been arbitrarily arrested [See also [Journalists, other media professionals and citizen journalists](#) and [Human rights activists](#)]. Civilians were reportedly also targeted under the charge of cooperating with opposition factions.

### b. Persons with (perceived) links to ISIL

[Main COI reference: [Targeting](#), 3.1]

The treatment of individuals with perceived links to ISIL, including by the SDF/YPG, is addressed in a separate profile [2.3 Persons with perceived links to ISIL](#).

It should also be noted that, while the SDF regularly claims to arrest ISIL affiliates, some of those arrested were reportedly civil activists, including activists involved in the uprising against the Assad government, and humanitarian workers.

### c. Arabs and Christians in areas controlled by SDF

[Main COI reference: [Targeting](#), 3.3]

**Arabs** have claimed to be marginalised in the governance of the areas where they constitute a majority, with decision-making ultimately resting in the hands of the Kurds. This imbalance of power has led to unrest in Arab tribal areas, resulting in protests in the governorates of Deir Ez-Zor, Hasaka and Raqqa. Main complaints were lack of services, discrimination, forced conscription, failure to release prisoners, deterioration of living conditions, and arbitrary arrests of civilians under the accusation of having links with ISIL or Turkey. Arab fighters that refused to join SDF claimed that they have been subjected to

harassment, arbitrary arrests, and confiscations of weapons and cars. Corruption, extortion and abuses of power at the hands of SDF personnel was also reported.

Concerning the situation of Sunni Arabs in Syria in general, see the profile [2.11.1. Sunni Arabs](#).

In 2018, disputes between the PYD-led Kurdish administration and **Christian** communities over the school curriculum led to the temporary closure of schools in the cities of Qamishli, Hasaka and Al-Malikiyeh. Christian activists complained in protest that the 'mandated curriculum denied them their own unique ethnoreligious identities' and that it aimed to promote Kurdish nationalism. Teachers who refused to fully implement the PYD curriculum were arrested. During relevant protests, demonstrators were also arrested or disappeared by PYD forces.

Concerning the situation of Christians in Syria in general, see the profile [2.11.5. Christians](#).

#### **d. Persons associated with Turkey and/or the SNA**

[Main COI reference: [Targeting](#), 3.4]

Since the capture of Afrin by Turkish forces and affiliated armed groups in March 2018, YPG and other armed groups engaged in a low-level insurgency. They reportedly conducted IED attacks, roadside ambushes, kidnappings and executions against the Turkey-backed groups that control the area and suspected collaborators, including (perceived) informants for Turkish authorities or members of the Turkish-supported civil administration of Afrin. Relatives of members of the FSA were also arrested for interrogation. In the wake of the Kurdish forces' withdrawal from the areas captured by Turkey and SNA in the October 2019 offensive, there were also unconfirmed reports of SDF forces killing civilians for perceived relations with the SNA.

#### **Risk analysis**

Actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. forced disappearance, torture, arbitrary arrest). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (who is in control of the area of origin of the applicant, if the applicant was located in any of the IDP camps), the nature of activities and degree of involvement in activities perceived by SDF/YPG as opposition, (perceived) affiliation with ISIL (see separate profile [2.3 Persons with perceived links to ISIL](#)) or Turkish-backed forces (see also [2.1.1 Members of anti-government armed groups](#)), being known to the Kurdish authorities (e.g. previous arrest), etc.

#### **Nexus to a reason for persecution**

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to some sub-categories of this profile, such as ISIL members and members of the SNA (see the chapter [6. Exclusion](#)).

## 2.6 Persons fearing forced or child recruitment by Kurdish forces

Last update: September 2020

This profile refers to the topic of recruitment under the 'Duty of Self-Defence' and the topic of child recruitment by Kurdish forces.

### COI summary

#### a. 'Duty of Self-Defence' and forced recruitment

[Main COI reference: [Targeting](#), 3.3, 4.1, 4.2]

Compulsory recruitment was first introduced by the Kurdish Administration on 14 July 2014 on the basis of the Law on Mandatory Self-Defence Duty. All amendments and previous versions of the Law became null and void after the General Council (*Majlis al-'Am*) agreed on 35 Articles regarding the 'Duty of Self-Defence' in June 2019. Geographically, the law is confined to the areas of northern and eastern Syria under the control of the Kurdish-led Autonomous Administration.

'Conscription' is mandatory for all male residents, both Syrian nationals and stateless Kurds, living in the territories under the Autonomous Administration, after reaching 18 years. Syrians from other parts of the country who have resided in the area longer than five years are obliged to join as well. One source indicated that men who served in the SAA also had to complete the service under the 'Duty of Self-Defence' in the Kurdish areas. Men serve in the YPG, while women can join the YPJ on a voluntary basis.

According to one report, while under the Kurdish Administration law, members of ethnic and religious minorities are obliged to serve, the law was not enforced, and they rather joined on a voluntary basis. In 2017, there were reports that recruitment policies in Arab areas, such as Manbij and Taqba, were halted after the intervention of tribal leaders.

The 'Duty of Self-Defence' has to be completed by the age of 40 years and it usually lasts six months. However, during May 2018 to May 2019, it lasted 12 months. In the case of conscientious objection to join the Kurdish forces or arrest because of refusal to join, the 'Duty of Self-Defence' would be 15 months as a punitive measure. Late enlistees are obliged to serve for an additional month.

Deferrals can be granted by the Self-Defence Duty Department for: students, recent returnees to Syria, and persons with siblings younger than 18 years and a passed away or handicapped father. Exceptions to the 'Duty of Self-Defence' include medical reasons, disabilities, family members of martyrs holding a proving certificate thereof, or only sons. There is conflicting information as to whether the payment of a fee can exempt an individual from the 'Duty of Self-Defence', however according to Article 10 (2019) the payment of guaranty (*kafāla*) does not exempt from the mandatory service. Lists of people wanted for service in the YPG were issued in 2015.

SDF and YPG use forced recruitment in addition to the 'conscription' system, in order to supplement their numbers. There were documented cases of arbitrary arrest for recruitment despite applicable postponements for education or medical reasons. Arrests of men of 18 years old and above, who attempted to avoid forced recruitment, were reported. The individuals recruited received basic training and were subsequently sent to the frontlines.

There were also reports that the SDF was asking returning families to volunteer one man per family to join YPG, which deterred some families from returning to their homes. Some families chose to move from the areas under SDF in order to avoid reprisals, including arrest, for not accepting recruitment. IDPs in Mabrouka camp alleged that SDF forces were targeting certain families for forced recruitment and that families without sons were reportedly made to pay USD 300 to SDF soldiers. Different sources stated that members of the Arab communities in areas under SDF control were also subjected to forced recruitment by the SDF. Arab fighters that refused to join SDF claimed that they have been subjected to harassment, arbitrary arrests, and confiscations of weapons and cars.

#### **b. Child recruitment**

[Main COI reference: [Targeting](#), 4.3]

The recruitment and use of child soldiers by the YPG had been documented since 2014. In the period from January to December 2018, the UN verified the recruitment and use of 313 children, both boys and girls, by SDF forces.

IDP camps were a source for recruiting children, in some occasions without the permission of their families. Parents usually had no contact with their children once they were recruited and only found out from authorities that their children were in training. In July 2018, SDF declared an end to using child soldiers and released 56 underage boys to their families in December 2018. This was followed by the adoption by the SDF of an UN action plan to end the recruitment and use of children in conflict in June 2019. However, during the course of 2019, conscription of children was still documented.

#### **Risk analysis**

SDF/YPG are non-State armed forces, therefore, non-voluntary recruitment by SDF/YPG, even if imposed under the 'Duty of Self-Defence', is considered as forced recruitment. Forced recruitment and child recruitment are of such severe nature that they would amount to persecution.

Not all individuals from Kurdish-controlled areas would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender, falling within an exception ground, ethno-religious background, age, being in an IDP situation, etc.

#### **Nexus to a reason for persecution**

While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion. In the case of child recruitment, the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

## 2.7 Persons associated with the Government of Syria

Last update: September 2020

This profile refers to members of the GoS and Baath party officials, members of government armed forces and pro-government armed groups and to civilians perceived to be supporting the government. The section focuses on targeting by non-State actors. The consequences of leaving Syria and return are addressed under the section [The implications of leaving Syria](#).

### COI summary: overview

[Main COI reference: [Targeting](#), 5]

The Idlib area in northwestern Syria is viewed as the armed opposition's last stronghold. The opposition-controlled area is generally referred to as Idlib, but it also includes neighbouring areas in northwestern Aleppo, northern Hama and Latakia governorates. As of January 2020, the GoS offensive on the Idlib area is ongoing, resulting thus far in the capture of significant territories and massive displacement.

HTS is described as the most important and powerful actor in the Idlib area, but they also have a presence in southern Syria. Their primary objective is aimed at establishing Islamic rule in Syria through overthrowing the Assad government and ousting Iranian militias. They might be behind or are at least deeply involved in the insurgent violence in southern Syria and Damascus, whether in facilitating attacks or creating false groups to mask their return to insurgency in southern Syria.

Other significant opposition armed groups that are present and active in the Idlib area operate under the umbrella of the NLF. Smaller predominantly Islamist armed opposition groups that operate in the area include HAD, TIP and Ansar al-Tawhid.

In southern Syria, armed groups such as Popular Resistance and Saraya Qasioun and unknown perpetrators carried out IED-explosions, assassinations and kidnapping of individuals, including members of GoS and affiliated armed groups, as well as reconciled fighters, commanders and facilitators.

While ISIL's territorial control in Syria ceased to exist after the capture of Baghouz in March 2019, sources maintained that the group remains a serious threat in Syria. In 2019, ISIL was reported to be forming cells across Syria, and an increase in the number of ISIL attacks in areas controlled by the Syrian government has been reported.

### 2.7.1 Members of the Government of Syria and Baath party officials

Last update: September 2020

#### COI summary

[Main COI reference: [Targeting](#), 5.1]

There is little information available regarding the targeting of members of the government and the Baath Party in the rebel-held areas and other parts of Syria.

One source made reference to former Baath Party members as potential targets by the armed groups in Idlib. Another source reported that HTS conducted security operations which allegedly targeted ISIL members, Kurdish agents, as well as individuals ‘working for the Syrian government’. The newly established local resistance group Saraya Qasioun, which operates in Rural Damascus and Dar’a governorates, claimed attacks on personnel of GoS, the Baath Party and affiliated armed groups in April 2019.

As mentioned before, despite the wide presence of the SAA and government security apparatuses in the western region of Dar’a, the region witnesses unclaimed guerrilla attacks, IED explosions, assassinations and kidnappings of former rebels, government officials, Syrian army soldiers and security apparatus members. Reports further state that assassinations of the Syrian government agents and militia members increased in Dar’a governorate. It is not clear whether those agents were civilians or held official status. The newly emerged Southern Companies (Siraya Janoubiya) targeted a Baath office in eastern Dar’a with an explosion, threatening to target government facilities if they did not ‘stay away from civilians’. [[Security 2020](#), 2.12.2.3]

### Risk analysis

Actions to which individuals under this profile could be exposed could be of such severe nature that they would amount to persecution (e.g. assassination, kidnapping). However, risks associated with the conduct of war, faced by the security apparatus and militias, are inherent to their position and are not considered to amount to persecution.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

### Nexus to a reason for persecution

According to available information persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.7.2 Members of government armed forces and pro-government armed groups

Last update: September 2020

## COI summary

[Main COI reference: [Targeting](#), 5.2]

In Dar'a, GoS armed forces and affiliated groups were attacked on multiple occasions. Attacks included detonating bombs, mines, booby-trapped cars and the use of light and medium weapons, and also unclaimed guerrilla attacks, IED explosions, assassinations and kidnappings. SOHR registered 171 casualties from the attacks between June 2019 and January 2020, the majority of which were members of the GoS armed forces and affiliated groups (91), former opposition fighters reconciled with GoS (29) and civilians (28).

The Popular Resistance armed group claimed responsibility for the assassination of several reconciled opposition fighters and reconciliation facilitators. A significant part of attacks that took place during 2019 in southern Syria were part of an organised armed insurgency against the GoS that was re-emerging in the area.

In areas controlled by the government, ISIL claimed attacks in Dar'a and launched larger-scale attacks against Syrian security forces from the Badia desert in central Syria.

ISIL attacks on GoS forces were recorded in the desert areas of Homs and Deir Ez-Zor governorates. In Syria's central desert, along the M20 highway that runs between Palmyra and Deir Ez-Zor, GoS soldiers and affiliated militiamen were reported to be killed almost daily in ISIL attacks carried along the highway [[Security 2020](#), 1.4.6].

## Risk analysis

Certain risks for members of armed forces are inherent to their military status and the ongoing civil war and those would not amount to persecution. However, actions outside the conduct of war could be of such severe nature that they would amount to persecution (e.g. assassination and kidnapping).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

With regard to the risk associated with leaving Syria, in addition to considerations related to [The implications of leaving Syria](#), see [2.2. Military deserters and defectors](#).

## Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

## 2.7.3 Civilians perceived to be supporting the government

### COI summary

[Main COI reference: [Targeting](#), 5.3]

Civilians perceived to be collaborating or supporting the government or (pro-)government armed forces and/or to oppose anti-government armed groups are targeted by several groups, mainly HTS and ISIL.

In areas where **HTS** is operating, individuals were targeted for affiliation with the Syrian government and HTS carried out operations to arrest persons suspected of being in contact with the regime. HTS targeted civilians who opposed the group's policies and practices, as well as activists and public figures, with the aim to intimidate the society in areas under its control. The HTS considered civilians opposing it as agents, infiltrators, or 'frogs' (a Syrian opposition moniker for someone in surreptitious contact with the GoS and prepared to "jump" to the other side). Civilians are unlawfully detained, kidnapped, tortured and executed for expressing political dissent or because they are suspected government and pro-government informants, i.e. people suspected of communicating with the GoS and the Russians. This includes civilians who are in favour of reconciliation with the government. HTS also cracked down on populations that were seen as supportive of the FSA and the values of the original Syrian Revolution. [[Targeting](#), 5.2, 5.3.1]

While **ISIL** ceased to control territory in Syria, it still maintained presence in government-held territories such as Homs and Dar'a governorates, and a latent presence in Idlib governorate. ISIL claimed low-level attacks targeting in particular reconciled opposition group leaders, as well as local security forces and pro-GoS paramilitary groups. There also are several reports of ISIL attacks in which civilians were killed, including women and children. ISIL-claimed attacks are hard to dissociate from the ongoing insurgency in southern Syria - the emergence of groups such as the Popular Resistance in Dar'a and Saraya Qasiyoun as well as the latent Al Qaeda presence in the south. [[Targeting](#), 5.3.2]

With regards to targeting civilians who fall under this profile outside of the areas of control of armed groups, it was reported that **rebel groups** in Idlib governorate continued to kill Syrian soldiers as well as civilians in neighbouring areas of Latakia, Hama and Aleppo. [[Targeting](#), 5.3.1]

### Risk analysis

Actions to which individuals under this profile could be exposed could be of such severe nature that they would amount to persecution (e.g. detention, torture, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (depending on the presence and activity of anti-government armed groups) and level of (perceived) support or collaboration, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

## 2.8 Journalists, other media professionals and citizen journalists

Last update: September 2020

This profile refers to journalists, other media professionals and bloggers and their situation in relation to potential targeting by different actors in Syria.

### COI summary

[Main COI reference: [Targeting](#), 7]

Journalists were targeted by all the parties involved in the conflict in Syria and faced physical danger in the whole country. There were reports of threats, abductions, imprisonments, torture and killings of journalists. Their safety was jeopardised because of direct targeting and/or as a result of the violence while covering the fighting, including 'double-tap' attacks. Freedom of press was reported to be restricted, journalists faced censorship and very few of the new Syrian media that were created by citizen journalists have survived. Even though in 2018 and 2019 there was a decrease of human rights violations against journalists, Syria continued to rank as one of the two deadliest countries worldwide for the media.

#### a. Targeting by government forces and affiliated armed groups

[[Targeting](#), 7.2]

The GoS has been the main actor committing violations against media and media personnel. As SNHR noted in a May 2019 report, 'the Syrian regime and its security services became even more lethally brutal and oppressive towards any independent press and media covering events in the country'. SNHR further stated that 'violations were multiple, intensive, widespread and clear'. Local journalists were targeted because of their collaboration with international journalists and media outlets. Journalists were targeted by snipers, arrested, detained without trial, tortured and forcibly disappeared. The GoS also attempted to discredit them, by undermining the credibility of their reports and statements.

GoS arrested most of the citizen journalists in the areas with which it had entered into settlement processes, while other journalists in Dar'a had to evacuate after they refused reconciliation with GoS, in fear of being targeted by government forces.

Citizen journalists and media workers were also in danger in areas that are not under the control of GoS, since they are part of the civilian population that was targeted by 'double-tap' aerial and artillery bombings.

Journalists that were loyal to the GoS were also targeted, as a result of a struggle for power centres that formed within the regime over the course of the war.

See also [Persons perceived to be opposing the government](#).

#### b. Targeting by the SDF/YPG

[[Targeting](#), 7.5]

SDF suppressed the freedom of press, particularly when opposing the SDF's policies. Intimidation, and a large number of arrests, forced disappearances and torture of citizen journalists criticising the regime of the SDF was documented.

There were reports concerning the second half of 2017 that journalist and activists that reported on human rights violations committed by SDF were subjected to intimidation and arbitrary arrests in Raqqa, Tall Abyad and Tabqa.

See also [Persons perceived to be opposing the SDF/YPG](#).

#### **c. Targeting by the SNA**

[[Targeting](#), 7.4]

FSA-affiliated groups, after taking over an area, repeatedly proceeded to arbitrary arrests and detentions of different individuals, including journalists. One source also reported that citizen journalists were harassed, extorted, intimidated, detained and tortured by armed opposition groups.

#### **d. Targeting by HTS**

[[Targeting](#), 7.3]

There is less reporting out of Idlib governorate because the former proliferation of free activist media outlets has been increasingly clamped down on by HTS. HTS arbitrarily arrested, kidnapped, imprisoned and tortured journalists, when perceived to be violating the Islamic law (Sharia) or to oppose or criticise its rule. Citizen journalists were also killed, as they were perceived as a threat to its ideology and policies.

#### **e. Targeting by ISIL**

[[Targeting](#), 7.6]

ISIL seized thousands of individuals, including journalists, whose fate remains unknown. Citizen journalists were also pursued, arrested, threatened with torture and death, terrorised and forced to promote ISIL ideology and propaganda. Reports on this were published in 2019, however, without specifying the time in which the events took place. Other sources indicated that in 2018 ISIL was no longer among the actors targeting the media and media personnel in Syria [see also [Targeting](#), 7.1].

### **Risk analysis**

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arbitrary arrest, detention without trial, kidnapping, torture, forced disappearance).

In the case of journalists who are seen as critical by the actor in control of the particular area, well-founded fear of persecution would in general be substantiated.

In the case of other journalists, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the topic they report on, regional aspects (reach of the actors they report on), visibility, etc.

## Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In the case of persecution by extremist groups such as the HTS, it may also be for reasons of religion.

## 2.9 Human rights activists

Last update: September 2020

This profile refers to human rights activists, i.e. persons who individually or with others act to promote or protect human rights. For guidance on political opposition activists, see [1.2. Political activists, opposition party members and protesters seen as opposing the government](#). See also the profile on [Journalists, other media professionals and citizen journalists](#).

### COI summary

[Main COI reference: [Targeting](#), 8]

Human rights defenders in Syria have been facing an increased risk of targeting after 2011, including reports of arbitrary arrests and detention, abductions, forced disappearance, prosecution, death threats, restriction of movement, defamation, as well as other forms of intimidation and harassment.

Different actors may be responsible for the targeting of human rights activists in Syria:

#### a. Targeting by government forces and affiliated armed groups

[[Targeting](#), 8.1]

Since the start of the conflict in 2011, the four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents and their families. [[Targeting](#), 1.1.1]

According to the CoI, covering the period from 11 July 2018 to 10 January 2019, activists were amongst the most likely individuals to be arbitrarily detained in Syria by the GoS forces in areas under their control. [[Targeting](#), 8.1] In some cases, human rights activists are seen as political opponents, especially if they criticise the GoS. Arbitrary arrests, torture and extrajudicial killing of civilians, human rights defenders and humanitarian workers are also documented. [[Targeting](#), 1.1.1]

In August 2019, after recapturing the Dar'a governorate from armed groups, government forces requested civilians to sign an oath of loyalty as part of the government-imposed 'reconciliation' process. In reconciled areas, civilians are required to report the contact details of human rights activists. In other areas recaptured by the government and in cities like Douma, Dar'a and the northern part of Homs, the GoS proceeded to carry out arbitrary arrests and detentions. One of the main groups targeted were human rights activists. The GoS monitored the phones of activists and sources reported that 'they might be regularly taken in for questioning'.

Human rights activists were amongst those detained without access to a fair public trial. After the government forces ceased the siege of Eastern Ghouta, the security forces forcibly disappeared many

of the individuals they had detained, activists included. These activists were also tortured or subjected to other forms of ill-treatment.

It is reported that human rights activists are included in the ‘wanted lists’, along with others seen by the GoS as involved in opposition-related activities [[Targeting](#), 1.3.6].

See also [Persons perceived to be opposing the government](#).

#### **b. Targeting by the SDF/YPG**

[[Targeting](#), 8.4]

In September 2019, at least seven forced disappearances or arbitrary arrests of civilians including human rights activists were reported. Those individuals were perceived as critical towards the SDF in the areas under their control. The activists were intimidated and arrested for reporting on alleged violations committed by the SDF and their allies in Raqqqa city, Tall Abyad and Tabqa. There were cases of the SDF arresting and detaining relatives of activists in order to obtain information about the location of activists and to pressure them to come out of hiding. The SDF, after claiming areas in the governorates of Raqqqa and Deir Ez-Zor, targeted activists amongst other groups. The activists were subjected to beatings and deprived of food and access to healthcare.

See also [Persons perceived to be opposing the SDF/YPG](#).

#### **c. Targeting by the SNA**

[[Targeting](#), 8.5]

The FSA-affiliated armed groups displayed patterns of arbitrary arrests, kidnappings, detention and beatings in the areas under their control, targeting also activists. In February 2018, the Turkish air force launched an attack against a convoy of vehicles allegedly carrying weapons, terrorists and ammunition, resulting in at least one fatality and twelve injuries. The convoy appeared to have carried activists, nurses, a doctor and demonstrators.

Activists were also targeted by the pro-Turkey armed group Sultan Murad. The activists were arbitrarily detained, and some were tortured and subjected to other forms of ill-treatment by members of this armed group.

#### **d. Targeting by HTS**

[[Targeting](#), 8.2]

Since September 2018, there is an escalation of violations in the north of Syria, particularly in Idlib, where the group was conducting raids in villages, targeting and arresting local activists among other individuals. There were at least 184 incidents of abductions and arbitrary arrests in the period of September until mid-October 2018 in Aleppo and Idlib. Activists who were perceived to violate the group’s interpretation of the Islamic law (Sharia) were regularly kidnapped, detained arbitrarily, tortured and mistreated. In November 2019, HTS arrested a ‘civilian activist’ at the checkpoint of al-Bayda, amongst arrests of other individuals that opposed the group in the areas under its control.

### e. Targeting by ISIL

[[Targeting](#), 8.3]

During the period July 2017 to January 2018, across the governorates of Raqqa, Deir Ez-Zor, and Hama, ISIL detained and tortured, among other civilians, activists who were accused of reporting on alleged violations the group had committed. In the time ISIL controlled territory, the group ‘took into custody’ at least 8 000 people in Syria, including activists. There are many documented cases of individuals, including activists, who had disagreements with local ISIL members, were detained by ISIL and whose whereabouts remain unknown.

#### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arbitrary arrest, detention, kidnapping, torture, forced disappearance).

In the case of human rights activists perceived as critical of the actor in control of the particular area, well-founded fear would in general be substantiated.

In the case of other human rights activists, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the topic they work on, regional specifics, visibility, etc.

#### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In the case of persecution by extremist groups such as the HTS, it may also be for reasons of religion.

## 2.10 Doctors, other medical personnel and civil defence volunteers

Last update: September 2020

This profile refers to doctors and medical personnel in all parts of Syria. It also refers to members of the White Helmets, also known as Syria Civil Defence, a humanitarian organisation providing support to civilians in Syria, especially after airstrikes, attacks and clashes.

#### COI summary

[Main COI reference: [Targeting](#), 9]

Different actors have been reported to target individuals falling within the scope of this profile. The COI summary is structured by actor:

### **a. Targeting by government forces and affiliated armed groups**

[[Targeting](#), 9.1]

Pro-government forces systematically target healthcare infrastructure in opposition-held areas to deprive both civilians and belligerents of medical treatment. From March 2011 through August 2019, a US-based NGO documented and mapped 583 attacks on at least 350 health facilities; more than 90 % of these attacks were attributed to GoS forces. The source further reported that 912 medical personnel were killed in military attacks in the same period.

The GoS and its allies have been accused of carrying out deliberate and systematic attacks on hospitals and other medical facilities in Idlib and Hama [[Targeting](#), 9.1]. An UN investigation on seven specific incidents involving facilities on the UN deconfliction list concluded that it is 'highly probable' that the GoS or its allies carried out the airstrikes on four civilian facilities, including three hospitals in Idlib and Hama provinces, although it noted that the evidence was not sufficient to reach a conclusive finding. The board also found that it is 'plausible' that damage done to another hospital in Hama was attributable to GoS and its allies [[Security 2020](#), Annex II].

It was also reported that in Eastern Ghouta, where the security presence is very high, there are routinely arrests of medical personnel and others suspected of affiliation with the opposition. [[Targeting](#), 1.2.3]

The members of the White Helmets are also targeted. Arrests of members of the group were, for example, reported in Douma [[Recaptured areas](#), 3.1.5.1]. The GoS considers the White Helmets as a terrorist organisation, because the group helps the opposition and anti-government armed groups. The group itself denies this, emphasising that it is impartial. However, it works only in the rebel-held parts of the country. Members of the group are usually evacuated to Idlib. In July 2018, there were a few hundred persons of this group, including family members, evacuated from the Golan Heights to Jordan by the Israeli military. [[Recaptured areas](#), 2.5.3.3]

### **b. Targeting by non-state armed groups**

[[Targeting](#), 9.2]

The same NGO reported that anti-government armed groups were responsible for 24 attacks on medical facilities. Furthermore, ISIL attacked 10 medical facilities since the start of the conflict in 2011.

Several reports pointed out that medical personnel were arbitrarily arrested and mistreated by non-state armed groups. Attacks, killings and kidnappings of were also reported by different actors, including SNA, HTS, Turkish-backed militias and ISIL. Incidents reported in 2019 included several kidnappings of doctors, especially in Afrin and Idlib. In January 2019, ISIL had raided makeshift hospitals and dispensaries and abducted some of the wounded, doctors and paramedics.

There were also reports of incidents or attacks, which could have been indiscriminate or unintended when being carried out in connection with other military activity.

### **c. Targeting by unspecified armed actors**

[[Targeting](#), 9.3]

The same NGO reported around 20 attacks on medical facilities by unknown actors since the start of the conflict in 2011.

According to reports from November 2018, at least 12 doctors, as well as pharmacists and administrative health personnel were abducted in Idlib by gangs and unnamed militias during the year. In 2018, kidnapping for ransom in Idlib had increased, and another source reported 10 such cases involving ‘armed gangs’ recorded in northwest Syria in 2018. According to the source, doctors became targeted because they are well-known, comparatively well-paid and inclined to express views that put them at odds with their kidnappers.

In June 2018, doctors and pharmacists in Idlib suspended their work for three days in protest against violations committed against the medical sector in the province.

### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, kidnapping, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (the risk is higher in areas affected by armed confrontations), perceived support for anti-government armed groups, the nature of activities (e.g. members of the White Helmets would generally be at higher risk), etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion, in particular when they are targeted by the GoS.

In cases where the well-founded fear is related to risks such as kidnapping for ransom, nexus to a reason for persecution would generally not be substantiated. However, individual circumstances always need to be taken into account.



Note that some medical personnel may have been involved in excludable acts, such as discriminating practices with regard to treatment of wounded or aiding and abetting torture (see the chapter [6. Exclusion](#)).

## 2.11 Ethno-religious groups

This section addresses the situation of certain ethno-religious groups.



The contents of this section include:

- [2.11.1. Sunni Arabs](#)
- [2.11.2. Kurds](#)
- [2.11.3. Druze](#)
- [2.11.4. Alawites](#)
- [2.11.5. Christians](#)
- [2.11.6. Yazidis](#)
- [2.11.7. Palestinians](#)

## 2.11.1 Sunni Arabs

Last update: September 2020

### COI summary

[Main COI reference: [Targeting](#), 10.3]

There are different estimations regarding the ethnic and religious composition of the Syrian society; however, all sources observe that Sunnis constitute the majority of Syria's population (around 65 % - 75 %) [[Targeting](#), 10.1]. Sunni Muslims reside throughout the country. There is a huge diversity among the members of the Sunni Arab community in Syria and they cannot be perceived as a unified group. Sunni Arabs vary according to their political affiliation, practice and identity, as well as regional and tribal loyalties.

According to various sources, even though the Assad government forged strategic ties with prominent Sunni families and religious authorities, the majority of high-ranking officers in Syrian Army and the security apparatus were Alawites. This led to a sense of injustice among Sunni Arabs, especially in areas where Sunnis and Alawites lived in close proximity. As the conflict ensued, the percentage of Alawites in the military increased as a result of Sunnis' defections and sectarianism. Conditions for Sunni conscripts in the SAA were reportedly worse than those of the Alawite minority. Sunni soldiers were kept near the front lines for months, were poorly paid and insufficiently supplied [[Actors](#), 2.3.1]. As a result, Sunni Arabs suffered most casualties in the Syrian war.

The fact that some members of the opposition movement identified themselves as Sunni Arabs gave a sectarian dimension to the GoS' targeting of opposition. Sunni Muslims who were perceived to support the opposition forces received harsh treatment by the GoS, which resulted in significant casualties. The use of foreign Shia militias in Syria against Sunni opposition further exacerbated sectarian divisions.

Moreover, Sunni Arabs faced discrimination compared to ethno-religious minorities. According to a report, Sunni-populated areas in Damascus lacked essential services, such as electricity and water, while Shia-inhabited neighbourhoods did not face any of these issues. Furthermore, Sunnis were warned by the GoS against any communication with any foreign adherents of Sunni Islam as it was perceived as an act of political opposition or military activity, while such communication was not banned for other ethno-religious groups.

Reports also state that the government blocked attempts of displaced Sunni civilians to return to their homes, especially in Damascus and Homs.

Apart from the GoS, extremist groups like ISIL, HTS and Jaysh al-Islam who identified themselves as Sunni Arab, targeted Sunnis Muslims who did not adhere to the group's interpretation of the Sharia. These groups killed hundreds of civilians, carrying out public executions, beheadings and crucifixions as a punishment for religious offences such as blasphemy, apostasy or cursing God.

Regarding the treatment of Arabs by SDF/YPG, see [Persons perceived to be opposing the SDF/YPG](#).

### Risk analysis

The acts to which Sunni Arabs perceived to be affiliated with ISIL or to support anti-government armed groups could be exposed to are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, death penalty, torture). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Being a Sunni Arab in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as [Persons perceived to be opposing the government](#) and [Persons with perceived links to ISIL](#). The individual assessment should also take into account risk-impacting circumstances, such as the regional specifics (e.g. living in areas controlled by extremist groups).

### Nexus to a reason for persecution

Available information indicates that where well-founded fear of persecution is substantiated, it may be for reasons of (imputed) political opinion. In the case of persecution by extremist groups, it may also be for reasons of religion.

## 2.11.2 Kurds

Last update: September 2020  
\*Minor updates added November 2021

### COI summary

[Main COI reference: [Targeting](#), 10.4]

According to estimates, in terms of ethnic groups, around 15 % of the population of Syria are Kurdish.

Prior to March 2011, there were estimated 517 000 stateless Kurds in Syria. There were two categories of stateless Kurds, the *ajanib* (foreigners) and the *maktumeen* (concealed, which were not included in the registries). Stateless Kurds, due to the lack of citizenship and identity documents, faced numerous restrictions, such as limited access to education, healthcare, livelihoods, freedom of movement, property ownership, participation in the judicial and political systems, registration of businesses, marriages and children. In April 2011, the Decree No.49 was issued and, subsequently, stateless Kurds could apply to obtain Syrian nationality. The majority of the *ajanib* acquired Syrian nationality while nearly 20 000 remained stateless. Regarding the *maktumeen*, around 50 000 obtained Syrian nationality, while around 41 000 remained stateless. Even though *ajanib* Kurds who obtained Syrian

nationality were called to serve in the SAA, the government could not access them for conscription, as they were settled in SDF-controlled areas.

There were no reported security incidents that specifically targeted Kurds who were settled in Damascus. They were able to obtain employment in various sectors. However, some public positions were restricted and could not be occupied by Kurds. Generally, stateless Kurds cannot work in the public sector.

Kurds also inhabit areas which came under the control of Turkey and the affiliated SNA: the area between Azaz, Al-Bab and Jarabulus since 2016; Afrin district since 2018; and the so-called safe zone between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate) following Operation Peace Spring in October 2019 [Security 2020, 1.5.2]. In a report published on 1 March 2021, the CoI noted the pattern of 'arrests, beatings, kidnappings and, on occasion, disappearances' targeting mainly the returnees of Kurdish origin that has been observed after the Operation Peace Spring. In addition, the CoI noted 'repeated patterns of systematic looting and property appropriation' and 'widespread arbitrary deprivation of liberty' and considered various Turkish-backed armed groups responsible for these violations. Turkish-backed armed group members (and their families) have also taken control of the houses vacated by the fleeing residents and resorted to various forms of coercion, including abductions, torture, and murder, to force some residents, most of them ethnic Kurds, to flee their homes [Security 2021, 2.7.3]. The demolition of property belonging to Kurds in Afrin was also mentioned by previous reports. [Security 2020, 2.7.3].

Civilians, particularly ethnic Kurds from Afrin, were also reportedly discriminated by the de facto authorities. In and around the so called 'safe zone' established by SNA and the Turkish armed forces between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate), sources indicate that persons of Kurdish ethnicity, especially those affiliated to, or with attributed affiliation to, SDF/YPG or any part of the Kurdish forces, can be at risk of denied returns, arbitrarily arrested or had their property confiscated [Security 2020, 2.7.3]. In Tall Abyad, the Turkish-backed rebel group SNA has reportedly committed executions and looting of property in the newly seized areas of the northeast [Security 2020, 2.8.2.3]. UN sources also reported that armed groups supported by Turkey carried out arbitrary arrests for the purpose of ransom to punish people for requesting to recover stolen property, or for alleged affiliation to the PYD or YPG [Security 2020, 2.7.3].

### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. militia violence, illegal detention, kidnapping, killing, disappearance). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

For Kurds from areas under the control of the SNA, well-founded fear would in general be substantiated.

In the case of other Kurds, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: statelessness, identity document, area of origin and/or residency, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race, nationality (statelessness) and/or (imputed) political opinion.

### 2.11.3 Druze

Last update: September 2020

#### COI summary

[Main COI reference: [Targeting](#), 10.5]

According to various sources, 3-4 % of Syrians are Druze. The Druze reside mainly in the Sweida governorate. They are described as an ethnicity that exists both as a tribe and a religious sect. The majority of the Druze remained neutral in the Syrian conflict although a source noted that there were groups of Druze who either supported the GoS or the opposition.

The Druze population in Sweida has been treated with 'caution' by the GoS as a 'politically sensitive minority', and large-scale mass arrests and bombings have largely been avoided in Sweida [[Security 2020](#), 2.14.1]. The neutrality of the Druze during the conflict contributed to the cessation of compulsory and reserve recruitment by the government forces. However, 50 000 individuals were reportedly wanted for the military service and a large number of them joined local militias instead. Since mid-2018, the GoS and its allies were increasingly pressuring Sweida to resolve the issue of the Druze youths absconding from their military service. Following the July 2018 ISIL attacks in Sweida, the GoS temporarily stopped putting pressure on Sweida concerning this matter [[Security 2020](#), 2.14.2].

The Druze were targeted by the ISIL with an attack that resulted in the death of 300 people and the kidnapping of 20 women and 16 children, who were released later following negotiations, ransom and exchange of prisoners, while two died in captivity and 1 person was executed [[Actors](#), 6.4; [Security 2020](#), 2.14.2]. The Druze were also persecuted by *Jabhat al-Nusrah*, forcing large groups of Druze to flee from Jabal Al-Summaq in the Idlib governorate. Another source reported that the Druze of Qalb Lawza in Idlib were forced to convert to Islam by HTS.

According to other sources, religious minorities such as Druze are treated fairly well by both the authorities and the opposition groups and were not subjected to any interrogation or checks at the checkpoints in Damascus.

#### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, kidnapping).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (presence of extremist groups), perceived support for anti-government armed groups, etc.

### Nexus to a reason for persecution

Where well-founded fear of persecution could be substantiated, available information indicates that it may be for reasons of race and/or religion and in some cases of (imputed) political opinion.

## 2.11.4 Alawites

Last update: September 2020

### COI summary

[Main COI reference: [Targeting](#), 10.6]

It is estimated that Alawites make up between 10 % and 13 % of Syria's population (around 1.1 million persons). They reside in the coastal side of Syria, but they are also located in Homs and Hama governorates, as well as in the city of Damascus. The Alawite community has close connection with the Assad regime. The president's family and large parts of the informal power structure around him are Alawites [[Security 2019](#), 1.1]. They hold key regime positions, dominate the police and the army and have high-ranking positions in elite military and militia units. They have higher chances of obtaining employment in the public sector compared to other groups such as Christians, Sunni Arabs or Kurds. Generally, Alawites were seen by the GoS as loyal.

According to sources, almost every Alawite family was affected by the war. Many Alawites died during the war which led many young Alawites to hide and avoid conscription. In some villages and towns, 60 % - 70 % of the Alawite young males were either killed or wounded during the war, especially in Latakia and Tartous governorates.

Alawite opposition activists were targeted by the government forces for arbitrary arrest, torture, detention and killing.

Moreover, the Alawite community is targeted by different non-state actors. Alawi shrines and other sacred places and monuments were destroyed by Islamist groups. Throughout the conflict, Alawite civilians were executed by anti-government armed groups. In February 2018, the anti-GoS group Ahrar Al-Sham launched mortars on a predominantly Alawite populated neighbourhood of Damascus, which resulted in the death of at least seven civilians.

In the Kurdish-controlled areas in north-east Syria, sources indicate that Alawites are at risk of being treated as adversaries, based on their political affiliation with the Syrian government rather than their religious affiliation.

### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, torture).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (presence of anti-government and extremist groups), perceived opposition to the GoS, etc.

## Nexus to a reason for persecution

Where well-founded fear of persecution could be substantiated, available information indicates that it may be for reasons of (imputed) political opinion. In the case of persecution by extremist groups, it may also be for reasons of religion.

### 2.11.5 Christians

Last update: September 2020

#### COI summary

[Main COI reference: [Targeting](#), 10.7]

According to estimations, 10 % of the Syrian population are Christians. Christians live in and around the cities of Damascus, Aleppo, Homs, Hama, Latakia and in Hasaka governorate. Prior to the conflict, Christians in Syria numbered around two million people. The number dropped down to 450 000, with many of them migrating to Europe and to the United States. The Christians that stayed in Syria during the conflict were reported to be heavily concentrated in government-controlled areas or in the northeast.

Christians are targeted by various actors. According to a SNHR report, a total of 124 attacks against Christian churches were documented between March 2011 and September 2019 (75 by the GoS forces, 33 by the opposition armed groups, 10 by ISIL, 2 by HTS and 4 by other parties).

In 2015, ISIL launched a massive attack in Hasaka, which led to 9 000 Assyrian Christians fleeing. The fate of 25 Christians, including that of five religious leaders, abducted by ISIL earlier, is still unknown. In July 2019, ISIL claimed responsibility for suicide attacks in a church, killing 12 people in Qamishli and for the death of a pastor in Deir Ez-Zor governorate in November 2019.

HTS seized the properties of Christians, especially of those who fled their homes. Two towns in Hama governorate have been targeted by rebel groups, which resulted in the death of 20 civilians, a predominantly Christian town was attacked with missiles by groups affiliated to Al Qaeda in Idlib, and a Christian neighbourhood in Damascus was bombarded by rebel groups, which resulted in deaths of civilians.

In Kurdish-controlled areas, ethno-religious minorities were generally able to enjoy religious freedom and safety, according to the USCIRF citing representatives of religious and ethnic minorities living in the region. The only reported point of dispute with regard to the Christians was school curriculum, which resulted in the closure of Christian schools after their refusal to teach courses according to the Kurdish curriculum. For further information, see [Persons perceived to be opposing the SDF/YPG](#).

#### Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, kidnapping). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (e.g. Christians in areas where opposition armed groups or ISIL operate are at higher risk, lower risk in the GoS-controlled areas and in Kurdish-controlled areas where ISIL has no operational capacity), etc.

### **Nexus to a reason for persecution**

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or (imputed) political opinion.

## **2.11.6 Yazidis**

Last update: September 2020

### **COI summary**

[Main COI reference: [Targeting](#), 10.8]

The Yazidi minority consisted of around 550 000 people mainly present in Iraq, but with a substantial number residing in northern Syria, mostly around Hasaka and Aleppo and in the Jabal Sim'an and Afrin valley. Following ISIL attacks on Yazidis in Iraq, the majority of Syrian Yazidis were estimated to have fled.

In 2014, thousands of Yazidi women were abducted by ISIL in Iraq and brought to Syria to be sold as sex slaves, solely for their religious belief. Many of them are considered to have been found dead in mass graves after the SDF offensive in the last ISIL-held territory in Syria. In March 2019, a large number of Yazidi women were found and taken to Al-Hol camp by the SDF, together with ISIL families. Many of these women had to conceal their ethnic and religious identities fearing retaliation by ISIL supporters. In April 2019, the Yazidi Supreme Spiritual Council issued a declaration accepting Yazidi women survivors into their community, but excluding children born to ISIL fighters as a result of rape.

Different sources stated that in Afrin region, Aleppo governorate, the Yazidi minority was targeted by local actors. FSA forces reportedly rounded up Yazidis and forced them to convert to Islam and demolished their places of worship.

Following the Turkish-led incursion in northeast Syria in October 2019, many Yazidi villages were deserted, forcing more than 50 000 Yazidis to leave. Yazidi community leaders condemned the bad treatment of minorities including Yazidis at the hands of radical groups allied with Turkey, alleging that various temples and religious sites were destroyed in Afrin and thousands of Yazidis were displaced.

### **Risk analysis**

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. forced conversion, physical assault, sexual abuse, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the

applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (presence and activity of extremist groups), gender, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race/nationality and/or religion.

## 2.11.7 Palestinians

Last update: September 2020  
\*Minor updates added November 2021

### COI summary

[Main COI reference: [Targeting](#), 11]

As of January 2018, 552 000 Palestinians were registered with UNRWA in Syria, of whom an estimated 438 000 remained in Syria.

85 % of Palestinian refugees in Syria are those that fled to the country in or before 1956 and their descendants. They have the same rights as Syrian citizens in terms of residence, freedom of movement, work, trade and access to civil service positions and public services. However, they do not have the right to vote, hold public office, own agricultural land or more than one house per person. Those who fled in 1948 are required to perform compulsory military service in the Palestinian Liberation Army, a Palestinian unit within the Syrian Armed Forces. Palestinians who fled to Syria after 1956 and their descendants were registered with UNRWA in other countries or the occupied Palestinian Territories and are treated as Arab foreigners. They have a 10-year renewable residence permit, and have to apply for a work permit, without having the right to work in the public sector. They have free access to public health and education [[Targeting](#), 11.1].

UNRWA provides services in nine official and three unofficial Palestinian refugee camps in Syria. Operations in Syria include mainly cash and food assistance, education and healthcare services. UNRWA does not administer or police the refugee camps, as this is the responsibility of the GoS. While UNRWA has continued to deliver cash assistance and to provide education and healthcare services in most camps in Syria throughout the conflict, in November 2019 the organisation stated that it 'continues to face a financial crisis that is affecting its ability to deliver essential services, including humanitarian assistance to Palestine refugees in Syria'. Only 27.3 % of the 2019 financial requirements for Syria were covered, which has resulted in the agency scaling down its operations, especially with regard to providing cash assistance, livelihood, and mental health and psychosocial services [[Targeting](#), 11.2]. UNRWA provides education services to Palestinian refugee students from grade 1 to 9. Most of the 103 UNRWA-managed schools in Syria are located around Rural Damascus and Damascus. Several UNRWA schools were damaged or destroyed during the conflict. There were 50 000 students in those that remained open. It was easier for those residing in camps to access UNRWA education than for those living outside, as most of UNRWA's services are located nearby or inside camps [[Damascus 2021](#), 3.7.3].

Since the outbreak of hostilities, a number of Palestinian organisations and individuals came to support different parties to the conflict. Palestinian refugee camps have been affected by hostilities and

conflict-related displacement, albeit to varying degrees. Around 60 % of Palestinians were displaced at least once since the onset of the conflict. According to UNOCHA, Palestinian refugees in Syria were still vulnerable to displacement, loss of property and the destruction of their neighbourhoods in 2019. More than 180 000 were estimated to have had their homes severely damaged or destroyed, as was the case with Yarmouk, Dar'a and Ein el Tal camps that were hosting 30 % of the Palestinian population [[Targeting](#), 11.2].

Yarmouk camp in Damascus, which housed almost 160 000 UNRWA-registered Palestinian refugees prior to the conflict, was the scene of heavy fighting and siege during the conflict. In 2021, 60 – 70 % of it remained destroyed and even to visit the area, one has to apply for an authorisation. There are no official plans announced regarding the reconstruction of the camp. Even though a new mechanism has been established for those willing to return to the camp which entails filing authorisation forms and the provision of property deeds after payment, it is reported that security branches purposefully banned returns to the camp. It is recorded that 1200 former residents of Al-Yarmouk Camp filed return applications, of whom 500 applicants were granted access, and that 400 families have returned to their homes in the camp [[Targeting](#), 11.2; [Recaptured areas](#), 3.1.8.1; [Damascus](#), 2.3.6].

The security situation was reported as calm in the refugee camps of Rural Damascus governorate, specifically in the camps of Sbeineh, Khan Al-Shieh and Qabr Al-Sit where it had been possible to rebuild clinics, schools, and the sewage and water networks. While returns of Palestinian refugees are reported to some of refugee camps in Rural Damascus, refugees from Yarmouk remained displaced [[Security 2021](#), 2.11.3]. Palestinians residing in towns located to the south of Damascus were required to obtain certificates of good conduct from 'regime-affiliates in the area' and security clearances to enter Damascus, but Palestinian IDPs residing in Damascus were banned from traveling to those southern towns despite the fact that they had applied for status settlement [[Damascus 2021](#), 2.3.3]. It was reported that *Liwa Al-Quds*, a pro-government militia consisting of Palestinians, confiscated homes and shops of (perceived) pro-opposition Palestinians in Neirab, a Palestinian refugee camp in the northern governorate of Aleppo [[Returnees from abroad](#), 4.3].

Various organisations report abductions, arrests and detention of Palestinian refugees, including women, girls, returnees and individuals who had signed reconciliation agreements, by the GoS forces, as well as torture of Palestinians in government prisons, often for unknown reasons [[Targeting](#), 11.3].

As of June 2019, a total of 1 300 Palestinian refugees have returned from Lebanon and Jordan. Palestinian refugees face legal and socio-economic obstacles to returning, as well as entry restrictions, notably in Yarmouk area where former residents are not allowed to rebuild or settle [[Targeting](#), 11.4].

### Article 12(1)(a) QD [[Article 1D Geneva Convention](#)] analysis



**Article 1D of the 1951 Geneva Convention** states that, 'the Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention'.

The provisions of Article 1D are reflected in [Article 12\(1\)\(a\) QD](#), which applies to Palestinian refugees who have actually availed themselves of UNRWA protection or assistance. Where such protection or assistance has ceased for a reason beyond the applicant's control and independent of their volition, forcing them to leave the UNRWA area of operation or preventing them to re-avail themselves of such protection or assistance, the applicant should be granted refugee status automatically...<sup>22</sup>

In general, despite the occasional efforts of rebuilding in some of the Palestinian refugee camps, UNRWA protection or assistance is not available to Palestinian refugees in Syria at a level which would guarantee that the 'living conditions in that area will be commensurate with the mission entrusted to that agency'...<sup>23</sup> An indication of this is also the large number of Palestinians who remain displaced, without being able to resettle in another of the refugee camps that operate in Syria. Moreover, there can be practical, legal and safety barriers as well as security threats preventing Palestinian refugees from accessing the UNRWA areas of operation in Syria, and thus from re-availing themselves of its protection or assistance.

Based on this, it is found that the protection or assistance from UNRWA in all of Syria can be considered to have ceased in the meaning of [Article 12\(1\)\(a\) QD](#). Therefore, Palestinians who had previously availed themselves of the protection or assistance of UNRWA in Syria are to be granted ipso facto refugee status...<sup>24</sup>

For Palestinians who have not availed themselves of UNRWA protection or assistance in Syria, the assessment should proceed with risk analysis and analysis of nexus to a reason for persecution.

#### **Risk analysis (for those outside the scope of Article 1D of the Geneva Convention)**

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. militia violence, illegal detention, abduction, torture, killing, disappearance). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the

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<sup>22</sup> CJEU, *Bolbol v Bevándorlási és Állampolgársági Hivatal*, C-31/09, judgment of 17 June 2010; CJEU, *Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal*, C-364/11, judgment of 19 December 2012 (*El Kott*);

<sup>23</sup> CJEU, *El Kott*, paras. 63-65 and ruling.

<sup>24</sup> According to [CJEU, \*Bundesrepublik Deutschland v XT\*, C-507/19, judgment of 13 January 2021](#), paras. 58, 60-62, and operative part, in order to determine whether the protection or assistance from UNRWA has ceased, it is necessary to take into account all fields of UNRWA's area of operations (i.e. Gaza Strip, the West Bank (including East Jerusalem), Jordan, Lebanon and Syria), which the applicant has a concrete possibility of accessing and safely remaining therein. The examination should take into account all evidence, including indications with regard to the respective State or autonomous territory, such as the following: whether a stateless person has a right to obtain a residence permit; family ties, habitual residence in that area or previous actual residence, provided that the State or territory concerned consider that such elements are sufficient to enable a stateless person of Palestinian origin to access and safely remain on their territory, irrespective of the granting of any residence permit; declarations or practices of the authorities, which imply a change of attitude towards stateless persons of Palestinian origin, in particular where, through such declarations and practices, they express an intention no longer to tolerate the presence on their territory of such stateless persons if they do not have a right of residence.

applicant to face persecution should take into account risk-impacting circumstances, such as: area of habitual residence, identity documents, (perceived) involvement with a party in the conflict, etc.

### **Nexus to a reason for persecution (for those outside the scope of Article 1(D) of the Geneva Convention)**

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or nationality (statelessness).

## **2.12 Women**

Last update: September 2020

The section on women addresses the following topics:



The contents of this chapter include:

- [COI summary: overview](#)
- [12.1. Violence against women and girls: overview](#)
- [12.2. Women perceived to be associated with anti-government armed groups](#)
- [12.3. Forced and child marriage](#)
- [12.4. Women perceived to have violated family honour](#)
- [12.5. Single women and female-headed households](#)

### **COI summary: overview**

Before the 2011 uprising, Syrian women had a relatively long history of emancipation and a relatively advanced status with regard to the rights of women, compared to other countries in the region. The Syrian constitution provides for equality between men and women; however, a number of laws are discriminating women, such as criminal, family, religious, personal status, labour, nationality, inheritance, retirement, and social security laws [[Situation of women](#), 1.2.3].

Moreover, the authoritarian political system and the prevailing patriarchal values in Syrian society relegated women to a secondary position in society, including in their families, with the notion that 'the most appropriate sphere for women' was the sphere of home and family. Kurdish women are considered to have often experienced more liberal cultural norms held by Kurdish communities generally and promoted by political parties, but their situation was reportedly largely dependent on family and individual beliefs and customs, and adherence to traditional social norms was more common in more heavily religious or traditional communities [[Situation of women](#), 1.2.2, 1.2.3, 2.2].

During the conflict in Syria, the fundamental rights of Syrian women deteriorated severely in almost every aspect of their lives, including their security, as well as their social, economic and health-related situation [[Situation of women](#), 1.2.3].



It should be noted that the different forms of violence against women in Syria are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

## 2.12.1 Violence against women and girls: overview

Last update: September 2020

### COI summary

Sexual and gender-based violence have been prevalent in Syria for decades, in both public and private spheres, and the armed conflict reportedly exacerbated the situation. Throughout the conflict, Syrian women and girls have been subjected to different types of violations, such as extrajudicial killings, arbitrary arrests, torture, executions, forced disappearances, sexual violence, forced displacement, siege warfare, and denial of healthcare and basic services [[Targeting](#), 1.1.2; [Situation of women](#), 1.1.2 - 1.1.4].

Widows and divorced women as well as girls are considered to be at particular risk of sexual violence, forced marriage, exploitation and negative coping mechanisms. Other factors, such as poverty, displacement, being the head of a household, or being of young age and outside parental supervision also exposed women and girls to the risk of sexual exploitation in exchange for money, work or access to humanitarian assistance. Movement restrictions for women and girls are also in place in all Syrian governorates and are related to the risk of sexual violence and to harmful gender and social norms. Such restrictions are either self-imposed or imposed on women and girls by their family members or wider community [[Situation of women](#), 1.1.1 - 1.1.3].

Sexual violence, domestic violence, and early and/or forced marriage are considered to be the most common forms of violence against women, taking place all over Syria, including in areas under the control of the Kurdish-led SDF and in areas controlled by the Turkey-backed forces [[Situation of women](#), 1.1.3].

Effective protection of women against violence is limited, with enforcement being either weak or non-existent. For example, it is reported that although the law criminalises rape and sexual assault of women, men and children, the GoS does not enforce the law effectively. Moreover, Syrian law reduces or suspends punishment in the cases where the perpetrator marries the victim. There are also limited to no mechanisms available for women to file complaints. The absence of law enforcement, including judicial redress mechanisms, allows perpetrators to act with impunity. In addition, the general lawlessness has led to the corrosion of existing social protection mechanisms among Syrian communities. In areas controlled by non-State armed groups, formal justice systems are either non-existent or reportedly distrusted by women and girls [[Situation of women](#), 1.1.3, 1.2.4].

Socio-cultural factors such as shame and stigma may also prevent women and girls from seeking justice against sexual violence. The experience of sexual violence may also lead to ostracism from the family and/or community, threats of divorce by the husbands, including separation from their children or even to 'honour' killings carried out by family members, particularly in more conservative areas. For unmarried women and girls, the prospects of a future marriage can also be ruined. Sources note the

lack of services for survivors of sexual and gender-based violence and the few opportunities to overcome the stigma and alienation, which exacerbate the situation of victims of sexual violence. Abortion is illegal under the Syrian Penal code, which places women and girls who have become pregnant as a result of rape in 'an unenviable situation'. Under particular circumstances the penalties stated in the law might be reduced, for example if abortion is 'performed by the woman to save her honour or another person performs the abortion to save the honour of a descendant or a relative to the second degree' [[Situation of women](#), 1.1.4].

Domestic violence is common in Syria and often normalised and ingrained in culture and/or in social norms. Family violence is often closely linked with domestic violence, with violence perpetrated by other family members, such as in-laws and in particular the husband's brothers. The law does not specifically prohibit domestic violence and stipulates that 'men may discipline their female relatives in a form permitted by general custom'. Spousal rape is excluded as a punishable offence under the legal definition of rape. Due to the conflict, an increasing number of women have been forced to work outside the house and to contribute to the family's income. This change of traditional gender roles might have contributed to an increase of domestic violence and marital rape, with men perceiving the change in family dynamics as a threat. It is reported that a limited number of shelters and services for survivors of domestic violence operated in Syria. Those were available only in Damascus and might no longer be in operation due to the conflict [[Situation of women](#), 1.1.3].

Sexual and gender-based violence has been a persistent issue since the beginning of the uprising in 2011. Multiple forms of sexual and gender-based violence were documented in every Syrian governorate and women have been targeted by GoS forces as well as by members of other armed factions, including non-State armed groups. However, it is reported that the use of sexual violence has been considerably more common among GoS forces and associated pro-government armed groups and that the GoS has used sexual violence as a 'strategic weapon of war'. GoS forces and pro-government militias have carried out multiple acts of sexual violence, including during abductions in the context of ground operations, house raids, at checkpoints, and during arrest and detention [[Situation of women](#), 1.1.2].

In the so-called Idlib enclave, vulnerable groups such as women bear the brunt of the ongoing hostilities. The jihadist coalition HTS has been responsible for the repressive social norms and policies against female residents of the enclave, resulting in further violations including executions, corporal punishments, restrictions of freedom of movement, of dress, on work, education and on access to healthcare. Cases of rape and other forms of sexual violence targeting women perpetrated by members of non-State armed groups have also been documented, reportedly connected to social phenomena such as exploitation, sectarianism and revenge. It is reported that abduction for the purposes of sexual violence is one of the main forms of sexual violence. Rape is also associated with the harmful traditional practices of forced marriage and 'honour' killings (see [12.3. Forced and child marriage](#) and [12.4. Women perceived to have violated family honour](#)) [[Situation of women](#), 2.1].

The most prominent types of sexual violence among the SDF included harassment during searches and verbal sexual violence. Members of the SDF have also committed acts of sexual violence within the detention centres and camps managed and administered by them. Moreover, it has been reported that individuals in the Al Hol camp, in particular women and children, have suffered discrimination, including harassment, denial of healthcare, restricted movement due to security considerations, and looting at the hands of SDF forces, due to their familial links to ISIL. Insecurity and violence in the camp were reported to increase, with ISIL sympathisers inside the camp having established a female morality police to 'monitor adherence to dress codes and enforce punishments on women perceived to be

“infidels””. Instances of assassinations of women inside the camp and stabbing of at least one SDF guard were reported in September 2019 [[Situation of women](#), 2.2, [Security 2020](#), 2.7.3.3].

In areas controlled by Turkey-backed armed groups, the situation of women is defined by similar types of social and cultural factors as those in other parts of Syria. Moreover, in those areas dominated by extremist groups, women have been affected by the imposition of strict dress codes and restrictions of their freedom of movement. Other violations by armed groups such as harassment, especially at checkpoints, and abductions for ransom have also been reported [[Situation of women](#), 2.3].

In areas formerly under the influence of ISIL, no new cases of arrests or abductions carried out by ISIL have been reported in 2019, but it was stated that most women and girls abducted and sexually enslaved by ISIL were forcibly disappeared after the terrorist organisation's downfall [[Situation of women](#), 2.3].

### Risk analysis

Acts of violence against women and girls could be of such severe nature that they would amount to persecution (sexual assault, abduction, forced disappearance, killing).

Not all women and girls face the level of risk required to establish well-founded fear of persecution in relation to these forms of violence. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: perception of traditional gender roles in the family, poor socio-economic situation, social status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, such as widows, divorced or separated women, displaced women and girls, women and girls with disabilities, female heads of households), area of origin or residence (e.g. in relation to presence of extremist groups), lack of documentation (e.g. death certificates of husbands), etc.

### Nexus to a reason for persecution

Available information indicates that violence against women may be for reasons of (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

## 2.12.2 Women perceived to be associated with anti-government armed groups

Last update: September 2020

### COI summary

[Main COI reference: [Targeting](#), 1; [Situation of women](#), 1.1.2, 2.4]

GoS is reported to view as political dissent the activities of wide categories of individuals, including relatives of suspected armed group members, who have also been targeted by them. Moreover, a large number of female relatives of men perceived to be opposition supporters, or suspected of belonging to armed groups, were arbitrarily detained by GoS forces and experienced sexual violence in detention.

There is also information that women originating from opposition-held areas have been arrested when visiting government-held areas.

See the profile [1. Persons perceived to be opposing the government](#).

ISIL family members have been transferred to Al-Hol camp from ISIL's former stronghold in Baghuz. Around 11 000 ISIL family members were separated from other residents and, according to many of them, denied access to food and medical care.

The Al Hol camp hosts more than 66 000 persons, around 96 % of whom are women and children. Because of their familial links to ISIL, they have reportedly suffered discrimination at the hands of SDF forces, including harassment, denial of healthcare, restricted movement due to security considerations, and looting. Because of the dire humanitarian conditions, at least 390 displaced people have died of pneumonia, dehydration or malnutrition, either on the way to the camp or after their arrival. [[Security 2020, 2.7.3.3](#)]

See the profile [3. Persons with perceived links to ISIL](#).

## 2.12.3 Forced and child marriage

Last update: September 2020

### COI summary

[Main COI reference: [Situation of women](#), 1.1.3]

Forced and child marriages are harmful traditional practices intertwined in culture and tradition and associated with the belief that women need protection by men. For women and girls, it is not generally possible to make an autonomous decision whom and when to marry, and 'honour' violence can be a consequence of such decisions (See [12.4. Women perceived to have violated family honour](#)).

Early marriages were reportedly fairly common before the outbreak of the civil war. However, a huge increase in the share of marriages among female minors have been reported since then (from 7 % to around 30 % between 2011 and 2015, not including a supposedly high number of unreported cases), as one of the negative coping mechanisms to alleviate the financial burden for families caused by the conflict. It was also stated that child marriage might be a response to the fact that women, and girls in particular, face sexual harassment and threats of abduction and sexual violence, and child marriage is considered to provide protection for them.

Girls are reportedly being married younger. They have been married to combatants, foreign fighters and family members, with some married to adolescent boys and others to adult men much older than their brides. Abduction of women and girls as well as rape (where victims are forced to marry perpetrators) are also associated to forced marriage. Widows and divorced women are considered to be at particular risk of gender-based violence including the risk of forced marriage. Many of these women were reportedly re-married, for example to family members, such as the brother of a deceased husband, in order to increase their protection and to safeguard their honour.

Many early and/or forced marriages were reported to end in divorce, with the young women (possibly with children) stigmatised, because divorce is not socially accepted regardless of the underlying reason

for it. This can contribute to further risk of gender-based violence, with the women possibly becoming isolated and/or ostracised by their family and community and/or sexually exploited to meet daily needs.

In February 2019, the Syrian People's Assembly approved amendments to tens of articles of the Personal Status Law. The amendments raised the age of marriage from 17 to 18 for both men and women, entitled women to marry without their guardian's approval if they are 18 years old, and provided women with the right to invalidate a marriage if imposed by her guardian without her overt consent. However, different religious minorities such as Druze and various Christian sects follow their own laws of personal status, which, for example, permit child marriage. State protection is also not considered to be available due to the general weak rule of law in Syria [[Situation of women](#), 1.2.3].

### Risk analysis

Forced and child marriage amount to persecution. They could, furthermore, be linked to other forms of violence, such as abductions, domestic violence, sexual abuse/exploitation. Refusing to enter into a forced or child marriage can lead to honour-based violence.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced or child marriage. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: young age, personal status, area of origin and residence, ethnicity, religion, perception of traditional gender roles in the family, poor socio-economic situation of the family, living in IDP situation, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, refusal to enter into forced or child marriage may result in honour-based violence for reasons of membership of a particular social group in relation to a common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and the distinct identity of such women and girls in Syria (as they would be considered as violating the honour of the family).

## 2.12.4 Women perceived to have violated family honour

Last update: September 2020

### COI summary

In Syria's patriarchal culture, the honour of a family is closely connected to the honour of women and girls in the family. This concept of honour is based on notions of female virginity before marriage and sexual fidelity while in wedlock. Rape and/or other forms of sexual abuse targeting women and girls is seen as bringing shame to the family and to the wider community. Therefore, survivors of sexual violence may face repercussions as described under [12.1. Violence against women and girls: overview](#). In addition, girls may be forced to marry the perpetrator or another man in an arrangement to cover up the 'dishonour' (see [12.3. Forced and child marriage](#)). [[Situation of women](#), 1.1.4, 1.2.2]

There is also a widespread assumption that women detainees have experienced sexual violence, which can be perceived by the family and the community as a stain on the victim's dignity and honour. This stigma can reportedly lead to social isolation, rejection from employment, divorce, disownment by the family and even 'honour' killing. [[Situation of women](#), 1.2.10]

Generally speaking, most cases of 'honour' killings are connected to sexual violence (but not necessarily rape) and are committed by family members of the victim. 'Honour' killings can be a reaction to street harassment or assault, to assumed sexual violence during abduction and even to an autonomous decision made by a girl concerning whom and when to marry. So-called 'honour' killings are also shared through social media to demonstrate the cleansing of the family's 'shame'. It was reported that 'honour' killings have increased after the outbreak of the war because of increases in both sexual violence and general lawlessness, while some sources suggested that the social acceptance of the practice has decreased. [[Situation of women](#), 1.1.3]

'Honour' is still a mitigating factor in Syria's criminal law, setting the minimum sentence for the crime to two years in prison. In addition, Article 242 of the Penal Code allows a judge to reduce the punishment for both men and women in the case when a murder is committed in rage and provoked by an illegal act of the victim, with extra-marital affairs being illegal in Syria. [[Situation of women](#), 1.1.3]

### Risk analysis

'Honour' killings amount to persecution. When the repercussions of a perceived violation of family honour would normally not reach the level of persecution in themselves, such as rejection from employment, divorce, and disownment by the family, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violation of family honour. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, personal status, area of origin and residence, perception of traditional gender roles in the family or community, situation of the family, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, women who have previously been subjected to sexual violence may be at risk of 'honour' crimes for reasons of membership in a particular social group, based on their common background which cannot be changed and their distinct identity, because they are perceived as being different by the surrounding society, due to the stigmatisation related to being a survivor of sexual violence.

## 2.12.5 Single women and female-headed households

Last update: September 2020

## COI summary

The number of female-headed households has been rapidly increasing as a result of the widespread and systematic arrests and disappearances of men and boys above the age of 15 years. The World Bank pointed out that between 2009 and 2015, the share of female-headed households increased from 4.4 % to 12-17 %, other estimations suggested that women are the decision-makers and breadwinners in almost one third of Syrian households [[Situation of women](#), 1.2.1].

The traditional gender norms in Syria confined the roles and responsibilities of Syrian women predominantly to their homes. The increasing number of female-headed households has led to women adopting new roles in addition to their customary roles as mothers and caregivers. This subjected them to stressful and complex living conditions that are difficult to cope with. Additional challenges include the need to provide for their families, for example by taking up work in the public sphere. In addition, women might face difficulties finding livelihood options deemed suitable for them according to the prevailing cultural and social norms. Other factors can further put burden on women and might expose them to risks of human rights violations. For example, the lack of civil registration with regard to divorce, custody, property rights and criminal matters, as well as movement restrictions imposed on women and girls. In addition, the lack of civil documentation can stop women from enjoying their legal and/or traditional rights provided by their marriage contracts and block the access to other rights and services, including humanitarian aid [[Situation of women](#), 1.2.6, 1.2.7].

Widows and divorced women and girls can be distinguished as a subcategory of female-headed households, which is highly stigmatised by the Syrian society. A report stated that widows and divorced women and girls were at particular risk of sexual violence, emotional and verbal abuse, forced marriage, polygamy and serial temporary marriages, movement restrictions, economic violence and exploitation, among others. Female heads of households are in particular at increased risk of sexual and gender-based violence due to a lack of a male protector and face these heightened risks irrespective of the geographical area [[Situation of women](#), 1.2.10].

## Risk analysis

The individual assessment of whether discrimination of single women and female-headed households could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. It further enhances the risk for such women to be exposed to acts such as sexual violence and forced marriage, which would amount to persecution (see the sections [12.1. Violence against women and girls: overview](#) and [12.3. Forced and child marriage](#)).

Not all women under this sub-profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: personal status, area of origin and residence, perception of traditional gender roles in the family or community, economic situation, availability of civil documentation, education, etc.

## Nexus to a reason for persecution

Available information indicates that, where well-founded fear of persecution could be substantiated, this may be for reasons of membership of a particular social group (e.g. divorced women or widows, due to their common background which cannot be changed and distinct identity in Syria, in relation to stigmatisation by society).

## 2.13 Children

Last update: September 2020

In the following subsections, the focus is on certain child-specific circumstances of increased vulnerability and risks that children in Syria may be exposed to.



The contents of this section include:

- [2.13.1 Violence against children: overview](#)
- [2.13.2 Child recruitment](#)
- [2.13.3 Child labour](#)
- [2.13.4 Child marriage](#)
- [2.13.5 Access to education](#)
- [2.13.6 Lack of documentation](#)

### 2.13.1 Violence against children: overview

Last update: September 2020

#### COI summary

In a report by the UN Human Rights Council covering the period from September 2011 to the end of October 2019, it was stated that 'children's right to life has been blatantly denied by all parties to the conflict', further noting that a very large number of children were killed, maimed and injured. Another report from June 2019 stated that throughout 2018 air strikes, barrel bombs and cluster munitions have resulted in 1 854 child casualties [[Targeting](#), 12].

Sexual violence against children perpetrated by different parties to the conflict has been a persistent issue throughout the conflict. Government forces used child rape as a weapon of war and were systematically abusing the children of opposition figures in GoS prisons, at checkpoints and during house raids, with impunity. Children were detained with adults and exposed to exploitation, torture, violence, including sexual violence perpetrated by prison guards, torturers and other prisoners [[Situation of women](#), 2.4; [Actors](#), 2.2.6, 2.4].

Other examples of violence against children include the internment of thousands of wives and children of ISIL fighters in makeshift camps under deplorable living conditions in areas under SDF control. There were also reports of abductions of women and girls by different actors and motivated by various reasons, including organ trafficking, with children being especially affected [[Situation of women](#), 1.1.3; [Actors](#), 3.3].

According to researchers, domestic violence was common in Syria even before the civil war and not criminalised in Syrian's legislation. The changes in the traditional ways of family life and gender roles might have resulted in further violence against women and children, without effective legal protection

mechanisms. A lack of services to support survivors of domestic violence is also reported [[Situation of women](#), 1.1.3].

Generally, effective protection against violence is limited and enforcement is either weak or non-existent (see profile of women, in particular under subsection [2.12.1. Violence against women and girls: overview](#)).

### Risk analysis

Acts of violence against children could be of such severe nature that they would amount to persecution (sexual assault, abduction, torture, killing).

Not all children face the level of risk required to establish well-founded fear of persecution in relation to these forms of violence. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: family members perceived to be involved with the opposition or anti-government armed groups (see [2.1 Persons perceived to be opposing the government](#), [2.3 Persons with perceived links to ISIL](#)), poor socio-economic situation (e.g. residing in IDP camps), social status (the risk of sexual violence and exploitation is higher for separated and unaccompanied children and for children in female-headed households), area of origin or residence, lack of documentation, religion, etc.

### Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

## 2.13.2 Child recruitment

Last update: September 2020

### COI summary

[Main COI reference: [Targeting](#), 12.1]

A report covering the period from September 2011 to the end of October 2019 stated that children, most frequently boys, have been used in hostilities by parties to the conflict for combat roles, to act as spies or informants, or to serve at checkpoints. Both State forces, including NDF and pro-government militias, and non-State armed groups are reported to recruit minors to their forces. During the reporting period January to December 2018, the UN verified that a total of 806 children were recruited, of which 670 were boys and 136 were girls.

Regarding SAA, one source indicated that they are not aware of child recruitment, but there has always been a problem with youths, particularly those close but not quite of eligible age for conscription. Government-affiliated armed groups are said to have had minors among their ranks, albeit ostensibly on a voluntary basis.

The non-State groups reported to recruit children include Ahrar al Sham, groups affiliated with the FSA, ISIL, Army of Islam, HTS, YPG, and Nur al-Din al-Zanki.

As long as ISIL held territory in Syria, it conducted child recruitment at a wider scale and in a different mode than other armed groups. ISIL claimed to have used 1 350 primary and secondary schools for recruitment purposes and subjected students to its ideological curriculum. ISIL was also conducting kidnappings, partly from orphanages, schools and family homes.

The prevalence of child recruitment was reportedly highest in opposition groups, particularly the SNA, with a source suggesting the explanation that they are often based on a more local level built on a framework that started as village militias. With the HTS and its affiliates, less child recruitment has been seen, although it has been visible in some other affiliated groups, such as TIP and other ethnic-specific Al Qaeda affiliates in northwest Syria, where fighting has become a communal activity.

See also the subsection 'Child recruitment' under [6. Persons fearing forced or child recruitment by Kurdish forces](#).

### **Risk analysis**

Child recruitment is of such severe nature that it would amount to persecution.

Not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: poor socio-economic situation (for example, residing in IDP camps), social status, area of origin or residence, ethnicity, etc.

### **Nexus to a reason for persecution**

The individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

## **2.13.3 Child labour**

Last update: September 2020

### **COI summary**

[Main COI reference: [Targeting](#), 12.2; [Situation of women](#), 1.1.3]

Child labour is taking place in Syria but information on the extent of it is not available. However, a report indicated a 'high occurrence' of child labour that prevented school attendance.

The World Food Program (WFP) reported in 2019 that child labour was a major coping strategy among female-headed households in conflict-affected areas but did not specify how widespread it was. A report from August 2019 also noted that child labour was generally used as a negative coping mechanism to alleviate financial constraints.

In particular, child labour has been reported in families as coping strategy to meet basic needs in Rukban IDP camp on the border to Jordan. It was also stated that in northwest Syria households experiencing multiple displacement became exposed to an increased threat of resorting to child labour. A report also indicated that child labour was occurring in communities across northern Idlib, likely

exposing children there to abuse and exploitation. Boys are reportedly at greater risk of becoming subject to labouring than girls. On the other hand, young girls are forced to resort to negative coping mechanisms such as prostitution or survival sex, because they are in need of money and goods.

Working outside of their homes and not residing together with their family also exposes children to exploitation by gangs, or to joining gangs, to smoking and drug abuse, and to health hazards stemming from handling dangerous equipment. Spending most of their day outside their home, many working children returned home alone after dark, further exposing them to harassment, including sexual harassment.

### **Risk analysis**

Not all forms of child labour would amount to persecution. An assessment should be made in light of the nature and conditions of the work and the age of the child. Work that is likely to harm the health, safety or morals of children could be considered to reach the severity of persecution.<sup>25</sup> The impact of child labour on access to education should also be taken into account (see the subsection [13.5. Access to education](#)). Other risks, such as involvement in criminal activities should also be considered.

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, gender, poor socio-economic status of the child and his or her family (for example being a member of a female-headed household), being in an IDP situation, region of origin or residence, etc.

### **Nexus to a reason for persecution**

The risk of child labour as such may not generally imply a nexus to a reason for persecution. However, the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

## **2.13.4 Child marriage**

Last update: September 2020

See the section on [12.3. Forced and child marriage](#) under the profile [2.12 Women](#).

## **2.13.5 Access to education**

Last update: September 2020

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<sup>25</sup> International Labour Organization (ILO), Minimum Age Convention, C138, 26 June 1973, available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138); Worst Forms of Child Labour Convention, C182, 17 June 1999, available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182).

## COI summary

[Main COI reference: [Targeting](#), 12.3; [Damascus 2020](#), 3.6]

Article 29 of the Constitution of the Syrian Arab Republic stipulates that education is ‘a right guaranteed by the state, and it is free at all levels’ and that it ‘shall be compulsory until the end of basic education state’. Education is mandatory up to the 9<sup>th</sup> grade (between the ages of 6 and 15), which comprises 6 years of primary school and 3 years of lower level secondary school.

The GoS is the main provider of education in most areas of Syria, with the support of international NGOs and UN agencies in some areas. In some areas of the northeast of Syria, the ‘self-administration’ provides most education, such as in Raqqa and parts of Deir Ez-Zor, Aleppo, and Hasaka. Schools providing primary and secondary education, including UNRWA and private schools, are under the supervision of the Syrian Ministry of Education. Public primary and secondary school is free and one source reported that ‘no child is denied access based on his or her area of origin or ethnic background’.

The conflict caused a decline in access to education. For example, sources stated that IDP children would be facing problems in accessing education, and the same was reported for children living in northern Idlib. In arrival locations, absorption capacity was overstretched for both IDP and host communities. Moreover, Syrian girls and women were denied access to education because of the harmful attitudes and customs (e.g. child marriage) exacerbated by the conflict. Movement restrictions have also affected the access to education for girls in Syria. [[Situation of women](#), 1.2.8]

UNOCHA reported on the increase in the number of children engaged in child labour and child marriage, due to dropping out of school. It assessed that 2.1 million children were out of school and that another 1.3 million children were at risk of dropping out and that one in three schools were damaged or destroyed.

Moreover, sources indicated that ‘around 40 % of educational facilities have been damaged, destroyed or occupied (used as shelters for the displaced or confiscated by conflict parties). For example, a total of 94 schools were used as shelters by IDPs due to violence in Idlib. Schools were also used for military purposes, such as ammunition storages and as military bases and detention centres. They were repeatedly attacked by armed actors, including GoS forces, non-State armed groups and terrorist organisations, leading to scores of child casualties.

In 2018, a total of 113 attacks on schools in Syria have been reported. Of these attacks, 60 were attributed to the GoS air force, 24 were attributed to government ground forces, 12 to pro-government militias, 2 to ISIL, 2 to YPG/YPJ, 1 to HTS, and 12 to unidentified elements.

UNOCHA reported in September 2019 that in northwest Syria alone, 59 individual schools were damaged by the violence since late April 2019, and that less than a half of the 650 000 school-aged children in that part of the country could be accommodated in the remaining functioning schools. The report further stated that only half of the approximately 1 200 schools in that part of the country were functional. Another report also noted that in Idlib over 300 000 children, approximately half of the school-aged population there, was impacted by the conflict.

In southern Idlib and northern Hama, another 47 schools were also damaged or otherwise affected as the result of airstrikes and shelling since the beginning of May 2019. Other schools were affected by hostilities in northeast Syria. The UN verified two incidents that took place in October and November 2019 in which schools in Raqqa governorate were damaged by rockets and crossfire, respectively.

UNICEF reported that a school in northeast Syria came under attack in October 2019, during the Turkish-led incursion.

### Risk analysis

The general deficiencies in the educational system as a consequence of the ongoing conflict cannot as such be considered persecution, as they are not the result of an actor's deliberate actions...<sup>26</sup> However, in the case of deliberate restrictions on access to education, it should be assessed whether it amounts to persecution.

The denial of documentation, which also may hinder access to basic education, may be linked to originating from a (former) opposition-held territory (see also [2.13.6. Lack of documentation](#)).

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to education. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: identification documents, gender (girls are at a higher risk), perception of traditional gender roles in the family, poor socio-economic situation of the child and the family, IDP situation, area of origin and residence, etc.

### Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, the individual circumstances of the child should be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of denied identity documentation due to origin from an opposition-held territory, (imputed) political opinion may apply.

## 2.13.6 Lack of documentation

Last update: September 2020

### COI summary

[Main COI reference: [Targeting](#), 12.4]

The lack of identity documentation equates to a lack of legal status of the child and impedes access to all services, including healthcare, education and humanitarian assistance.

The UN Committee on the Rights of the Child remarked in January 2019 that the lack of identity documentation was particularly critical in the areas out of the control of the GoS, where 25 % of adolescents did not have identity cards and a quarter of new-borns had not been registered since the beginning of the conflict.

The lack of documentation varies drastically across governorates. Whereas more than 8 out of 10 residents lack some official document in Idlib, almost the entire population in the governorates of Sweida and Homs was able to obtain the desired documentation (about 99 %). In Damascus

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<sup>26</sup> CJEU, *M'Bodj*, paras. 35-36.

governorate, around 5 % of the host community respondents surveyed indicated they or a family member were lacking official GoS-issued documentation. Lack of access to civil documentation was grave for the populations of Latakia, Tartous, and Raqqa (about 75 % for all three governorates) [[Damascus 2020](#), 2.5].

In 2017, sources indicated that outside of GoS-controlled areas, civil status offices have either stopped functioning or they operated outside the control of the government.

In recaptured areas, the GoS has not given priority to re-establishing the civil registration system. It was also reported that GoS has not devoted any special resources to recording births in opposition-held areas or transferring registrations from opposition governance bodies. The government's policy was generally to reject opposition education records and civil registration records. Individuals were thus forced to redo everything through the government. Many individuals from former opposition-held areas are thus left in legal limbo.

Syrians living in opposition-held areas might obtain birth documents at the central civil registry office in Damascus, but they would be confronted with various obstacles such as having to cross the front line, with the associated risks involved: the risk of being arrested by pro-government forces after having entered a government-controlled area; men of conscription age running the specific risk of being arrested at government check points for evading military service; and women risking to become sexually assaulted at checkpoints. According to another source, Syrians in opposition-held areas may choose to give a third person in GoS-controlled area authorisation to apply and obtain a birth certificate, or use 'intermediaries' to obtain a birth certificate illegally 'by means of bribery and a smuggling network'.

The Organisation for Economic Co-operation and Development (OECD) noted that 'although women have the same rights as men to register the births of their children, nationality is only transferred from the father and mothers therefore must struggle to register the births of their infants'. For children born out of wedlock, to parents in inter-faith marriages and those born as a result of sexual violence, the UN Committee on the Rights of the Child noted that they encountered difficulties in obtaining birth certificates.

### **Risk analysis**

The lack of documentation as consequence of the ongoing conflict cannot as such be considered persecution, as it is not the result of an actor's deliberate actions. However, deliberate restrictions on access to documentation may amount to persecution.

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to documentation. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: deceased or missing fathers, being born out of wedlock or as a result of sexual violence, area of origin and residence, gender, poor socio-economic situation of the child and the family, IDP situation, member of a female-headed household, etc.

### **Nexus to a reason for persecution**

Where well-founded fear of persecution can be substantiated, the individual circumstances of the child should be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of children born as a result of sexual violence, persecution may

be for reasons of membership of a particular social group due to their common background that cannot be changed and the distinct identity of such children, implying being seen as illegitimate, in Syria.

## 2.14 LGBTIQ persons

Last update: September 2020

This profile refers to persons who are perceived as not conforming to social norms because of their sexual orientation and/or gender identity, including the treatment of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) individuals in Syria. However, it should be noted that specific information on some of those communities was not available in the COI reports used for the purpose of this guidance.

### COI summary

[Main COI reference: [Targeting](#), 13]

The Syrian legislation makes same-sex activities punishable by law, as stipulated in the Penal Code of 1949 in Book Two under 'morality and public morals'. Article 520 states: 'any sexual intercourse against the order of nature can be punished with up to three years of imprisonment'. Article 517 of the Penal Code states that also violations of public decency as defined under Article 208 of the Syrian Penal Code are punishable with imprisonment from three months to three years. The legal status of same-sex activity between women is unclear.

Recent reliable information on the enforcement of laws regarding LGBTIQ persons is available but limited. It is noted that there were no reports of prosecutions of same-sexual conduct in 2018. However, in previous years police used legal charges to prosecute LGBTIQ persons, for example based on drug abuse or abusing social values. Syrian authorities and others can also use one's sexual orientation to blackmail, harass, and eventually abuse members of the LGBTIQ-community.

In 2018, it was reported that the GoS allowed an intersex person to register a new gender status on official documents.

Anti-discrimination laws have not been established and hence there is no legal protection of LGBTIQ people in Syria.

Sources indicate that targeting of LGBTIQ individuals by authorities took place before the civil war and ensued during the conflict. With regard to the latter, documented serious human rights violations against LGBTIQ individuals at the hands of GoS security forces and non-State armed groups included cases of summary execution, arbitrary detention, torture, rape and other forms of sexual violence, as well as harassment, discrimination and exploitation. Information on the frequency of such incidents is not available. It is also reported that ISIL and HTS regularly detained, tortured and killed LGBTIQ individuals in the territories they controlled, abductions of persons assumed or perceived as gay have also been documented.

Incidents also include threats, harassment and violence against transgender persons at the hands of family members, LGBTIQ individuals being victims of 'honour' killings and homosexual men and women being forced into heterosexual marriages.

Denial of equal opportunities to education and employment, as well as societal stigmatisation were also mentioned as problems for LGBTIQ individuals. Generally, the societal attitude towards LGBTIQ individuals is reported to be dismissive.

### **Risk analysis**

The acts to which (perceived) LGBTIQ-individuals could be exposed are of such severe nature that they would amount to persecution (e.g. abduction, torture, arbitrary detention, (sexual) violence, killing).

For individuals under this profile, well-founded fear of persecution would in general be substantiated.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.<sup>27</sup>

### **Nexus to a reason for persecution**

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group based on a shared characteristic which is so fundamental to their identity that they should not be forced to renounce it; and based on a distinct identity of LGBTIQ persons in Syria, because they are perceived as being different by the surrounding society.<sup>28</sup>

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<sup>27</sup> CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C201/12 judgment of 7 November 2013, paras. 70-76.

<sup>28</sup> CJEU, *X, Y and Z*, paras. 45-49.

### 3. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with [Article 15 QD](#) (see also [Article 10\(2\) APD](#)).



The contents of this chapter include:

- Under the section [Article 15\(a\) QD](#), the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the ‘death penalty or execution’ in Syria.
- The section on [Article 15\(b\) QD](#) looks into the risk of ‘torture or inhuman or degrading treatment or punishment’ in relation to particular circumstances in Syria.
- Under the section [Article 15\(c\) QD](#), the analysis expands further and covers the different elements of the provision, looking into: ‘armed conflict’, ‘qualification of a person as a ‘civilian’’, ‘indiscriminate violence’, ‘serious and individual threat’ (where further individualisation elements are discussed), ‘qualification of the harm as ‘threat to life or person’’, and the interpretation of the nexus ‘by reasons of’. The sub-section on ‘indiscriminate violence’ includes an [assessment of the situation in each governorate in Syria](#).

### 3.1 Article 15(a) QD

Last update: September 2020

As noted in the chapter [2. Refugee status](#), some profiles of applicants from Syria may be at risk of death penalty or execution (e.g. [2.1 Persons perceived to be opposing the government](#), [2.2. Military deserters and defectors](#), [2.3 Persons with perceived links to ISIL](#)). In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground (for example, in case of offences related to drug trafficking), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.



Under [Article 15\(a\) QD](#), serious harm consists of the death penalty or execution.

- The **death penalty** is as such, and under any circumstances, considered as a serious harm under [Article 15\(a\) QD](#). The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on the applicant could be considered sufficient to substantiate the need of subsidiary protection.
- As the addition of the term '**execution**' suggests, [Article 15\(a\) QD](#) also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

The death penalty is envisaged under the Syrian Penal Law and can be imposed for the following crimes: aggravated murder, military offenses, terrorism-related offenses, drug trafficking, treasonous acts, arson resulting in death, gang robbery resulting in death, as well as other offenses not resulting to death, such as subjecting a person to torture or barbaric treatment during commission of a gang-robbery; attempting a crime punishable by the death penalty; and being convicted for the second time for a felony punishable by forced labour for life [[Actors](#), 2.2.3].

The acts of terrorism were broadly defined in the Counter-Terrorism Law No. 19, which was adopted by the Syrian government in 2012. The Counter-Terrorism Court was established to enforce the aforementioned law. The Counter-Terrorism Court is reported to impose harsh sentences, including 10 to 20 years of hard labour, or the death penalty [[Actors](#), 2.2.2].

Military Field Courts were set up by Decree 25/2/1966 in order to try civilians and military personnel for 'crimes committed during wartime or during military operations'. The Military Field Courts do not apply the Syrian Criminal Code in their rulings and the punishments they impose include life imprisonment and the death penalty. The President of Syria is responsible for approval of death sentences issued by the Military Field Courts, having also the possibility of reducing a sentence, replacing it with another penalty or cancelling the case [[Actors](#), 2.2.2].

Various organisations and former detainees report that death penalties and executions were extensively implemented in Syria's prisons. No official information regarding the death penalties imposed or the number of executions that have been carried out have been disclosed by the authorities of the GoS. An amnesty decree was issued by President Bashar al-Assad on 15 September

2019 reducing death penalty to life imprisonment although there is no available information regarding the implementation of the decree [[Actors](#), 2.2.3].

In Kurdish-controlled areas, a legal code based on the 'Social Contract' is applied by the Kurdish authorities. According to Article 26 of the Social Contract, the death penalty has been abolished [[Actors](#), 3.1.4].

Extremist groups such as HTS and ISIL have carried out public executions, beheadings and crucifixions for transgressing the moral codes of the Sharia law in areas under their control, killing hundreds of civilians. They also reportedly subjected women, girls, and minorities to illegal executions for breach of the imposed codes and for 'dishonouring' their families [[Actors](#), 4.1.4, 6.4].

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under [Article 15\(a\) QD](#) shall be granted, unless the applicant is to be excluded in accordance with [Article 17 QD](#).



In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds under [Article 17 QD](#). Therefore, although the criteria of [Article 15\(a\) QD](#) would be met, exclusion considerations should be examined See the chapter [6. Exclusion](#).

## 3.2 Article 15(b) QD

Last update: September 2020  
\*Minor updates added November 2021

As noted in the chapter [II. Refugee status](#), some profiles of applicants from Syria may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.



Under [Article 15\(b\) QD](#), serious harm consists of **torture or inhuman or degrading treatment or punishment of an applicant in the country of origin**.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#), ‘**torture**’ is understood as:
  - ✓ an intentional act
  - ✓ that inflicts severe pain or suffering, whether physical or mental
  - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ ‘**Inhuman**’ refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).
- ▶ ‘**Degrading**’ refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.<sup>29</sup>

Healthcare facilities have been destroyed or damaged in targeted attacks by actors in the conflict, therefore deliberately limiting access to healthcare in the respective areas [see for example [Damascus 2020](#), 3.5; [Security 2020](#), 1.6.1.2, 2.1.3, 2.2.3.7, etc.]. In such cases, the application of [Article 15\(b\) QD](#) may be considered where refugee status has not been found to apply.

- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Prison and detention centres have been reported as harsh and, in many instances, life-threatening, due to food shortages, gross overcrowding, physical and psychological abuse, and inadequate sanitary conditions and medical care. Reports mention that prisoners and detainees face the risk of ill-treatment and even execution, while deaths in custody resulting from torture or other ill-treatment have been documented. Various methods of torture have been reported, including physical violence, sexual torture, psychological torture, health neglect and detention conditions, forced labour, torture in military hospitals and separation. Children are not separated from adults and are held in the same prisons, suffering from the same types of torture [[Actors](#), 2.2.6, 2.3.3, 2.4].

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under [Article 15\(b\) QD](#).

[The implications of leaving Syria](#) should also be given due consideration.



In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of mistreatment in prisons) may also have committed or contributed to excludable acts as defined in [Article 17 QD](#). Therefore, although the criteria of [Article 15\(b\) QD](#) would be met, exclusion considerations should be examined. See the chapter [6. Exclusion](#).

<sup>29</sup> CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP*, paras. 57, 59.

### 3.3 Article 15(c) QD

This section focuses on the application of the provision of [Article 15\(c\) QD](#). Under [Article 2\(f\) QD](#) in conjunction with [Article 15\(c\) QD](#), subsidiary protection is granted where ‘substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm’ defined as ‘serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict’. Each element of the provision is addressed in a separate subsection.



The contents of this section include:

- [Preliminary remarks](#)
- [Armed conflict \(international or internal\)](#)
- [Qualification of a person as a ‘civilian’](#)
- [Indiscriminate violence](#)
  - [Aleppo](#)
  - [Damascus](#)
  - [Dar’a](#)
  - [Deir ez-Zor](#)
  - [Hama](#)
  - [Hasaka](#)
  - [Homs](#)
  - [Idlib](#)
  - [Latakia](#)
  - [Quneitra](#)
  - [Raqqa](#)
  - [Rural Damascus](#)
  - [Sweida](#)
  - [Tartous](#)
- [Serious and individual threat](#)
- [Qualification of the harm as a ‘threat to \(a civilian’s\) life or person’](#)
- [Nexus/‘by reason of’](#)

## Preliminary remarks

Last update: November 2021

### Reference period

The following assessment is primarily based on the EASO COI report on the security situation in Syria [Security 2021](#). The general reference period for this chapter is **1 January 2020 - 31 March 2021**, along with some additional information included in the COI report during its finalisation until 28 May 2021. Background information regarding the conflict in Syria is also taken into account.



This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation in a given territory should always be assessed in light of the most up-to-date COI available.

### Legal framework

[Article 15\(c\) QD](#) defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.



Under Article 15(c) QD, serious harm consists of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.



In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Three judgments of the CJEU<sup>30</sup> and one judgment of the ECtHR have been taken into account in particular.

[CJEU, \*Diakité\* judgment](#)<sup>31</sup> The judgment is of importance for the interpretation of relevant concepts, and in particular of 'internal armed conflict'.

<sup>30</sup> It can be noted that a relevant case is currently pending at the CJEU: [Case C-579/20](#) (Request for a preliminary ruling from Staatssecretaris van Justitie en Veiligheid, the Netherlands) concerns the application of Article 15(c) QD when the level of 'mere presence' is not reached and the application of a 'sliding scale'.

<sup>31</sup> CJEU, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 (*Diakité*).

**CJEU, *Elgafaji* judgment**<sup>32</sup>

The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the ‘sliding scale’. In this judgment, the CJEU further discusses the ‘serious harm’ under the provision of [Article 15\(c\) QD](#) in comparison to the other grounds for granting subsidiary protection and considers the relation between [Article 15\(c\) QD](#) and the ECHR, in particular [Article 3 ECHR](#).

**CJEU, *CF and DN* judgment**<sup>33</sup>

The judgment is of particular importance for the interpretation of the concept of ‘serious and individual threat to a civilian’s life or person’ in the context of an international or internal armed conflict under [Article 15\(c\) QD](#). The CJEU found that ‘Article 15(c) of Directive 2011/95 must be interpreted as meaning that, in order to determine whether there is a ‘serious and individual threat’, within the meaning of that provision, a comprehensive appraisal of all the circumstances of the individual case, in particular those which characterise the situation of the applicant’s country of origin, is required.’

Furthermore, that ‘the elements to be taken into account in assessing whether there is a real risk of serious harm, within the meaning of Article 15(c) of Directive 2011/15 may also include the intensity of the armed confrontations, the level of organisation of the armed forces involved, and the duration of the conflict [...], as well as other elements such as the geographical scope of the situation of indiscriminate violence, the actual destination of the applicant in the event that he or she is returned to the relevant country or region and potentially intentional attacks against civilians carried out by the parties to the conflict.’

**ECtHR, *Sufi and Elmi* judgment**<sup>34</sup>

It should be noted that ECtHR jurisprudence on [Article 3 ECHR](#) is not of direct applicability when discussing the scope and elements of [Article 15\(c\) QD](#). However, the elements outlined in *Sufi and Elmi* with regard to the assessment of the security situation in a country, and the degree of generalised violence, were consulted in order to design the [indicators of indiscriminate violence](#) for the purposes of this common analysis.

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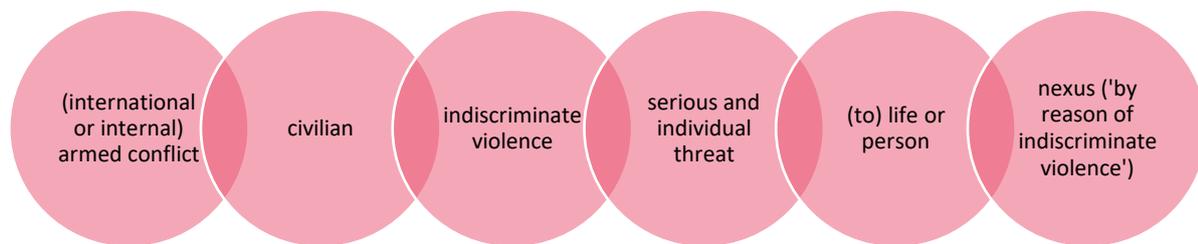
<sup>32</sup> CJEU, *Elgafaji v Staatssecretaris van Justitie*, C-465/07, Grand Chamber, judgment of 17 February 2009 (*Elgafaji*).

<sup>33</sup> CJEU, *CF and DN v Bundesrepublik Deutschland*, C-901/19, Third Chamber, judgment of 10 June 2021 (*CF and DN*).

<sup>34</sup> ECtHR, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (*Sufi and Elmi*).

The elements to examine under [Article 15\(c\) QD](#) are the following.

**Figure 10. Elements of the legal provision of Article 15(c) QD.**



All of these elements have to be fulfilled in order to grant subsidiary protection under [Article 15\(c\) QD](#).

Common analysis and assessment of the factual preconditions for the possible application of [Article 15\(c\) QD](#) with regard to the situation in Syria is provided in the sub-sections below.

### 3.3.1 Armed conflict (international or internal)

Last update: November 2021

A definition of an international or an internal armed conflict within the meaning of [Article 15\(c\) QD](#) is not provided by the QD itself. In *Diakité*, the CJEU interprets the concept of ‘internal armed conflict’ under [Article 15\(c\) QD](#) and concludes that it must be given an interpretation, which is autonomous from international humanitarian law.



[...] internal armed conflict exists, for the purposes of applying that provision, if a State’s armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as ‘armed conflict not of an international character’ under international humanitarian law;  
**CJEU, *Diakité*, para.35**

In *Diakité*, the CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,



[...] nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict

**CJEU, *Diakité*, para.35**

Furthermore, in the context of [Article 15\(c\) QD](#), differentiation between ‘international’ or ‘internal’ armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict.

It should also be noted that an armed conflict can be taking place only in parts of the territory.



There are multiple overlapping non-international (internal) and international armed conflicts taking place in Syria:

- The US-led coalition against ISIL is in an international armed conflict with Syria, due to its military intervention in Syria without the consent of the GoS.
- Syria is in an international armed conflict with Turkey, who has carried out military operations against GoS, ISIL and Kurdish armed groups in Syria, and controls parts of northern Syria with the help of anti-GoS armed groups.
- Syria is involved in an international armed conflict with Israel as well, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS.
- Syria is involved in a non-international armed conflict with various anti-GoS armed groups, most notably HTS, the SNA and ISIL.
- Turkey is engaged in a non-international armed conflict in Syria with the YPG forces.
- Syria is involved in an international armed conflict with Israel, who has been conducting airstrike on Iranian targets in Syria without the consent of the GoS.

[[Security 2021](#), 1.1]

The section [Assessment by governorate](#) provides further guidance with regard to the armed conflicts taking place on the territory of Syria.

### 3.3.2 Qualification of a person as a ‘civilian’

Last update: November 2021

Being a civilian is a prerequisite in order to be able to benefit from protection under [Article 15\(c\) QD](#). The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of [Article 15\(c\) QD](#) to former combatants who have genuinely and permanently renounced armed activity.

The Qualification Directive itself does not provide a definition of the term ‘civilian’. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term ‘civilian’ could be considered to refer to a person who is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

In the context of Syria, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- **Syrian Armed Forces:** military and security forces, including the SAA, the navy, the air force, the police force with its four separate divisions (emergency police, traffic police, neighbourhood police and riot police), the intelligence services, and the NDF.
- **Pro-government militias:** local and foreign militias that are operating alongside the regular Syrian armed forces. Local militias have been consolidated under an umbrella network called the NDF and are now belonging to the Syrian Armed Forces, other examples of pro-government militias include the LDF, the Tiger Forces, militias of wealthy and powerful Alawite businessmen, such as the *al-Bustan* militias and *Suquor al Sahara*. Foreign militias, mainly backed by Iran, include the Lebanese Hezbollah, the Afghan *Fatemiyoun* Brigade, the Pakistani *Zeinabiyoun* Brigade, various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen.
- **SDF and Asayish:** Kurdish-led multi-ethnic force that supported the US-led coalition in the war against ISIL, dominated by the YPG with the Asayish as internal security forces.
- **SNA:** A collection of Turkish-backed armed opposition groups, being hostile towards the GoS and the SDF. The most prominent factions include the Sultan Murad Brigade, the *Moutassem* Brigade, *Ahrar al-Sharqia* and *al-Jabha al-Shamiya*. In October 2019, the group merged with the NLF - a Turkey-backed alliance of opposition groups that is present in the Idlib area and includes moderate as well as Islamist factions.
- **Other anti-government armed groups, particularly those based in the Idlib area:** HTS is described as the most important and powerful actor in the area. The group is comprised of several armed factions including Jabhat Fatah al-Sham (also known as *Jabhat al-Nusrah* and previously as the *Al-Nusrah Front*), Ansar al-Sham and Ajnad al-Sham. Beside the NLF (see above), the Al Qaeda affiliate HAD, TIP, and *Ansar al-Tawhid*, among others are also present in the area.
- **ISIL and its predecessor groups**

[[Actors](#), 2.3, 2.3.4, 3.2, 4.1 - 4.3, 5.1, 6; [Security 2021](#), 1.4]

See also the chapter [1. Actors of persecution or serious harm](#).

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.



Exclusion considerations may also apply (see the chapter [6. Exclusion](#)).

### 3.3.3 Indiscriminate violence

Last update: November 2021

‘Indiscriminate violence’ refers to the source of the specific type of serious harm defined in [Article 15\(c\) QD](#). The CJEU in *Elgafaji* notes that the term ‘indiscriminate’ implies that the violence,



[...] may extend to people irrespective of their personal circumstances.

**CJEU, *Elgafaji*, para.34**

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. marketplaces, public roads, healthcare facilities).

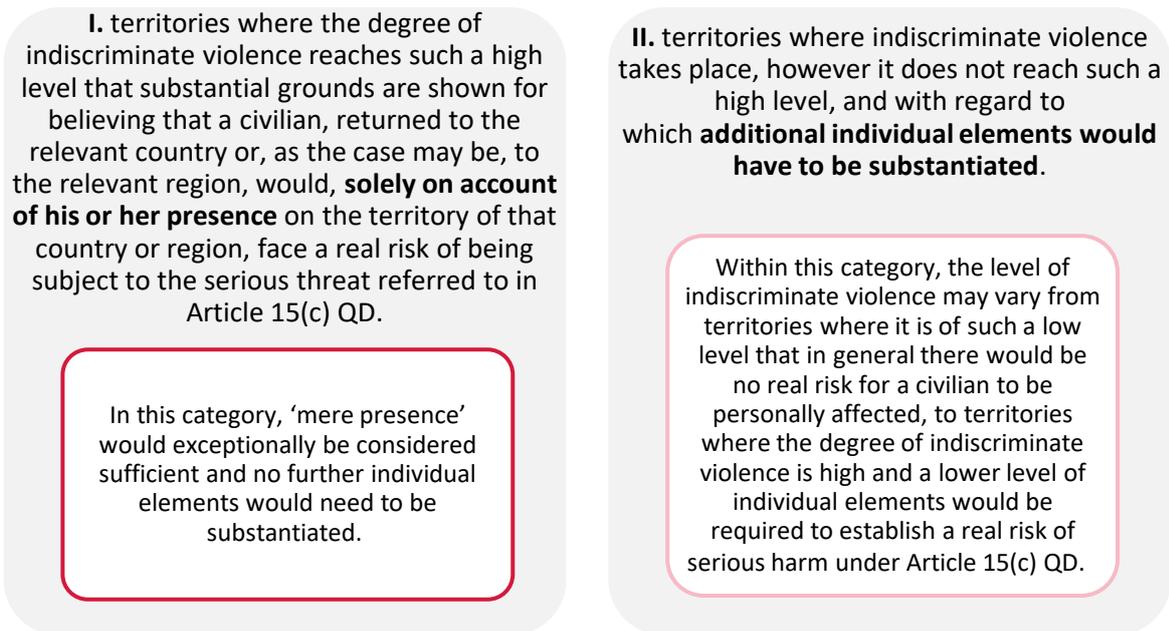


In armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition.

Therefore, refugee status may be granted as noted in the section above (see, for example, the profiles [2.1 Persons perceived to be opposing the government](#), [2.4 Members of and persons perceived to be collaborating with the SDF and YPG](#), [2.11 Ethno-religious groups](#)). Such targeted violence, furthermore, would not be considered ‘indiscriminate’.

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level:

**Figure 11. Levels of indiscriminate violence on the basis of CJEU, *Elgafaji*, para.43.**



With regard to the second category (text box on the right), *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the 'sliding scale'.



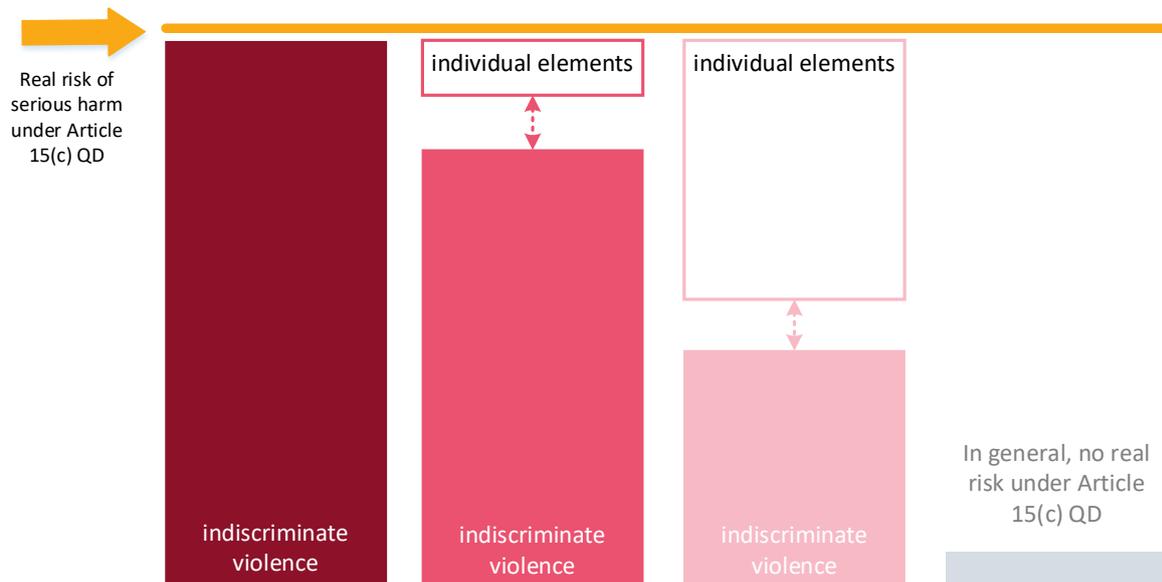
[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

**CJEU, *Elgafaji*, para.39**

See further guidance on this in the sub-section [Serious and individual threat](#).

The graph below illustrates the further differentiated standard scale applied in country guidance documents with regard to the levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under [Article 15\(c\) QD](#) is substantiated for the applicant:

**Figure 12. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.**



Depending on the level of indiscriminate violence taking place, the territories in a country can be categorised as follows.

**I. Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.**

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

**II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances following a ‘sliding scale’ approach.**

Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches **a high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Lastly, there are territories with regard to which [Article 15\(c\) QD](#) would in general not be applicable, either because the criteria for an armed conflict within the meaning of this provision are not met or because the level of indiscriminate violence taking place is so low that in general there would be no real risk for a civilian to be affected by it.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

## Indicators of indiscriminate violence

Last update: November 2021

The common analysis below regarding the degree of indiscriminate violence taking place in the different provinces of Syria combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:



[...] first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.<sup>9F</sup>

**ECtHR, *Sufi and Elmi*, para.241**

These indicators were further developed and adapted in order to be applied as a general approach to assessing the element of 'indiscriminate violence', irrespective of the country of origin in question. The security situation in the respective territories is assessed by taking into account the following elements:

### ○ Presence of actors in the conflict

This indicator looks into the presence of actors in the conflict in the respective governorate and their relations. Seen in conjunction with the methods and tactics known to be used by the different actors, this is considered an indication of the risk civilians may face in the respective area.

### ○ Nature of methods and tactics

Some methods and tactics used in an armed conflict are by their nature more indiscriminate than others and create a more substantial risk for civilians. Therefore, information on these is particularly relevant in the assessment of risk under [Article 15\(c\) QD](#).

The methods and tactics used in the armed conflicts ongoing in Syria differ according to the actors involved. However, throughout the conflict different actors have been reported to engage in indiscriminate attacks involving airstrikes, use of explosive devices, but also ground engagements, etc., which significantly impact the civilian population. Some actors, including the GoS, have also been reported to deliberately target civilians and civilian objects. The use of prohibited weapons of war has also been largely documented, in particular by the GoS [[Security 2020](#), 1.6.1; [Security 2019](#), 4]. Explosive remnants of war are also widespread in Syria. In March 2021, it was reported that 10.3 million people living in Syria 'are at risk from explosive contamination and approximately one third of communities are estimated to be potentially contaminated' [[Security 2021](#), 1.6.1].

### ○ Number of incidents

The number of security incidents is an important indicator, pointing to the intensity of hostilities in a certain area. In relation to this indicator, data collected by the Armed Conflict Location and Event Data Project (ACLED) is consistently presented per governorate.

ACLED collects data on several types of violent incidents in Syria: battles, violence against civilians, explosions/remote violence, riots, protests, strategic developments. Each incident is coded with the time and place, type of violent incident, the parties involved, and the number of fatalities. The COI summaries per governorate focus in particular on the number of incidents coded as follows:

- ✓ **Battles:** violent clashes between at least two armed groups.  
Battles can occur between armed and organised State, non-State, and external groups, and in any combination therein. Sub-events of battles are armed clashes, government regains territory and non-State actor overtakes territory.
- ✓ **Explosions/remote violence:** events where an explosion, bomb or other explosive device was used to engage in conflict.  
They include one-sided violent events in which the tool for engaging in conflict creates asymmetry by taking away the ability of the target to engage or defend themselves and their location. These include air/drone strikes, suicide bombs, shelling/artillery/missile attack, remote explosive/landmine/IED, grenade, chemical weapon.
- ✓ **Violence against civilians:** violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants.  
It includes violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.

For further information on the data, see [Security 2021](#), 1.6.2.

In order to provide an indication of the relative intensity of incidents, the number of security incidents is furthermore presented as a weekly average for the full reporting period. This may not be representative of the fluctuations in the intensity of violence. Where relevant information is available, such fluctuations are additionally mentioned.

### ○ Geographical scope

The general approach under this section is to provide assessment at governorate level. This indicator looks into how widespread the violence is within the area and whether it affects the whole of the governorate or certain parts of it. Where such information is available, the analysis highlights the districts which are particularly affected by indiscriminate violence and/or the districts which are relatively less affected. The accessibility of the area should also be taken into account.

### ○ Civilian casualties

This is considered a key indicator when assessing (the level of) indiscriminate violence in the context of [Article 15\(c\) QD](#).

In Syria, many international monitoring groups have stopped providing detailed estimates of the number of fatalities because of the complexity of the situation and the lack of access to first-hand information. There are several Syrian organisations that still attempt to collect such information, however, the figures they provide vary due to differences in methods, ground presence, and access to information. For the purposes of the governorate-level COI summaries, the number of civilian fatalities reported by Violations Documentation Centre in Syria (VDC) and SNHR are provided systematically.

For further information on the choice of sources, see [Security 2021, Sources](#).



It is important to note that both sources limit their systematic reporting to data on civilian fatalities. Data on injured civilians, which would also be relevant to take into account under the indicator 'civilian casualties' is not systematically available and, therefore, has not been included in the sub-sections.

The reported number of civilian fatalities is further weighted by the number of inhabitants in the governorate and presented as 'number of civilian fatalities per 100 000 inhabitants'. From the sources mentioned in the [Security 2021](#) report with regard to population data, two provide estimates for each governorate, the Syrian Central Bureau of Statistics and UNOCHA. In the summaries below, the population number cited by UNOCHA is referred to consistently and relied on in the estimation of fatalities per 100 000 inhabitants. The latter is considered more reliable and up-to-date source of information. However, it should be underlined that population numbers as of a given time represent only an indication as the country continues to experience significant population movements.

### ○ Displacement

Under this indicator, the COI summaries per governorate provide information about recent IDP movements from the governorate, including to other places within the governorate itself. Information on returns to the governorate is also provided. The latter also captures return from other governorates as well as from within the governorate itself.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians are mentioned and taken into account in the assessment.



None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting should be underlined.

## Indiscriminate violence in Syria

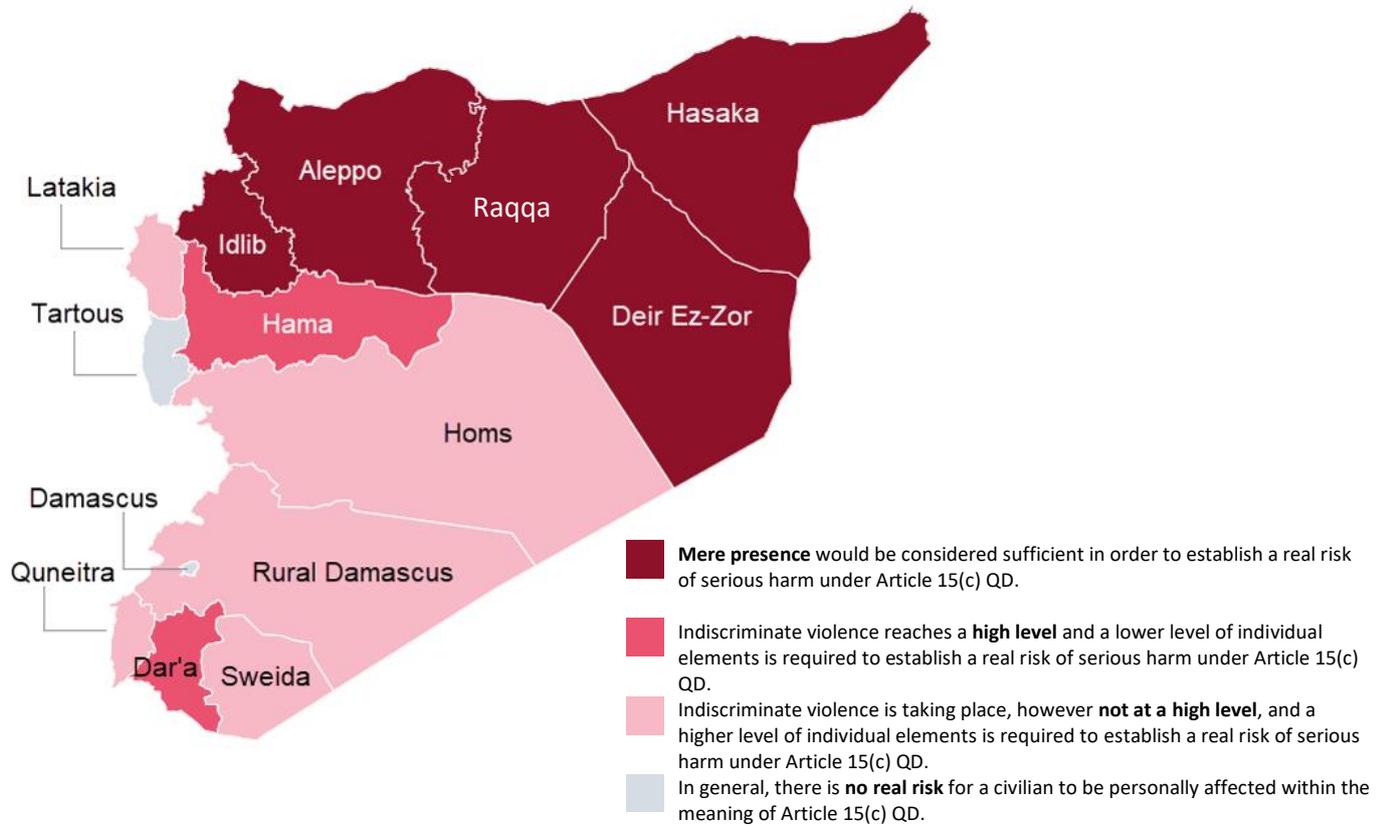
Last update: November 2021

The next sections provide detailed information and assessment of the level of indiscriminate violence and the risk it represents for civilians in Syria per governorate. Summaries are structured according to the following elements:

- General information
- Background of the conflict
- Actors: control and presence
- Nature of violence and examples of incidents
- Incidents: data
- Geographical scope
- Civilian fatalities: data
- Displacement
- Further impact on civilians

The map below summarises and illustrates the assessment of indiscriminate violence per governorate:

Figure 13. Level of indiscriminate violence in Syria (based on data as of 31 March 2021).



## Aleppo

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.2]

### General information

The governorate of Aleppo is located in the north of Syria, bordering Idlib governorate to the west, Hama governorate to the south and Raqqa governorate to the east. In the north it shares a 221-kilometre-long border with Turkey. The governorate is divided in eight districts: Jebel Saman (where the largest city Aleppo is located), Afrin, A'zaz [Azaz], Al-Bab, Menbij [Manbij], Jarablus, Ain Al-Arab [Kobane], and As-Safira. In a March 2021 report, UNOCHA estimated the population of Aleppo governorate to be of 4 014 129 inhabitants. Before the war, Aleppo city was the commercial and industrial capital of the country, with a population of around 2.5 million people. As of 2019, the UN estimated that around 1.6 million people were living in Aleppo city.

Minority communities present in the governorate include Christians, Kurds, Armenians and Turkmen. Kurdish population is present in Aleppo governorate, in particular in the Aleppo city neighbourhoods of Sheikh Maqsoud and Ashrafiya and in Afrin district. It has been reported that Turkey carried out a demographic change in Afrin area by empowering the SNA in forcing the Kurdish inhabitants of Afrin to leave the area, while thousands of rebels and their families from Eastern Ghouta were settled in Afrin following reconciliation.

### Background of the conflict

Control over different parts of Aleppo governorate fluctuated between GoS and anti-government armed groups, with international actors also playing a pivotal role. Between 2012 and 2016, the city of Aleppo remained divided between the GoS-controlled west and the areas in the east, controlled by anti-government armed groups. In December 2016, after a prolonged siege and with the military assistance of Russia, eastern Aleppo was recaptured by the GoS. In the northern part of Aleppo, in early 2014, Kurds established control in the districts of Kobane and Afrin. After the advances of ISIL in Aleppo governorate, SDF and GoS, respectively backed by US and Russia, joined forces and managed to reclaim control of some parts of the governorate. Meanwhile, following two offensives in 2016 and 2018, Turkish troops and affiliated forces occupied other previously ISIL-held areas in the governorate. Between April 2019 and March 2020, parts of western Aleppo governorate were recaptured through a GoS offensive.

### Actors: control and presence

Multitude of actors continued to control different parts of the governorate. The southern part of Aleppo governorate, including the city of Aleppo, was under the control of pro-GoS forces. Russian and Iranian military sites were located in different parts of the governorate. It was further reported that Iran-backed militia had long been entrenched in Aleppo governorate and that the IRGC and local militias had a strong military presence and influence in the governorate and the city itself. The SDF forces were in control of the areas around the cities of Manbij and Kobane as well as the Tal Rifaat area. Turkey has deployed forces at around 21 outposts in the northern Aleppo countryside and 12 main bases in the Afrin region. Turkey-backed SNA controlled the area between the cities of Afrin, Azaz, Al-Bab and Jarabulus in northern Aleppo governorate. HTS controlled Idlib-adjacent parts of western Aleppo governorate. The presence of ISIL was also reported in the governorate, in particular in Turkish- and SNA-controlled areas.

### **Nature of violence and examples of incidents**

During the first months of 2020, the governorate saw heavy fighting, with intense shelling affecting several neighbourhoods in the city of Aleppo.

The ceasefire agreed in March 2020 was largely observed during the reporting period [[Security 2021, 1.5.4](#)]. However, it was reported that by mid-April 2020 it was violated over 109 times by the GoS forces which tried to break into areas in western Aleppo countryside, among others. There were also reports of several violations in February and March 2021.

In Aleppo city and its surroundings, security incidents were observed mainly in the first months of 2020 and recently in March 2021. For example, on 21 March 2021, shells, allegedly launched by Turkish-backed armed groups, fell on Al-Fardos neighbourhood in eastern Aleppo, killing and injuring civilians. In addition, a state of lawlessness and criminality were reported in the parts of Aleppo city.

In western Aleppo governorate, military activity by the SAA was reported that was comprised of brief ground operations and prolonged aerial offensives, which targeted several civilian facilities and healthcare units and led to civilian casualties. The military activity in these areas was particularly intensified during the first half of 2020. Six of the 28 attacks on healthcare facilities documented by WHO in 2020 in Syria were carried out in Aleppo. In March 2021, a hospital in Atareb, Aleppo governorate which was included in the UN deconfliction mechanism was shelled by GoS armed forces, killing six civilians and wounding an additional 16.

Since Turkey consolidated its control of northern Aleppo governorate, the Turkish Army and affiliated armed groups have been targeted by Kurdish and unidentified armed groups throughout 2020. These attacks have mainly taken the form of IED attacks which were reported in the city of Afrin and several other cities and villages in the Afrin region and resulted in numerous civilian casualties. Armed clashes between unidentified actors were also reported. Especially Al Bab has been characterised as 'an area of frequent conflict'. In December 2020 and January 2021, an uptick in IED attacks in Turkish-controlled areas of Syria had been reported, continuing up to March 2021. In early March 2021 there were reports of frequent shelling and clashes between Turkish armed forces and affiliated armed groups on the one side and the YPG and GoS armed forces on the other.

In 2021 there were reported GoS and Russian attacks on makeshift oil refineries in northern and north-eastern Aleppo, which caused damages in civilian property and deaths of civilians. There was also ISIL activity reported in Afrin area and the ISIL cells claimed responsibility for attacks in Al-Bab and A'zaz.

It has been reported that a state of lawlessness was prevalent in the SNA-controlled areas Aleppo governorate due to the assassinations and the fighting among the Turkish-backed factions that are in control of the area. The ongoing infighting and armed clashes, especially during the first months of 2021, have affected the civilian population. There has also been recorded systematic looting, property appropriation and widespread arbitrary deprivation of liberty in Afrin perpetrated by various brigades of the SNA.

In Tal Rifaat area, during December 2020 and the first months of 2021 there was recorded intensified reciprocal shelling between the SDF, who control the area, and the Turkish army. Several villages in Manbij area were bombed by the Turkish forces. There were also several armed skirmishes between SNA and SDF fighters in Manbij area. Sheikh Maqsoud and Tal Rifaat were besieged by GoS forces as a response to the siege imposed by the SDF on GoS-controlled areas of Qamishli, until a Russian-mediated agreement between the two forces. Israeli airstrikes against GoS military targets have been reported in Aleppo governorate.

The prevalence of explosive hazards in northwest Syria remains a particular risk and has resulted in civilian fatalities. In Afrin, it has been noted that the high prevalence of explosive hazards was one of the reasons that resulted in ‘very high protection needs, especially for women, children, and the Kurdish population’.

#### **Incidents: data**

ACLED recorded 2 405 security incidents (average of 37 security incidents per week) in Aleppo governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 1 556 were coded as ‘explosions/remote violence’, 601 as ‘battles’ and 248 as incidents of ‘violence against civilians’. Incidents were reported with higher frequency in the first months of 2020, prior to the agreement of the ceasefire.

#### **Geographical scope**

Security incidents were recorded in all Aleppo districts during the reporting period, with the highest number of overall incidents being recorded in Jebel Saman, A’zaz and Afrin.

#### **Civilian fatalities: data**

VDC recorded 446 civilian fatalities in 2020 and 73 civilian fatalities in the first three months of 2021. SNHR recorded 390 civilian fatalities in 2020 and 104 in the first three months of 2021. For the full reporting period, this represented 519 civilian fatalities in total or approximately 13 civilian fatalities per 100 000 inhabitants according to VDC data; or 494 civilian fatalities in total or approximately 12 civilian fatalities per 100 000 inhabitants according to SNHR.

#### **Displacement**

In 2020, Aleppo ranked as the second governorate in terms of IDP movements in Syria after Idlib, registering 690 000 IDP movements from, including within the governorate. Significant displacement (46 500 movements) was also reported in the first three months of 2021. The largest displacement numbers in 2020 occurred in January and February as a result of the GoS offensive in north-west Syria. The March 2020 ceasefire was likely an important factor influencing IDP return movements in 2020, as most of them took place in March – May 2020 in the governorates of Idlib and Aleppo [see also [Security 2021](#), 1.6.5].

UNOCHA indicated that in 2020, there were 128 000 IDP return movements to districts in the governorate of Aleppo, most of them returning from within the governorate itself. In the first three months of 2021, UNOCHA reported 8 499 IDP return movements to, including within Aleppo governorate.

#### **Further impact on civilians**

Massive destruction of infrastructure in the governorate of Aleppo had been documented, with housing units and healthcare facilities being particularly affected. Regarding the city of Aleppo, infrastructure damage was most severe in eastern Aleppo city and the old city and most civilians were evacuated from these areas. Considerable number of IDPs returned to their areas of origin in eastern Aleppo city, despite the prevalent destruction. There was a small-scaled rehabilitation in Old Aleppo supported by the state and international funds and residential reconstruction limited to the economic means of a few civilians. Electricity was supplied primarily by generators and only private hospitals were reported to operate and access to water networks was limited. Western Aleppo countryside was affected by the GoS offensive to retake Idlib which caused destruction and damage to civilian infrastructure, including healthcare facilities. The conflict has also caused widespread destruction of occupied shelters. In northern Aleppo governorate, the growing population has caused considerable damage to the infrastructure, as internal displacement has overloaded the infrastructure and increased pressure on the distribution network.



Looking at the indicators it can be concluded that the degree of indiscriminate violence in **Aleppo** governorate reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of their presence on its territory**, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

## Damascus

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.10]

### General information

Damascus governorate, which covers Syria's capital, is located in the south-western part of Syria and is completely surrounded by the Rural Damascus (Rif Damashq) governorate. The governorate is divided into 16 municipal districts: Barzeh, Qaboun, Jobar, Al-Shaghour, Al-Midan, Al-Qadam, Kafr Sousa, Dummar, Al-Mazzeah, Rukn Al-Din, Al-Salihyah, Al-Mouhajrin, Saroujah, Al-Qanawat, Old Damascus, and Yarmouk camp. In a March 2021 report, UNOCHA estimated the population of Damascus governorate to be of 1 827 501 inhabitants. Sunni communities in former opposition-held areas in Damascus have been subject to mass displacement to other parts of the country. Conversely, Shias from other parts of the country have become displaced to Damascus.

### Background of the conflict

During the conflict, which in this governorate lasted from November 2012 until the government regained control in May 2018, opposition groups infiltrated the Jobar district of Damascus city itself, gaining partial control of this district (spring 2013) and reportedly those of Barzeh and Qabun northeast of the city centre (summer 2013), and in the southern districts of Al-Qadam and Yarmouk. Still, nearly all of Damascus governorate remained under GoS control throughout the conflict and through 2016-2018, the government gradually regained control of the suburbs. According to the Carter Center, the conflict inside Damascus city mainly played out in opposition-held areas, including the Jobar, Qaboun, Tishreen, and Barzeh neighbourhoods, areas that were connected to Eastern Ghouta, the opposition's stronghold. In May 2018, ISIL surrendered in Yarmouk and Tadamoun. As the government regained all of Damascus and Rural Damascus in May 2018, the SAA's Fourth Division eventually came in control of the whole of southern Damascus.

### Actors: control and presence

Sources noted in August 2020 that ISIL and other opposition groups no longer had presence in Damascus. As of March 2021, the governorate was under the control of the GoS.

### Nature of violence and examples of incidents

Since 2018, when the GoS retook all areas in Damascus and Rural Damascus from opposition groups, there have been no major security incidents such as battles or military operations in the two governorates, the DIS reported in October 2020. The government's control of security in the former opposition-held areas in Damascus was reported as 'calm' and 'firm'. In some places in Damascus armed clashes between pro-GoS militias were reported.

There have been six explosions in Damascus City in February 2020, in comparison to the 17 explosions the previous year. In October 2020, a few security incidents were reported in Yarmouk camp and in February 2021 occasional Israeli air raids took place against Iranian-backed militia bases in the capital and its countryside, targeting militia bases areas or buildings but damaging collaterally civilian houses by air defence system activated by the GoS. No civilian casualties were recorded.

In October 2020, there were reports that kidnappings of civilians for ransom, including kidnappings of children by gangs, had been increasing in Damascus and Rural Damascus governorates through the previous months. These attacks were reportedly committed for ransom, for organ trade and for forced recruitment to mercenaries. By December 2020, the SOHR had recorded 39 kidnappings in Damascus and Rural Damascus.

It was also reported that in 2020 explosive remnants of war (ERW) and landmines were exploding and causing civilian casualties in Damascus and Rural Damascus on a weekly basis. Such incidents were, however, limited to areas where major military confrontations had taken place before the summer of 2018, such as Jobar. To some extent, ERW also remained a risk in Yarmouk.

#### **Incidents: data**

ACLED recorded 41 security incidents (average of 0.6 security incident per week) in Damascus governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 25 were coded as 'violence against civilians', 13 as 'explosions/remote violence', and 3 as 'battles'. Nearly all of the incidents recorded by ACLED as 'violence against civilians' (24 out of the 25), referred to violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.

#### **Geographical scope**

ACLED data does not provide details on the incidents desegregated by districts in Damascus. It can be noted that security incidents were recorded in Mezzeh area, Bab Musallah and Barjeh areas in Damascus city in February 2020. A car bombing was reported near the Tishreen Stadium in central Damascus the same period, while two explosions took place near Anis Bin Malik mosque in the Nahr Aisha area of Damascus in July 2020. An explosion also took place near the bus terminal in the al-Sumariya area in December 2020.

#### **Civilian fatalities: data**

VDC recorded 100 civilian fatalities in 2020 and 13 civilian fatalities in the first three months of 2021. SNHR recorded 9 civilian fatalities in 2020 and 1 civilian fatality in January 2021. For the full reporting period, this represented 113 civilian fatalities in total or approximately 6 civilian fatalities per 100 000 inhabitants according to VDC data; and 10 civilian fatalities in total or less than 1 civilian fatality per 100 000 inhabitants according to SNHR.

#### **Displacement**

UNOCHA data on displacement showed that in 2020, around 4 000 IDP movements were recorded from Damascus, including around 1 000 within the governorate. Less than 500 IDP movements from Damascus, including within the governorate, were reported in the first three months of 2021.

In 2020, UNOCHA recorded 930 IDP return movements to Damascus, including from districts within the governorate. Few return movements to Damascus were reported in the first three months of 2021.

#### **Further impact on civilians**

Significant damage to infrastructure has been reported in several areas including in Jobar, Barza (Barzeh), Al-Balad, MIDan Wastani, Bab Touma, Yarmouk, central Tadamoun. Little or no reconstruction

effort has been made by the GoS in most of those areas. In the most damaged areas of the city, the GoS had not started reconstruction and had not even allowed houses to be rebuilt. The GoS attempted to gain control of land and property to forcibly reorganise neighbourhoods such as Yarmouk, Qadam, Hajar al-Aswad and Jobar. In other areas of the city, administrative and financial obstacles were preventing owners from starting repairs.



Looking at the indicators it can be concluded that in the governorate of **Damascus**, there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

## Dar'a

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.12]

### General information

Dar'a governorate is located in southern Syria, bordering the governorates of Quneitra, Rural Damascus and Sweida. It also shares an international border with Jordan to the south. The governorate is divided into three districts: Dar'a, Izra' and As Sanamayn. In a March 2021 report, UNOCHA estimated the population of Dar'a governorate to be of 1 022 990 inhabitants. The M5 motorway which runs through the governorate and connects Damascus to Jordan and to Aleppo, as well as its proximity to the Golan Heights, give Dar'a its strategic importance. These characteristics have also traditionally made it one of the most militarised regions in Syria. The population of Dar'a is almost entirely Sunni Muslim, with some Christian communities.

### Background of the conflict

Dar'a city (the largest city of the governorate) is where the first protests broke out in 2011. Large parts of Dar'a governorate were brought under control of mainly moderate rebel factions from 2012, with the GoS remaining in control of some parts of the territory. In addition, ISIL and ISIL-affiliated groups had briefly captured portions of the governorate before they were pushed back to Yarmouk Basin. In 2017, Dar'a was designated as one of the 'de-escalation' zones by the US, Jordan and Russia. In June-July 2018, the GoS, through a combination of military campaigns and reconciliation agreements backed by the Russians, regained control of the governorate.

It is reported that these reconciliation deals resulted in a 'patchwork' of agreements across different actors in Dar'a, leading to 'space for the emergence of unprecedented levels of instability' post-reconciliation. Government civilian institutions and local councils were reportedly established and operating in all areas including those under the control of reconciled former non-state armed groups, according to a May 2019 UN report on Dar'a.

Since June 2019 and through 2020 the indirect competition between different foreign state actors for the governorate's strategic geographical location has led to an escalation of violence and insecurity.

### Actors: control and presence

As of the beginning of 2020, sources indicate that Dar'a governorate is under the nominal control of the GoS. In practice, the region is subjected to a complex web of political control with multiple, overlapping, uncoordinated branches of the security and military. According to the UN, territories 'currently under the effective control' of GoS and its forces are those taken by military operations,

including 80 % of eastern and north-eastern rural Dar'a, areas of western rural Dar'a, and parts of Dar'a City, while 'the rest of Dar'a is under effective control of former non-State armed groups, including those that agreed to the "reconciliation deals"'.

Russia exerts great influence in the governorate through the 8<sup>th</sup> brigade, which is a main armed actor in eastern Dar'a and a significant part of which is formed of reconciled rebel fighters.

Iran-backed groups and Hezbollah are also active in the southern and western parts of the governorate and they have been accused of being involved in assassinations against those opposed to their presence. They see the 8<sup>th</sup> brigade as an impediment to their plans to establish a long-term presence in Dar'a.

Since 2018, a number of new opposition armed groups have also emerged in Dar'a, such as Popular Resistance which is considered the most relevant in Dar'a governorate. This group whose 'origins, memberships, and affiliations are largely unknown' has carried out a number of attacks against government targets, including hit and run assaults and bombings on military headquarters and checkpoints, as well as assassinations of reconciled figures. Other emerging anti-GoS armed groups include the Southern Companies, the Special Task Companies and the Freeman of Kanaker.

ISIL has reportedly been active in Dar'a since 2019 and in 2020 and 2021 there were several attacks in the governorate attributed to them.

#### **Nature of violence and examples of incidents**

Since 2019, southern Dar'a has been in a state of lawlessness, as the GoS failed to maintain effective control in the region and the fragmented political and security environment combined with the frequent security incidents have created an unstable climate. It has been reported that since the return of the province to GoS control in 2018, assassinations, kidnappings, IED attacks and fatalities in seemingly hit-and-run incidents have been frequent occurrence in Dar'a. Throughout 2020, the security situation in Dar'a has significantly deteriorated as the result of a growing insurgency and the competition between multiple armed actors vying for control. There were reported clashes between different armed groups comprised of former opposition members and attacks against GoS targets.

Former rebels, ISIL cells and criminal groups launched attacks that resulted in the deaths of combatants as well as civilians and there were recorded numerous assassinations of civilians such as activists and doctors. On 1 March 2020, Syrian forces launched an operation to secure greater control over al-Sanamayn city, which had become a 'hotbed of insurgent and anti-regime activity'. This attack prompted reaction from the population, and demonstrations quickly became violent with gunmen exchanging fire with the GoS military and security personnel until a mediated solution was achieved.

In May 2020 there were recorded two rounds of likely Israeli airstrikes against Iranian proxy and GoS targets. At the same time, ISIL were escalating their attacks in Dar'a governorate, although their operations remained small-scale. Between January and February 2021, a military escalation took place between former opposition fighters and GoS forces in Tafas, Dar'a governorate, an area described as an enclave for former opposition fighters. Clashes between the two sides involved shelling which led to casualties among the combatants [see also [Security 2021](#), 1.5.1]. It was also reported that Iran-backed militia attacked a bus transporting soldiers of the 8<sup>th</sup> Brigade on 20 June 2020.

#### **Incidents: data**

ACLED recorded 716 security incidents (average of 11 security incidents per week) in Dar'a governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 336 were coded as 'battles', 147 as 'explosions/remote violence', and 233 incidents of 'violence against civilians'.

### Geographical scope

Security incidents were recorded in all of Dar'a districts during the reporting period, with the highest number of overall incidents recorded in Dar'a district.

### Civilian fatalities: data

VDC recorded 202 civilian fatalities in 2020 and 51 civilian fatalities in the first three months of 2021. SNHR recorded 217 civilian fatalities in 2020 and 44 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 253 civilian fatalities in total or approximately 25 civilian fatalities per 100 000 inhabitants according to VDC data; and 265 civilian fatalities in total or approximately 26 civilian fatalities per 100 000 inhabitants according to SNHR.

### Displacement

In 2020, 1 011 IDP movements were recorded within the governorate of Dar'a. In the first three months of 2021, approximately 10 300 IDP movements were registered by UNOCHA. Movements were primarily linked to the January 2021 clashes in Tafas, when around 10 000 people left the city and were displaced due to fears of an attack by the SAA to the city.

In 2020, 13 275 persons spontaneously returned to Dar'a, mostly from locations within the governorate itself. UNOCHA recorded 858 return movements to Dar'a in the first three months of 2021. Dar'a was one of the areas where the GoS has denied people return.

### Further impact on civilians

A significant amount of residential properties as well as the water, sewage and irrigation systems in Dar'a city have suffered damages, resulting in unreliable and unevenly distributed electricity and water. Many civilians were unable to return due to the widespread destruction and damage to their homes, as well as problems of looting. Access to water, housing, education, and basic needs in the governorate was reported to be difficult for many residents. All of the governorate's seven public hospitals have suffered damages except one located in Dar'a city. Explosive ordnance continues to cause injuries and death and to impede the safe use of residential areas and key infrastructure (roads, schools, health centres, agricultural land, and settlements).



Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the governorate of **Dar'a**. However indiscriminate violence reaches a **high level** and, accordingly, a **lower level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

It should also be noted that the situation in the governorate is particularly volatile and the decision-maker is reminded that the most-up-to-date COI would need to be taken into account in this regard.

## Deir ez-Zor

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.9]

### General information

Deir ez-Zor governorate is located in eastern Syria. The governorate has an international border with Iraq to the east, and internal borders with Homs to the south, with Raqqa to the west and with Hasaka to the north. The Euphrates River passes through the governorate, dividing it into two parts. Deir ez-Zor is administratively divided into three districts: Deir ez-Zor, Al-Mayadin, and Al-Bukamal (alternatively Albu Kamal, Abu Kamal). In a March 2021 report, UNOCHA estimated the population of Deir ez-Zor governorate to be of 765 352 inhabitants. Deir ez-Zor is predominantly inhabited by a Sunni Arab population, with the population of Shia being marginal at estimated 2 %.

The Syrian-Iraqi border crossing in Al-Bukamal has been described as ‘a major strategic thoroughfare between Damascus and Baghdad’ and as ‘the focal point of a regional geopolitical rivalry’ between Iran and the US/Israel.

### Background of the conflict

Since the beginning of the conflict in Syria, Deir ez-Zor witnessed anti-government protests. The Arab tribes in Deir ez-Zor showed a division of affiliation, as some factions joined the SDF, others were aligned with GoS forces, and the rest pledged allegiance to ISIL. By summer 2012, the FSA controlled more than three-quarters of Deir ez-Zor city. In 2014, ISIL captured the FSA-held neighbourhoods and succeeded in capturing the province almost entirely [see also [Security 2020](#), 2.9].

The GoS and its allies had captured most of the areas west of the Euphrates River from ISIL by the end of 2017. The SDF and the US-led coalition captured the last ISIL-held territorial enclave on the eastern side of the river in March 2019.

In addition, Syria’s major oil fields are located in the SDF-controlled eastern Deir ez-Zor governorate, which has been a significant source of tensions between armed actors in the governorate.

### Actors: control and presence

Deir ez-Zor governorate is roughly divided into two areas of control. The western part of the governorate –mainly the areas west of the Euphrates River – is controlled by the GoS and its Iranian and Russian allies. This area covers the major cities (Deir ez-Zor city, Mayadin and Al-Bukamal) and the logistical route connecting GoS-controlled areas to the Syrian-Iraqi border. Lebanese Hezbollah also has military presence and a pocket of influence south of Deir ez-Zor city. The eastern part of the governorate – most of the areas east of the Euphrates River – is controlled by the SDF and their allies in the US-led coalition.

ISIL has more permanent presence and activity in the western parts of Deir ez-Zor, the governorate in which the group concentrated its insurgent activities in the first half of 2020, alongside with Homs governorate. Between 1 000 and 1 800 ISIL fighters use the areas of the Badia desert region as a safe haven and base for launching attacks against GoS and SDF forces [see also [Security 2021](#), 1.4.6 ] and to avoid security operations and to transfer arms, equipment and personnel across the Syrian-Iraqi border. In March 2021, ISIL was reportedly present in Jabal Bishri, in the area between Resafa, Shoula and Sukhna; and in the area between Shoula and Faydat.

In GoS-held areas in Deir ez-Zor governorate which have been recaptured from ISIL, militias were reported to be in control and engaging in criminality and extortion of civilians [see also [Security 2021, 1.4.3](#)].

### **Nature of violence and examples of incidents**

During the reference period, the security situation in Deir ez-Zor governorate has been affected by ISIL's expanding and intensifying insurgency, the tribal protests affecting the SDF controlled parts of Deir ez-Zor governorate, and the Iran-related security incidents (mainly US and Israeli airstrikes) reported in GoS-controlled parts of the governorate.

The majority of the attacks carried out by ISIL in Syria between October and December 2020 occurred in the Middle Euphrates River valley, with almost 50 % of the attacks reported in Deir ez-Zor governorate. All ISIL attacks were 'small-scale attacks and assassinations' and targeted civilians and members of both the SDF and GoS forces. The number of assassinations and attacks with explosives (162), reported between July 2019 and June 2020 and attributed to ISIL, indicated the existence of 'a connected network for assassinations and explosions with the capacity to act'.

In early 2021, ISIL continued to target the GoS forces and the SDF with 'ambush attacks and assassination attempts'. In the SDF controlled areas, ISIL maintained a 'significant presence in rural farming communities' and continued assassinations targeting 'tribal and civic leaders and other influential figures', with civilians also targeted by these attacks. In addition, the retreating ISIL fighters had left massive contamination of mines of an improvised nature and other improvised devices causing heavy damage to the returning civilians in areas under ISIL's former influence, including Deir ez-Zor governorate.

In March 2020, it was reported that security conditions in the SDF-controlled eastern parts of Deir ez-Zor governorate were deteriorating as a result of the SDF security operations targeting civilians and ongoing demonstrations against the SDF, possibly provoked by locals associated with the GoS. The SDF announced the beginning of a new wide-ranging anti-ISIL campaign on 4 June 2020 that covered SDF-controlled areas from southern rural Hasaka governorate to Baghouz in eastern Deir ez-Zor.

Escalating protests against the corruption of the SDF controlled governance institutions in the rural parts of SDF-controlled Deir ez-Zor have been observed. Demonstrations have been organised in early January 2021 against the 2014 'self-defence law' that enables the forced conscription to the SDF. There were reports that the SDF responded violently to such protests, opening fire at protestors.

It is also reported that potentially violent clashes between the GoS forces and the Iranian-backed armed groups for the control of checkpoints and the right to exact fees from passers-by are a 'daily' phenomenon in the area, sometimes claiming the life of civilians and injuring others.

US and Israeli airstrikes targeting the Iranian-backed armed groups in GoS-controlled areas of Deir ez-Zor governorate (mainly areas in and around Al-Bukamal) were also reported, leading to casualties among the fighters.

### **Incidents: data**

ACLED recorded 1 322 security incidents (average of 20 security incidents per week) in Deir ez-Zor governorate in the period from 1 January 2020 to 31 March 2021. Out of the total number of incidents, 422 were coded as 'battles', 466 as 'explosive/remote violence' and 434 as incidents of 'violence against civilians'.

### Geographical scope

Security incidents were recorded in all Deir ez-Zor governorate districts during the reporting period, with the highest number of overall incidents being recorded in Deir ez-Zor, Abu Kamal and Al Mayadin districts.

### Civilian fatalities: data

VDC recorded 207 civilian fatalities in 2020 and 62 civilian fatalities in the first three months of 2021. SNHR recorded 305 civilian fatalities in 2020 and 59 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 269 civilian fatalities in total or approximately 35 civilian fatalities per 100 000 inhabitants according to VDC data; and 364 civilian fatalities in total or approximately 48 civilian fatalities per 100 000 inhabitants according to SNHR.

### Displacement

UNOCHA reported approximately 11 000 IDP movements from Deir ez-Zor governorate in 2020, most of them within the governorate itself. Approximately 5 000 IDP movements from other governorates to Deir ez-Zor were recorded. In the first three months of 2021, approximately 540 new IDP movements from, including within Deir ez-Zor governorate, were recorded by UNOCHA.

Approximately 23 000 IDP return movements to Deir ez-Zor governorate were reported in 2020, including approximately 12 000 returns within the governorate itself. In the first quarter of 2021, approximately 2 900 return movements to Deir ez-Zor governorate were recorded.

### Further impact on civilians

Significant infrastructure damage was reported in Deir ez-Zor, including physical capital loss estimated at around 5.5 billion USD between 2011–2018.

In early December 2020, SOHR reported on ‘escalating protests’ against the corruption of the governance institutions in the SDF-controlled rural parts of Deir ez-Zor governorate. The power in SDF-controlled areas has concentrated disproportionately in the hands of ethnic Kurds and a small group of Arab leaders closely associated with the PYD. Although the Kurds do not have representation in Deir ez-Zor local council, advisors affiliated with the PYD set limits on the council’s ability to make decisions, and many local Arab leaders have complained that Kurds have too much control over the administrative institutions in the governorate. People of several towns in the rural SDF-controlled Deir ez-Zor organised demonstrations in early January 2021 against the 2014 ‘self-defence law’ that enables the forced conscription to the SDF. According to an article published on 8 January 2021, the protests were motivated by the ‘lack of services, arbitrary arrests and alleged discrimination’ by the SDF.



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Looking at the indicators, it can be concluded that the degree of indiscriminate violence in **Deir ez-Zor** governorate reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of their presence on its territory**, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

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## Hama

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.3]

### General information

Hama governorate is in central Syria and has internal borders with the governorates of Latakia and Tartous to the west, Homs to the south and with Aleppo, Idlib and Raqqqa to the north. It comprises five districts: Hama, Misyaf, Muhardah, As-Suqaylbiyah, and As-Salamiyeh. In a March 2021 report, UNOCHA estimated the population of Hama governorate to be of 1 487 074. The estimated population of Hama City was 940 000 in 2021. Hama city is predominantly inhabited by Sunni Muslims while the rest of the governorate is more diverse with a presence of Alawites, Ismailis and Christian, the city of Muhardah being predominantly Christian.

### Background of the conflict

Throughout the conflict, Hama city witnessed limited fighting. The city came under the control of the government forces in 2014, while the opposition captured the northern and eastern countryside. In May 2017, Russia, Iran and Turkey signed an agreement, which called for the cessation of hostilities between rebel groups and GoS-affiliated forces in four areas. Northern Hama fell under Zone 1, together with Idlib province, northeast Latakia, and west Aleppo province. In 2019, attempts by GoS forces to advance into opposition-held areas in northern Hama were initially unsuccessful. After the SAA imposed a siege on the vast majority of the area later in the year, an escalation of military operations was reported for the region towards the end of 2019.

### Actors: control and presence

As most of Hama governorate was under GoS control in March 2021, with the exception of a small strip of territory in the north-western part of the province, various units of the SAA were present in Hama, as well as a large concentration of pro-government militias.

Russian forces have reportedly started to convert the military airport into a Russian military base.

Iranian-backed forces are said to be present in the areas of Misyaf, az-Zawiya, Ma'rin Mount, Shalyout village, Qomhana, and Salamiyeh. Recruitment offices for recruiting into militias affiliated with the IRGC were also reported. There is also information on military operations and attacks by rebel factions.

HTS controlled areas and military positions they took over from other anti-GoS armed groups.

ISIL increasingly carried out attacks and temporarily seized villages in the governorate.

### Nature of violence and examples of incidents

The military operations that were launched in 2019 in northwest Syria by GoS and pro-GoS forces continued in 2020. The advances of GoS forces into northern Hama governorate were reportedly the most significant changes of the year 2020. Intensive bombardment and airstrikes were reported, resulting in civilian casualties and damage to civilian facilities. Clashes and shelling between GoS and opposition forces in western rural Hama reportedly intensified in 2021.

Increasing ISIL attacks against GoS forces and allied militias were also observed during the reporting period. Incidents mainly included the capture of villages, ambushes, IED and surprise attacks.

Clashes with shelling and Russian airstrikes also reportedly occurred. In addition, there are reports of Israeli airstrikes on positions held by Iranian-backed militias, which are said to have resulted in civilian

casualties, injuries and damage to homes. Furthermore, there is information about the increasing number of people killed by landmines, unexploded bombs.

#### Incidents: data

ACLED recorded 928 security incidents (average of 14 security incidents per week) in Hama governorate in the period from 1 January 2020 to 31 March 2021. Of these, 736 were coded as 'explosions/remote violence', 180 as 'battles', and 12 as incidents of 'violence against civilians'.

#### Geographical scope

Security incidents were recorded in all Hama governorate districts during the reporting period, with the highest number recorded in As-Suqaylabiyah, As-Salamiyeh and Hama districts.

#### Civilian fatalities: data

VDC recorded 35 civilian fatalities in 2020 and 48 civilian fatalities in the first three months of 2021. SNHR recorded 54 civilian fatalities in 2020 and 63 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 83 civilian fatalities in total or approximately 6 civilian fatalities per 100 000 inhabitants according to VDC data; and 117 civilian fatalities in total or approximately 8 civilian fatalities per 100 000 inhabitants according to SNHR.

#### Displacement

In 2020, UNOCHA recorded 10 000 IDP movements from the governorate, including within Hama governorate itself. In the first three months of 2021, UNOCHA estimated 2 020 IDP movements from the governorate itself, including within the governorate.

Regarding returns, UNOCHA reported 15 000 return movements to Hama governorate in 2020, the majority being returns within the governorate. The March 2020 ceasefire agreement is assumed to be the reason for the increase in return movements in 2020. For 2021, close to 6 000 spontaneous returns to the governorate were reported, including from within the governorate itself.

#### Further impact on civilians

The city of Hama reportedly sustained 4.4 % of the total property damage in Syria. With regards to the infrastructure damage incurred by military activities in Hama city, a report from March 2017 stated that 6 % of the city's housing asset was damaged. The damage was concentrated in one particular neighbourhood, Sabil, which underwent complete demolition in 2012. Another source from January 2021 stated that in the northern Hama countryside 'most of the houses [... were] destroyed or damaged'. In addition, due to the damage, there was no access to electricity and access to water was only possible through tankers. Massive damage was also reported in the Al-Ghab Plain. It was reported that between April and September 2020, medical facilities and schools in the governorate were damaged as a result of hostilities. Furthermore, there is information about the increasing number of people killed by war-damaged residential buildings.

Overall, a state of lawlessness characterised by arrests, kidnappings, theft and the exploitation of children and women was reported in areas of northern Hama governorate controlled by GoS forces and allied militias. In addition, there were several reports of the public seizure and auctioning of houses and land belonging to Syrians who fled military attacks in Idlib and Hama.



Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the governorate of **Hama**, however indiscriminate violence reaches a **high level**,

accordingly, a **lower level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Hasaka

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.7]

### General information

The governorate of Hasaka is located in the northeast end of Syria, bordering Turkey to the north, Iraq to the east and the governorates of Raqqqa and Deir Ez-Zor to the west and southwest respectively. The governorate is divided into four districts: Hasaka, Ras al-Ain, Qamishli and al-Malikiya. In a March 2021 report, UNOCHA estimated the population of Hasaka governorate to be of 1 127 309 inhabitants.

The Hasaka governorate has an ethnic Kurdish majority. Areas north of Hasaka city are described as either Kurdish or mixed areas, while the southern Hasaka governorate is considered as populated mainly by Arabs. The economy of Hasaka is based on agriculture, and some of Syria's most important oil fields are situated in the governorate, which has drawn the interest of both internal and external actors.

### Background of the conflict

Following the retreat of GoS forces from large parts of northeast Syria in 2012, the Kurdish forces were able to take over Syria's northeast and established the Autonomous Administration of North and East Syria, creating their own institutions and security forces. Since 2014, the PYD and its armed wing, the YPG, have become the most essential political and military force on the ground in the US-led coalition campaign against ISIL in Syria.

In October 2019, Turkey launched its 'Operation Peace Spring' in order to oust the SDF/YPG from the Syrian side of the border and to establish a 'safe zone' for resettlement of Syrian refugees. Following the Turkish-led incursion into northeast Syria in October 2019, the SNA together with Turkish armed forces were reported to be in control of the so called 'safe zone' established between Tall Abyad (Raqqqa governorate) and Ras al Ain (Hasaka governorate). On 14 October, the SDF concluded a military agreement with Damascus/Russia, authorising the return of some SAA troops to areas near the Turkish border earlier controlled by the SDF/YPG, in order to confront the SNA presence. It is reported that the partial US withdrawal and the Turkish incursion in October 2019 have caused a 'sense of insecurity' and 'ma[de] it nearly impossible for residents of the region to normalise their daily lives'.

### Actors: control and presence

The SDF/YPG is still the main force on the ground in Hasaka governorate. It retains control of vast territory in northeast Syria, well-functioning military forces, oil resources and governance structures. The GoS maintained a limited security presence in northeast Syria, including in the cities of Qamishli and Hasaka in the governorate.

SDF maintains control of all checkpoints located in the SDF-controlled northeast Syria. The GoS maintains its own enclaves or 'security zones' inside the SDF-controlled cities of Hasaka and Qamishli that contain various governance and administrative institutions. The SAA has a significant presence in these enclaves and controls the Qamishli airport.

The US-led coalition has 500 personnel on the ground in the governorates of Hasaka and Deir ez-Zor, and according to two reports US has military sites in various areas inside the governorate. It is reported that the US-led coalition has 'taken several concrete steps to increase their footprint in and around oil-rich areas' in both Hasaka and Deir ez-Zor governorates.

Russia also has a presence in the governorate and maintains a military police force that conduct patrols in northeast Syria. Russia is reported to maintain military sites in Hasaka governorate. Efforts of Russian forces to establish additional military points were met with considerable resistance by the local and US forces.

Turkish Armed Forces and affiliated armed groups of SNA have troops and military sites in the eastern half of 'Operation Peace Spring' area, including the town of Ras al-Ayn (*Serê Kaniyê*) and its surroundings. Turkish intelligence utilises the SNA to detect and suppress the opposition to Turkish control in Ras al-Ayn area and Turkey 'relies' on Syrian National Police and General Security forces operating in the area.

It has been reported that ISIL has 'residual' presence in northeast Syria and its fighters may be capable, to a limited extent, to extort protection money and set up fake checkpoints.

#### **Nature of violence and examples of incidents**

During the reference period, there have been reports of recurrent shelling and armed clashes between the Turkish forces/Turkish-backed armed groups and the SDF along the frontlines between the 'Operation Peace Spring' area and the SDF-controlled areas in Hasaka and Raqqa governorates. The clashes were reported to rise in intensity at the second half of 2020 and further escalated in the period between January and March 2021. There have been tens of asymmetrical insurgent attacks in the Turkish-controlled 'Operation Peace Spring' area since the beginning of 2020, originating from SDF-controlled areas and targeting Turkish-backed armed groups, which resulted in dozens of civilian casualties. These attacks included IED and VBIED attacks, targeted assassinations and the usage of explosives.

During 2020, the Turkish authorities had cut multiple times the operation of Allouk water station which serves as the main source of water for approximately 460 000 people in Hasaka city, Al-Hol and Arisha camps and other parts of SDF-controlled western Hasaka governorate, raising concerns that the water sources were being utilized as a weapon. There were reported also arsons of 436 882 acres of agricultural land between 15 May and 25 July 2020, linked to hostilities between Turkey and the SDF.

In September 2020, OHCHR noted that in the preceding months there was 'an alarming pattern' of serious human rights violations, including 'increased killings, kidnappings, unlawful transfers of people, seizures of land and properties and forcible evictions' in the 'Operation Peace Spring' area (in Ras al-Ayn and Tall Abyad areas) as well as in other parts of Turkish-controlled northern Syria (Afrin in Aleppo governorate). These violations targeted people considered as opponents and/or critics of the Turkish-backed armed groups as well as those considered affluent enough for ransom purposes. Women and children were also abducted and disappeared. In a March 2021 Col report, a pattern of 'arrests, beatings, kidnappings and, on occasion, disappearances', targeting mainly the returnees of Kurdish origin (and also women) that has been observed in Ras al-Ayn area after the 'Operation Peace Spring' was also mentioned.

During the reference period, tensions have been reported also between the SDF and the GoS forces deployed in the governorate as well as between their respective allies, the US-led coalition and Russia. These tensions have been linked to the control of northeast Syria's oil. The tensions between SDF and the GoS rose prominently in late 2020/early 2021 and eventually led to the SDF's blockade of GoS-

controlled enclaves inside Hasaka governorate, blocking the movement of food and medicine, and the arrests of government employees.

During the reference period, ISIL continued its small-scaled operations, targeting mainly local civilian and military leaders. Its attacks included VBIEDs, IEDs, hit-and-run attacks and assassinations. It has been noted that members of security forces and civilians were targeted by these assassinations.

There was also an increase in attacks inside Al-Hol Camp, where suspected ISIL family members are residing - the vast majority women and children - with tens of residents being killed during the reference period. In late March 2021, the SDF with the support of US-led coalition launched an anti-ISIL operation inside the camp, which concluded with the detention of 125 camp residents.

Furthermore, the retreating ISIL fighters 'left massive contamination of mines of an improvised nature and other improvised devices' causing heavy damage to the returning civilians in areas under their former influence in Hasaka governorate. The 'safe zone' established during Turkey's Operation Peace Spring in October 2019 and covering parts of northern Hasaka and Raqqa governorates is also described as 'heavily contaminated by mines and improvised devices' that have led to civilian casualties.

#### **Incidents: data**

ACLED recorded 1 251 security incidents (average of 19 security incidents per week) in Hasaka governorate in the period from 1 January 2020 to 31 March 2021. The majority of the reported incidents were coded as 'explosions/remote violence' (506), while 374 incidents were coded as 'violence against civilians' and 369 as 'battles'. Higher levels of security incidents were recorded between September 2020 and February 2021.

#### **Geographical scope**

Security incidents were recorded in all Hasaka governorate districts during the reporting period, with the highest number of overall incidents being recorded in Hasaka and Ras Al Ain.

#### **Civilian fatalities: data**

VDC recorded 125 civilian fatalities in 2020 and 56 civilian fatalities in the first three months of 2021. SNHR recorded 117 civilian fatalities in 2020 and 73 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 181 civilian fatalities in total or approximately 16 civilian fatalities per 100 000 inhabitants according to VDC data; and 190 civilian fatalities in total or approximately 17 civilian fatalities per 100 000 inhabitants according to SNHR.

#### **Displacement**

UNOCHA reported approximately 11 000 IDP movements from Hasaka governorate in 2020, of which, approximately 9 000 occurred within the governorate itself. Approximately 6 000 IDP movements from other governorates to Hasaka were reported, most of which from Aleppo and Raqqa. In the first three months of 2021, UNOCHA registered 3 060 IDP movements from Hasaka governorate, the majority being returns within the governorate.

In 2020, approximately 9 000 IDP return movements were recorded to Hasaka governorate, including from within the governorate. In the first quarter of 2021, less than 800 IDP return movements were registered by UNOCHA.

#### **Further impact on civilians**

A policy of 'demographic change' is reported to be implemented in the 'Operation Peace Spring' area. Specifically, the regions of Ras al-Ayn and Tall Abyad are repopulated with IDPs from other parts of

Syria and with families of Turkmen fighters deployed to the area who take over the houses of civilians displaced from their homes or of those who were associated with the SDF and forcibly displaced from the area. It has been reported that civilian houses have been appropriated by the Turkish armed forces in Dawoudiya village, north of Tall Tamer, and utilised thereafter for military purposes. There are also observations of ‘repeated patterns of systematic looting and property appropriation’ by various Turkish-backed armed groups who have even forced some residents, most of them ethnic Kurds, to flee their homes. According to pro-Turkish media, Turkey has launched operations for dismantling the landmines and IEDs and has organised educating programs of landmine awareness for children living in the Operation Peace Spring area.



Looking at the indicators, and in particular the presence of multitude of armed actors and the fragmentation of territorial control, the generally volatile security situation and widespread human rights violations, as well as the overall increase in the frequency of security incidents compared to 2019, it can be concluded that in the governorate of **Hasaka**, indiscriminate violence reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of their presence** on its territory, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

## Homs

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.6]

### General information

The governorate of Homs is located in central Syria and has borders with Iraq to the east and Lebanon to the west. The Syrian E-Government website stated that Homs governorate shares an international border with Jordan to the east as well. It has internal borders with Deir Ez-Zor, Raqqa, Hama, Tartous, and Rural Damascus governorates. The governorate is divided in six districts: Homs (where its capital Homs is also located), Al-Qusayr, Tal Kalakh, Ar-Rastan, Al-Maghrim and Palmyra. In a March 2021 report, UNOCHA estimated the population of Homs governorate to be of 1 465 616. Natural resources facilities like oil and gas fields as well as phosphate mines are situated in the governorate.

### Background of the conflict

Early in the conflict, violence in Homs had a sectarian character. Shia residents of Homs City were forcefully displaced, and neighbourhoods started to become either purely Sunni or purely made up of other sects. The GoS forces applied a ‘kneel or starve’ strategy accompanied by indiscriminate attacks against neighbourhoods held by anti-government groups, up until May 2014. The recapture of Homs city by GoS in May 2017 and the military operation by SAA in northern rural Homs in April 2018 led to the mass evacuation of rebels and their families from the governorate. Those who chose to stay in the area had to reconcile with the GoS. A significant number of reconciled combatants were incorporated in the SAA forces. A state of lawlessness was reported in 2019. Especially in the eastern parts of the governorate, there were reportedly numerous incidents involving ISIL and SAA/pro-government forces. There were also reports of escalating clashes between government forces and pro-GoS militias for economic interests and conflicting agendas.

### **Actors: control and presence**

As of March 2021, the entire Homs governorate was under the control of GoS forces, with the exception of the Al-Tanf region, which was controlled by the US, and an area of ISIL presence southeast of Al-Sukhna in eastern rural Homs. On the government side, the presence of SAA and pro-government militias was reported and Iranian as well as Iranian-backed forces were deployed in several military sites and strategically important posts in the governorate. Russia was reportedly operating from military facilities in Homs governorate.

### **Nature of violence and examples of incidents**

During the reporting period, the strategically important Al-Sukhna region in Homs was the scene of ISIL attacks and security chaos affecting both, fighters and civilians. Despite extensive military operations by the regime, the Iranian and Russian air forces in al-Sukhna, ISIL reportedly increased its activities. ISIL carried out limited complex attacks, for instance briefly occupying several GoS positions in and around Al-Sukhna, Homs governorate in April 2020. Other examples of security incidents include an IED attack by ISIL cells on a bus carrying soldiers, several explosions at a weapons depot and an explosion at a government-owned crude oil transportation company as well as the shooting of civilians by Iranian-backed militias.

Israel is reported to have continued its airstrikes on Iranian positions.

There is also various information on civilian casualties from landmines or unexploded ordnance in Homs governorate.

### **Incidents: data**

ACLED recorded 147 security incidents (average of 2 security incidents per week) in Homs governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 67 were coded as 'battles', 59 as 'explosions/remote violence', and 21 as incidents of 'violence against civilians'.

### **Geographical scope**

Security incidents were recorded in all Homs governorate districts during the reporting period, with the highest number of overall incidents being recorded in Tadmor/Palmyra.

### **Civilian fatalities: data**

VDC recorded 44 civilian fatalities in 2020 and 9 civilian fatalities in the first three months of 2021. SNHR recorded 15 civilian fatalities in 2020 and 10 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 53 civilian fatalities in total or approximately 3 civilian fatalities per 100 000 inhabitants according to VDC and 25 civilian fatalities in total or approximately 1 civilian fatality per 100 000 inhabitants according to SNHR.

### **Displacement**

In 2020, UNOCHA registered 3 000 IDP movements from, including within, Homs governorate. For the first three months of 2021, UNOCHA reported on 664 IDP movements from, including within, the governorate.

Regarding return movements to Homs governorate, approximately 11 000 were reported by UNOCHA for 2020 and about 2 100 for the first three months of 2021. It was reported that Syrians were routinely denied return to their places of origin due to restrictions on access placed by the GoS and fear of arrest in retaken and formerly besieged areas, including Homs.

### Further impact on civilians

In the reference period, there were reports about looting, security restrictions and the lack of enforcement of the law. In terms of property damage, Homs governorate is one of the most impacted ones. Sources described the severe damage to buildings, making parts of Homs uninhabitable for returnees. The Al-Khalidiya and Jurat Al-Shayyah neighbourhoods are considered the most severely damaged. Communication was reportedly almost non-existent, schools were still destroyed and health centres were not sufficient. A lack of basic services and daily needs, especially electricity and bread, was also reported. According to a January 2021 WHO report, four health centres in Jaboureen, Tir-Maaleh, Kafr-Nan, and Taldu were renovated with Russian support.



Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Homs**, however **not at a high level**.

Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Idlib

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.2]

### General information

The governorate of Idlib is located in northwest Syria. It borders the governorates of Hama, Aleppo and Latakia, as well as Turkey. The governorate is divided into five districts: Idlib, Ariha, Jisr-Ash-Shugur, Harim and Al Mara. In 2019, sources had estimated that the governorate and surrounding areas were home to nearly 3 million people including civilians, IDPs and fighters, and it has been estimated that approximately 70% of the population were IDPs. In a March 2021 report, UNOCHA estimated the population of Idlib governorate to be of 2 691 361. Idlib city is the largest city of the governorate and is also a 'cross border operation point from Turkey, through the Bab Al Hawa crossing' and in 2011, it had an estimated population of over 2 million inhabitants.

### Background of the conflict

Idlib was among the first provinces to join the 2011 uprising against the Assad government. In 2014, and the Al Qaeda affiliate *Jabhat al-Nusrah* started to take over Idlib from local rebel groups. Control over Idlib city fluctuated for several years between the GoS forces and anti-GoS armed groups, until in 2015 anti-GoS armed groups managed to gain full control.

Idlib became the refuge for Syrians fleeing the GoS forces, including activists and fighters from areas recaptured by the SAA. Between 2016 and 2018, tens of thousands of opposition fighters and their families from southern Syria and Homs City, were transferred to Idlib after refusing the terms of the so-called reconciliation agreements with GoS.

Following an agreement between Russia, Iran and Turkey in May 2017, Idlib governorate became a 'de-escalation' area, which stipulated the cessation of hostilities and improved humanitarian access [see also [Security 2021](#), 1.2]. However, GoS forces continued military operations in the area, recapturing half of the de-escalation area by mid-2018. In September 2018, a deal between Russia and Turkey

reached at Sochi, created a demilitarised zone in parts of Idlib province. By April 2019, the Sochi agreement collapsed following military escalation by GoS, supported by Russia, further advancing the positions of the GoS forces.

The military offensives of that period, that extended through March 2020, resulted in one of the worst displacement crises throughout the conflict, civilian infrastructure was attacked and destroyed, and the situation was described as ‘the worst humanitarian crisis of Syria’s nine-year war.’

### **Actors: control and presence**

HTS, which is sanctioned by the UN as a terrorist organisation, is the dominant actor in the Idlib area. In the beginning of 2019, the group seized large areas of the governorate following clashes with rival armed groups, and by August 2019 it controlled over 90 % of Idlib governorate, alongside adjacent parts of northern Hama and western Aleppo governorates. HTS and other Islamic groups have imposed in the area rules and codes of conduct that violate many human rights. Courts that have been established by the HTS have inflicted harsh penalties including executions.

The presence of armed groups composed of foreign fighters, such as Khattab Al-Shishani Brigade and Katiba al-Tawhid wal-Jihad, which was under the authority of HTS, was also reported in the governorate. HTS have cracked down on the Hurras al-Din (HAD) armed group, which was perceived as a threat to their control.

A number of other anti-GoS armed groups also operate in the Idlib area (e.g. NLF, TIP, Ansar al-Tawhid). They are predominantly Islamist groups, who have an ambiguous or symbiotic relationship with HTS. Some of them are backed by Turkey, such as the NLF, an alliance of opposition-armed groups which merged with the SNA in October 2019.

Deployments of the SAA in Idlib governorate in 2019 and the first months of 2020 included predominantly units of the Republican Guard, followed by those of the 3<sup>rd</sup> Corps and the 5<sup>th</sup> Corps and for that period there were also reports of the participation of the 4<sup>th</sup> Corps, the 25<sup>th</sup> Division (Tiger Forces), the Palestinian militia Liwa al-Quds, and the NDF. In March 2021 it was reported that GoS and pro-GoS armed units were present in Ma'arrat al-Nu'man and in southern Idlib.

As of March 2021, HTS and other anti-GoS armed groups controlled the north-western part of Idlib governorate, while the GoS was in control of the areas in the southern part of the governorate, including the M5 highway.

Turkey has 12 military observation points around the Idlib de-escalation zone which were set up after the 2018 deal. By mid-February 2020, Turkey was reported to have massed 30 000 troops and armour on the Syrian border and to have sent 5 000 troops to Idlib. Additionally, it has set up military posts in the vicinity of Idlib city. At the end of February 2020, following the GoS operations, Turkey launched the operation Spring Shield, which halted the GoS advance. While it had been reported that Turkey have withdrawn from military posts in Idlib, by 2021 it was reported that Turkey was again building up troops in the area.

ISIL was reported to have a latent presence in Idlib. In 2021, the Idlib de-escalation area continued to be a ‘limited safe haven’, where ISIL leaders and fighters resided, although ‘HTS regularly arrests ISIL fighters’.

It is reported that military operations of the GoS in Idlib have been reinforced by Russian, Iranian and Hezbollah forces.

### **Nature of violence and examples of incidents**

In the beginning of 2020, several of the Turkish military observation points came under fire from GoS forces or were surrounded, resulting in deaths and prompting Turkish retaliatory attacks. In the same year, the GoS forces and their allies continued their offensive to retake Idlib governorate from various anti-GoS armed groups, capturing the strategic towns of Maaret al-Numan and Saraqeb, and subsequently advancing in eastern Idlib. The offensive resulted in direct fighting between GoS forces and Turkish forces, triggering Turkey to launch the 'Operation Spring Shield' in order to stop the GoS offensive in Idlib governorate. During that period up to March 2020, the security situation in Idlib governorate gravely deteriorated. In January 2020, intensive airstrikes were conducted across the governorate, in which barrel bombs were used and hit civilian locations - such as markets and a mosque - in which civilians were killed and injured. The UN reported that the GoS and pro-government aerial bombardment across the north-west in February 2020 was at some of the highest levels since the start of the conflict. The targets of airstrikes included amongst other schools, markets, and medical facilities. According to multiple sources, the systematic attacks against civilian infrastructure by the GoS and Russian forces resulted in the deaths of hundreds of civilians.

On 6 March 2020, a ceasefire in the Idlib area took effect, which was brokered by Russia and Turkey, and joint Russian and Turkish patrols were agreed to be carried along a security corridor established south of the M4 highway. The March 2020 ceasefire resulted in a lull in airstrikes and a reduction in the shelling in Idlib. However, in 2020, Idlib was the second worst impacted governorate by explosive violence, with 998 civilian casualties recorded. IED incidents continued to occur and during the second half of 2020 there were reported intensified shelling and airstrikes in Idlib city, in rural areas to the west of the town, along the M5 highway and south of the M4 highway, which continued in 2021. The indiscriminate attacks affecting civilians continued in 2021 and specifically in March 2021 there were reported airstrikes and shelling of frontlines and of inhabited areas such as towns and villages.

HTS clashed with rival armed groups, including HAD in mid-2020 managing to reassert its dominance in the area. Confrontations between the armed groups occasionally resulted in civilians being killed in the crossfire in July 2020.

Unexploded cluster ammunition or other ordnances in Idlib were also reported to cause a threat to civilians living in the area, especially to children who play with or collect scrap metal or objects.

### **Incidents: data**

ACLEd recorded 3 982 security incidents (average of 61 security incidents per week) in Idlib governorate in the period from 1 January 2020 to 31 March 2021, of which 3 213 were coded as 'explosions/remote violence', 641 as 'battles', and 128 as incidents of 'violence against civilians'. The highest number of security incidents were recorded between January and March 2020, after which the level of security incidents remained largely stable throughout the reporting period.

### **Geographical scope**

During 2020 and the first months of 2021, security incidents occurred in all districts of Idlib governorate, with the largest overall number being recorded in the districts of Al Ma'ra, Idlib and Ariha.

### **Civilian fatalities: data**

VDC recorded 419 civilian fatalities in 2020 and 37 civilian fatalities in the first three months of 2021. SNHR recorded 471 civilian fatalities in 2020 and 61 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 456 civilian fatalities in total or approximately 17 civilian fatalities per 100 000 inhabitants according to VDC data; and 532 civilian fatalities in total or approximately 20 civilian fatalities per 100 000 inhabitants according to SNHR.

## Displacement

For the year 2020, UNOCHA reported 1 070 000 IDP movements from Idlib governorate, including 821 000 IDP movements within the governorate. The GoS military offensive in Idlib between December 2019 and March 2020 caused nearly 960 000 displacements to northern Idlib and Aleppo, of which most were reported to be displaced for a second or third time. For the period after the ceasefire that followed the Idlib offensive (March to December 2020), over 600 000 displacements were recorded in Idlib and Aleppo governorates alone.

In the first three months of 2021, UNOCHA reported 54 300 displacements from Idlib governorate, including 35 900 within the governorate. As of March 2021, IOM assessed that around 220 000 persons living in north-west Syria were at 'immediate risk of displacement'.

In 2020, 235 000 IDP return movements to the governorate were recorded, including 178 000 within the governorate itself. In the first three months of 2021, UNOCHA reported 14 400 IDP return movements to Idlib governorate, the majority being returns within the governorate.

## Further impact on civilians

Throughout the governorate of Idlib, massive damage has been documented in civilian infrastructure and housing. In the town of Idlib, hundreds of buildings have been severely damaged or destroyed, while a significant number of agricultural lands in the southern areas have been burned. It has been recorded that the town of Maarat al-Nu`man has suffered significant damage and most of the town's residential buildings and key infrastructure showed 'heavy damage'. Many buildings were likely destroyed by heavy machinery and explosives. It has been estimated that 29.6 % of the population of Idlib governorate was living in damaged buildings and an additional 17.2 % in self-settled camps. More than half of Idlib's schools have been destroyed, damaged or out of order due to insecurity, whilst an additional 74 schools have been used as shelters. Healthcare infrastructure is regularly damaged or destroyed in airstrikes or shelling.



Looking at the indicators, it can be concluded that the degree of indiscriminate violence in **Idlib** governorate reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of their presence on its territory**, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

## Latakia

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.4]

### General information

Latakia governorate is situated in the northwest of the country and borders the Mediterranean Sea to the west, Tartous to the south, Hama to the east and Idlib to the northeast. It also shares an international border with Turkey to the north. Latakia is divided into four administrative districts: Latakia, Al-Haffa, Al-Qardaha and Jablah. In a March 2021 report, UNOCHA estimated the population of Latakia governorate to be of 1 215 928. Latakia is the location of Syria's main commercial port, handling large volumes of metals, chemicals, machinery and foodstuffs.

## Background of the conflict

Most of Latakia governorate had been under government control since the start of the conflict. The city of Latakia has been a stronghold for the Alawites and the Assad family. Since 2013, the GoS managed to isolate rebel strongholds to the Kabani mountain area in the northeast of Latakia. New government attacks in 2019 were launched but failed to achieve decisive results. Attacks and counter-attacks followed later during the rest of 2019. According to the Institute for the Study of War (ISW), 'the predominantly Alawite and Christian population, the reliable security apparatus of the GoS and the presence of paramilitary forces supporting the GoS troops there are reasons for the relative stability of the governorate'.

## Actors: control and presence

The SAA and government affiliated armed groups were operating in the governorate.

The Russian air force maintained its own airbase and landing strip at Hmeimim.

Turkish forces as well as Turkmen militias, who received limited Turkish support and who were mostly part of the Second Coastal Division, were operating in Latakia governorate.

The Iranian paramilitary, the IRGC, and Iranian-backed militias, such as the Al-Mukhtar Al Thaqafi Brigade, were also reported to be present in the region.

Rebel forces had kept a foothold in northeast Latakia for the entire length of the civil war in Syria, creating a frontline in the northeast mountains.

Areas in Latakia near the border to Idlib were dominated by the jihadist group HTS.

## Nature of violence and examples of incidents

As of March 2021, Latakia governorate was under GoS control except a strip along the Turkish border and the border to Idlib which was under control of anti-GoS armed groups. The conflict was concentrated in the area of Jabal Kabani in Al Haffa and fighting continued in 2020 and 2021, supported by Russian airstrikes, bombardment and intense rocket and artillery shelling. A report in October 2020 assessed that 99 % of the recorded security incidents between May and October were indirect artillery fire and 1 % were landmine/explosive remnants of war.

## Incidents: data

ACLED recorded 208 security incidents (average of 3 security incidents per week) in Latakia governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 174 were coded as 'explosions/remote violence', 33 as 'battles' and 1 as incident of 'violence against civilians'.

## Geographical scope

Security incidents were recorded in all Latakia governorate districts during the reporting period, with the highest number of overall incidents being recorded in Al-Haffa and Latakia.

## Civilian fatalities: data

VDC recorded 2 civilian fatalities in 2020 and no civilian fatalities in the first three months of 2021. SNHR recorded 9 civilian fatalities in 2020 and no civilian fatalities in the first three months of 2021. For the full reporting period, this represented 2 civilian fatalities in total or less than 1 civilian fatality per 100 000 inhabitants according to VDC data; and 9 civilian fatalities in total or approximately 1 civilian fatality per 100 000 inhabitants according to SNHR.

### Displacement

In 2020, UNOCHA recorded around 7 000 IDP movements from Latakia governorate, the majority being within the governorate itself. In the first three months of 2021, approximately 1 570 IDP movements from, including within, Latakia governorate were reported.

In terms of return movements, around 3 000 IDP return movements to, including within, Latakia governorate were recorded in 2020. No return movements to Latakia governorate were recorded in the first three months of 2021.

### Further impact on civilians

In the reference period, war-related damage was not a prominent issue for Latakia governorate. 90 % of all public health centres and the port of Latakia were reportedly undamaged by the conflict. Freedom of movement was reported not to be restricted within the capital Latakia City. There were no areas within the governorate with restricted access for civilians, with the exception of military facilities, the Russian air base and the port. There were also reports of checkpoints near Latakia airport, which was said to be partially open to international traffic. The government was reportedly not able to implement full security on the roads in Latakia governorate. In 2020, there was reportedly an increase in tension in the governorate because of the deterioration of the economic situation due to the lack of basic services, bread and fuel. In early 2021, arrests of civilians who had criticised corruption on social media were reported. Among those arrested were government employees, a television host, and a prominent cartoonist. Extensive wildfires that broke out in the basin of the eastern Mediterranean Sea, including Latakia, attributed to climate change, caused severe damage to infrastructure and livelihoods across the governorate in October 2020.



Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Latakia**, however **not at a high level**.

Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Quneitra

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.13]

### General information

The governorate of Quneitra is located in southern Syria, bordering the governorates of Dar'a and Rural Damascus, as well as Lebanon, Jordan and the Israeli-controlled Golan Heights. The city of Quneitra remained abandoned after it was destroyed by Israel in 1974. The governorate is divided into two districts: Quneitra and Al-Fiq. In a March 2021 report, UNOCHA estimated the population of Quneitra governorate to be of 105 124 inhabitants.

### Background of the conflict

In summer 2013, hostilities intensified in the governorate of Quneitra, with anti-government armed groups progressively seizing strategic points in the area and GoS forces continuing aerial bombardments, including on densely populated areas. In May 2017, parts of Quneitra which were

controlled by anti-government armed groups were included in the ‘four zones of de-escalation’, as agreed between Russia, Iran and Turkey. The US, Russia and Jordan brokered a ceasefire, which was followed by a brief decrease of violence in the second half of 2017. In 2018, the conflict escalated again, as the GoS forces, backed by a Russian air campaign, started pushing into Quneitra after a month-long offensive. Under a deal agreed between anti-government armed groups and pro-government forces in July 2018, rebels, their families, and other civilians were evacuated from Quneitra to Idlib governorate.

By mid-August 2018, the GoS had recaptured the parts of the governorate formerly held by rebels and ISIL. The governorate of Quneitra remained under the control of the GoS, however, the security situation is still considered ‘fragile’ and it is reported that the lack of respect for the reconciliation agreements is a significant factor of current fear and tension among the population.

#### **Actors: control and presence**

As of March 2021, Quneitra was under GoS control. There were reports of a growing presence of pro-Iranian forces in Quneitra governorate, but the exact extent is disputed. Israeli forces’ airstrikes on military and Iranian-backed positions in Quneitra reportedly continued into 2021. It has been reported that Russia maintains military police units in the governorate. There is also information about ‘sleeper cells’ of anti-government armed groups and sporadic attacks.

#### **Nature of violence and examples of incidents**

In 2020, reported security incidents in Quneitra governorate included small arms fire attacks as well as IED and VBIED explosions against GoS forces. These attacks were sometimes claimed by ISIL, while others were attributed to former opposition fighters. During the reporting period, security checkpoints in Quneitra and GoS military and police personnel were attacked without any group claiming responsibility. Other security related incidents during the reporting period included Israeli Air Force airstrikes and targeted killings, in particular of former rebel faction members who had joined the GoS forces in a reconciliation process.

According to the UNOCHA Humanitarian Needs Overview for 2021, Quneitra is one of the governorates with areas contaminated with explosive ordnance.

#### **Incidents: data**

ACLED recorded 56 security incidents (average of 1 security incidents per week) in Quneitra governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 35 were coded as ‘explosions/remote violence’, 19 as ‘battles’, and 2 as incidents of ‘violence against civilians’.

#### **Geographical scope**

Security incidents were recorded in both Quneitra governorate districts during the reporting period, with the highest number of overall incidents being recorded in Quneitra.

#### **Civilian fatalities: data**

VDC recorded 3 civilian fatalities in 2020 and 2 civilian fatalities in the first three months of 2021. SNHR recorded 3 civilian fatalities in 2020 and 2 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 5 civilian fatalities in total or approximately 4 civilian fatalities per 100 000 inhabitants according to VDC data; and 5 civilian fatalities in total or approximately 4 civilian fatalities per 100 000 inhabitants according to SNHR.

#### **Displacement**

From 2011 to 2018, the governorate of Quneitra experienced the second largest (after Idlib) proportionate influx of people, increasing its population density by 34 %. UNOCHA did not record any

internal displacement movements in the governorate of Quneitra in 2020 and the first three months of 2021.

### Further impact on civilians

In 2020, it was assessed that in Quneitra governorate, 19 % of the population was living in damaged buildings. The Syrian Civil Defence had reportedly been engaged in clearing unexploded submunitions for the past two years.



Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Quneitra**, however **not at a high level**.

Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Raqqa

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.8]

### General information

Ar-Raqqa (hereafter 'Raqqqa') governorate is located in the north-central part of Syria. The governorate has international borders with Turkey to the north, and borders to the west with Aleppo governorate, to the east with Hasaka and Deir Ez-Zor governorates and to the south with Hama and Homs Governorates. The governorate is divided in three districts, with the respective district capitals: Ar-Raqqa (Raqqqa city), Al-Thawra (Al-Tabqa), and Tall Abyad. In a March 2021 report, UNOCHA estimated the population of Raqqqa governorate to be 707 696 inhabitants. The majority of Raqqqa's population is Sunni Arabs, constituting approximately 90 %.

### Background of the conflict

The first attack on Raqqqa governorate was on 1 August 2012 by the opposition forces and Raqqqa became the first governorate centre completely taken from the Syrian government's control. On 15 August 2013, fighting broke out between the armed opposition forces and the emerging ISIL, which led to the complete takeover of Raqqqa city by ISIL at end of December 2013. On 29 June 2014, ISIL declared a 'caliphate' with its capital in Raqqqa city. Towards the end of 2016, international coalition forces started offensives against ISIL in Raqqqa and other places and on 17 October 2017, the last ISIL fighters in Raqqqa surrendered and it came under SDF control. Between 2016 and 2017, ISIL worked together with local affiliated groups in its actions against the SDF and GoS military forces in Raqqqa. In 2017, SDF took control of Raqqqa governorate, although ISIL-linked activity was still reported. [[Security 2020](#), 2.8]

Following the Turkish-led incursion into northeast Syria in October 2019, the SNA together with Turkish armed forces was reported to be in control of the so called 'safe zone' established between Tall Abyad (Raqqqa governorate) and Ras al Ain (Hasaka governorate). After an agreement was reached between Turkey and Russia on 23 October 2019, the SDF withdrew from this area on 28 October 2019, giving way to Turkish-supported non-State armed groups. In December 2019, Russian troops moved into Raqqqa, following an agreement with the SDF, to guarantee safety after the departure of the US forces.

Russia, in collaboration with the GoS, also deployed forces to the Tabqa Dam on the Euphrates River west of Raqqa city. [[Security 2020](#), 2.8]

### **Actors: control and presence**

The central parts of Raqqa governorate are under the control of the SDF. The GoS and its allies control the southern parts of the governorate. As the result of the Turkish military incursion in October 2019, the GoS forces and/or their Russian allies have been present along the main roads in the SDF-controlled areas and in the frontlines separating the SDF-controlled parts of Raqqa from the Turkish-controlled area in northern Raqqa governorate. A report of February 2021 notes the presence of GoS forces in the town of Ayn Issa and in Al-Tabqa.

Since October 2019, the Turkish Armed Forces and the SNA have been in control of most of the territory north of M4 highway in northern Raqqa governorate, including the border town of Tall Abyad and its surroundings and the district of Suluk.

The information concerning the US-led coalition's military presence in Raqqa governorate is ambiguous. On the one hand, conflict maps show that the US has no military sites in the governorate and it is the US-led Coalition's position that Coalition forces operating in northeast Syria have 'limited their ground movements' to Hasaka and Deir ez-Zor governorates. On the other, a map of January 2021 contains information on 2 US military sites in Raqqa governorate: one immediately to the west and one immediately to the east/northeast of Raqqa city.

The Russian forces are present in the GoS-controlled Raqqa governorate and, to a limited extent, in the SDF-controlled parts of the governorate. Since late 2020, the Russian forces have increased their presence in the Ayn Issa frontline.

In 2020, Iranian-backed armed groups control the town of Resafa in southern Raqqa governorate and have influence in the Euphrates river valley in the eastern part of the governorate, near the administrative border between Raqqa and Deir ez-Zor. The Iranian-backed groups are reported to have influence also along the main roads in GoS-controlled parts of the governorate. Moreover, Iranian-backed armed groups are depicted to have a pocket of influence in the Ayn Issa area.

ISIL has a presence in GoS-controlled southern Raqqa governorate. According to March 2021 analysis, ISIL controls small patch of territory east of Resafa, overlooking Tabqa Air Base (in Thawra district).

### **Nature of violence and examples of incidents**

During the reference period, the security situation in Raqqa governorate has been affected by ISIL's growing insurgency. In 2020, ISIL's activities increased especially in the GoS-controlled southern parts of Raqqa governorate. In the last three months of 2020, GoS and Russian forces engaged in regular airstrikes targeting static ISIL targets in Raqqa governorate. In early 2021, ISIL's attacks increased also in the SDF-controlled parts of the governorate.

There have also been reports of recurrent shelling and armed clashes between the Turkish forces/Turkish-backed armed groups and the SDF along the frontlines between the 'Operation Peace Spring' area and the SDF-controlled areas in the governorate, notably around the town of Ayn Issa. These clashes resulted in the death, injury and displacement of civilians. Tensions along the Syrian-Turkish border 'remained high' between January and March 2021 with Turkey launching its first airstrikes in 17 months against the SDF positions around Ayn Issa on 20 March 2021.

According to the report by the CoI discussing the situation in Syria in the first half of 2020 (11 January–1 July 2020), displaced families from Tall Abyad claimed that they were unwilling to return to their homes

because they were afraid of rape and sexual violence at the hands of the members of Turkish-backed armed groups. During the reference period, human rights violations as a result of armed confrontations, bombings and assassinations, shelling and attacks with VBIED, were reported especially in the eastern part of the 'Operation Peace Spring' area. However, similar violations as a result of IED and VBIED attacks, as well as attacks conducted with small firearms have been reported also in the western part of the area. During the reference period, there have been reports on violations by the YPG, the SDF and their affiliates, targeting Raqqa governorate's civilian population, e.g. seizing civilian property and forced military conscription.

It was also reported that the retreating 'Islamic State' fighters 'left massive contamination of mines of an improvised nature and other improvised devices' causing heavy damage to the returning civilians in areas under ISIL's former influence in Raqqa governorate.

#### **Incidents: data**

ACLED recorded 1 238 security incidents recorded in Raqqa governorate (average of 19 security incidents per week) in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 703 were coded as 'explosions/remote violence', 303 as 'battles', and 232 as incidents of 'violence against civilians'. The number of security incidents remained steady for the first half of 2020, registering an increase in security incidents between October 2020 and February 2021.

#### **Geographical scope**

Security incidents were recorded in all Raqqa governorate districts during the reporting period, with the highest number overall recorded in Tall Abyad.

#### **Civilian fatalities: data**

VDC recorded 140 civilian fatalities in 2020 and 17 civilian fatalities in the first three months of 2021. SNHR recorded 108 civilian fatalities in 2020 and 16 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 157 civilian fatalities in total or approximately 22 civilian fatalities per 100 000 inhabitants according to VDC data; and 124 civilian fatalities in total or approximately 18 civilian fatalities per 100 000 inhabitants according to SNHR.

#### **Displacement**

Approximately 7 000 IDP movements from Raqqa governorate were registered in 2020. Of these, approximately 5 000 were IDP movements within Raqqa governorate, while significant numbers of displacements to Deir ez-Zor (1 400) and Hasaka (900) governorates were also documented.

UNOCHA recorded approximately 7 000 return movements to the governorate of Raqqa in 2020 and less than 600 IDP return movements to Raqqa governorate in the first three months of 2021.

#### **Further impact on civilians**

A policy of 'demographic change' is reported to be implemented in the 'Operation Peace Spring' area. Specifically, the regions of Ras al-Ayn and Tall Abyad are repopulated with IDPs from other parts of Syria and with families of Turkmen fighters deployed to the area who take over the houses of civilians displaced from their homes or of those who were associated with SDF and forcibly displaced from the area. It has been reported that civilian houses have been appropriated by the Turkish armed forces in Dawoudiya village, north of Tall Tamer, and utilised thereafter for military purposes. There are also observations of 'repeated patterns of systematic looting and property appropriation' by various Turkish backed armed groups who have even forced some residents, most of them ethnic Kurds, to flee their homes.

The damage to the physical capital of Raqqa governorate was reportedly around 6.7 billion USD (8.3 % of all the damage inflicted on Syrian physical capital) between 2011–2018. It was further noted that the US-led coalition’s bombing campaign against ISIL in 2017 ‘destroyed the entire urban system’ in the governorate. The heavy contamination with unexploded remnants limited access and delivery of humanitarian aid [see also [Security 2021](#), 1.6.1]. Humanitarian demining organisations and commercial companies have reportedly carried out ‘large-scale clearance’ in former ISIL areas, focusing on critical infrastructure (healthcare, schools, water and electricity).



Looking at the indicators, and in particular the presence of multitude of armed actors and the fragmentation of territorial control, including ISIL’s growing insurgency in the governorate, the generally volatile security situation and widespread human rights violations, as well as the overall increase in the frequency of security incidents compared to 2019, it can be concluded that in the governorate of **Raqqa**, indiscriminate violence reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of their presence** on its territory, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

## Rural Damascus

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.11]

### General information

Rural Damascus (Rif Dimashq in Arabic) is a largely agricultural governorate surrounding Damascus city. It has international borders with Iraq and Jordan to the east and Lebanon to the west. It borders Homs governorate to the north. To the south it borders Quneitra, Dar’a and Sweida governorates. According to UNOCHA, the governorate is divided into 36 sub-districts: Kisweh, Babila, Jaramana, Maliha, Kafr Batna, Arbin, Qudsiya, Douma, Harasta, Sabe Byar, Dhameer, Nashabiyeh, Ghizlaniyyeh, Haran Al’awameed, Al Qutayfah, Jirud, Ma’loulah, Raheiba, At Tall, Sidnaya, Rankus, Yabroud, Esal ElWard, An Nabk, Deir Attiyeh, Az-Zabdani, Dimas, Ein Elfijeh, Madaya, Sarghaya, Qatana, Bait Jan, Sa’sa, Markaz Darayya, Sahnaya, and Hajar Aswad. ACLED data on security incidents classifies Rural Damascus in 9 districts: Al Qutayfah, An Nabk, At Tall, Az-Zabadani, Darayya, Duma, Qatana, Rural Damascus, and Yabroud. Large parts of Rural Damascus governorate and Damascus city are largely integrated in contiguous built-up areas. Hence, it is difficult to distinguish the administrative boundaries separating them. In a March 2021 report, UNOCHA estimated the population of Rural Damascus governorate to be of 3 023 110 inhabitants.

### Background of the conflict

Regions of Rural Damascus have been characterised as pockets of resistance to the government since the beginning of the conflict in 2011. These pockets became key hubs for armed opposition groups the following years. In the spring and summer of 2018, the government regained full control over the governorate.

### **Actors: control and presence**

As of March 2021, Damascus governorate was under the control of the GoS. Units of the 2<sup>nd</sup> Corps of the SAA were reported to be present in Rural Damascus governorate in early March 2020. Russia and Iran, as well as Hezbollah, were maintaining a continued presence in Rural Damascus.

An increase in attacks reported against military and security personnel in early 2020 has been attributed to an armed group called Saraya Qasioun. The existence of this group was, however, doubted by other sources.

As of February 2020, ISIL was still sustaining a support zone straddling the border with Sweida governorate, crossing Rural Damascus and continuing into Homs governorate. In October 2020, sources reported that ISIL and other opposition groups no longer were present in the governorate and that state intelligence services had eliminated all opposition cells in Rural Damascus.

### **Nature of violence and examples of incidents**

Since 2018, when the GoS retook control of all areas in Rural Damascus, there had been no major security incidents involving battles or military operations in the governorate, while in some places in Rural Damascus governorate, armed clashes between pro-GoS militias were reported.

Israeli airstrikes against military targets were reported in 2020 as well as in 2021.

In 2020, the CoI reported that 'arbitrary detention, enforced disappearance and torture remained pervasive' in specific areas under GoS control, including Rural Damascus. In September 2020, protests against arrests, including arrests carried out without legal arrest warrants issued by court, were reported to have taken place.

Furthermore, explosive remnants of war (ERW) and other explosives has left settlements, residential areas and agricultural land unsafe.

### **Incidents: data**

ACLED recorded 204 security incidents (average of 3 security incidents per week) in Rural Damascus governorate in the period from 1 January 2020 to 31 March 2021, of which 125 were coded as incidents of 'violence against civilians', 40 as 'battles', and 39 as 'explosions/remote violence'.

### **Geographical scope**

Security incidents were recorded in Rural Damascus governorate districts during the reporting period, with the highest number of overall incidents being recorded in Duma, Qatana, Rural Damascus, At Tall.

### **Civilian fatalities: data**

VDC recorded 51 civilian fatalities in 2020 and 19 civilian fatalities in the first three months of 2021. SNHR recorded 27 civilian fatalities in 2020 and 3 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 70 civilian fatalities in total or approximately 2 civilian fatalities per 100 000 inhabitants according to VDC data; and 30 civilian fatalities in total or approximately 1 civilian fatality per 100 000 inhabitants according to SNHR.

### **Displacement**

In 2020, UNOCHA reported around 3 000 IDP movements from Rural Damascus governorate, including 323 IDP movements within the governorate. In the first three months of 2021, less than 200 IDP movements from the governorate were recorded by UNOCHA.

In 2020, UNOCHA recorded approximately 11 000 IDP return movements to, including within, Rural Damascus governorate, out of which 6 000 return movements took place from within the governorate itself. In the first quarter of 2021, approximately 3 300 IDP return movements were registered by UNOCHA.

Limitations on returns to specific areas of the governorate, such as in Eastern Ghouta, were in place and such returns were only partially permitted.

### Further impact on civilians

Widespread lawlessness, such as arbitrary arrests, and general insecurity prevailing in the previously besieged areas, including Ghouta and Douma, was reported in the governorate. In 2020, a growing number of kidnappings of civilians for ransom, including kidnappings of children, were also noted.

It was assessed that 44.7 % of the population in the governorate was living in damaged buildings. Access to electricity and water in the governorate was limited to two to three hours a day, and the supply of potable water was scarce. Hospitals were almost completely lacking in Darayya city and its surroundings, and no action to reconstruct those destroyed had been taken by the GoS. Despite public health facilities being available in several areas, the quality of services was adversely affected by shortages of personnel and lack of medical supplies, while private healthcare services were unaffordable. 39 schools were completely destroyed as of the beginning of the 2019 school year, and 500 schools needed renovations. Key infrastructure such as roads, schools and health centres was found to be beyond serviceability.



Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Rural Damascus**, however **not at a high level**.

Accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Sweida

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.14]

### General information

The governorate of Sweida is located in the southern part of Syria. It borders Dar'a and Rural Damascus and has an international border with Jordan. It consists of three districts: As-Sweida, Shahba and Salkhad. In a March 2021 report, UNOCHA estimated the population of Sweida governorate to be of 380 495 inhabitants. The governorate of Sweida is the most important home region of the Druze minority, which make up 91 % of its population.

### Background of the conflict

During the revolution and the ensuing conflict, the governorate of Sweida remained neutral. The Druze population in Sweida was reportedly treated with 'caution' by the GoS as a 'politically sensitive minority', and large-scale mass arrests and bombings were largely avoided in Sweida. Even though Sweida remained officially under government control during the conflict, most of the military and civil

authority in the governorate has been exercised by local political and military factions preoccupied with defending it from outside attackers.

### **Actors: control and presence**

In 2021, Sweida governorate was still under SAA control, including its associated foreign forces such as Russia and Iran, as well as Hezbollah. In addition to various pro-government militias, particularly the Iranian-backed NDF was present in Sweida governorate in 2020.

In the reporting period, ISIL re-emerged and operated in Sweida governorate.

### **Nature of violence and examples of incidents**

As of January 2021, the security situation in Sweida reportedly remained chaotic, including the lack of security forces to maintain order and stability. There have been reports on the killing of government security forces and unknown individuals. Kidnappings reportedly led to clashes between armed groups. Reported incidents included explosions of IEDs and mines, e.g. in areas, where military operations had taken place in the past. Airstrikes by the Israeli forces were also reported.

### **Incidents: data**

ACLED recorded 66 security incidents (average of 1 security incidents per week) in Sweida governorate in the period from 1 January 2020 to 31 March 2021. Of the reported incidents, 38 were coded as incidents of 'violence against civilians', 22 as 'battles', and 6 as 'explosions/remote violence'.

### **Geographical scope**

Security incidents were recorded in all Sweida governorate districts during the reporting period, with the highest overall number recorded in Sweida district.

### **Civilian fatalities: data**

VDC recorded 58 civilian fatalities in 2020 and 12 civilian fatalities in the first three months of 2021. SNHR recorded 8 civilian fatalities in 2020 and 2 civilian fatalities in the first three months of 2021. For the full reporting period, this represented 70 civilian fatalities in total or approximately 13 civilian fatalities per 100 000 inhabitants according to VDC data; and 10 civilian fatalities in total or approximately 2 civilian fatalities per 100 000 inhabitants according to SNHR.

### **Displacement**

In 2020, UNOCHA recorded approximately 1 000 IDP movements from Sweida governorate, most of them within the governorate itself. In the first three months of 2021, 19 IDP movements from, including within, Sweida governorate were reported.

For 2020, UNOCHA recorded 50 return movements within Sweida governorate. SOHR reported in May 2020 that a large number of Christian families who had been forced to flee in 2014 had returned to their village of Kharba as a result of reconciliation agreements.

### **Further impact on civilians**

In terms of further impact on the civilian population, Sweida governorate has been spared extensive damage in the conflict, compared to other areas of Syria, with 0.7 % of the population reportedly lived in destroyed buildings. Furthermore, rising prices and the deterioration of the socio-economic situation in the governorate led to repeated protests among the population during the reporting period.

There were reports of lawlessness, widespread violence and uncontrolled criminal activities. Security on the main road between Damascus and Sweida was affected by criminal groups carrying out killings, torture and abductions there.



Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Sweida**, however **not at a high level** and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

## Tartous

Last update: November 2021

[Main COI reference: [Security 2021](#), 2.5]

### General information

Tartous and Latakia governorates form the coastal region of Syria. Tartous governorate borders the Mediterranean Sea in the west, Latakia governorate in the north, the governorates of Hama and Homs to the east, and Lebanon to the south. Tartous consists of five administrative districts: Tartous City, Baniyas, Dreikish, Safita and Sheikh Badr. In a March 2021 report, UNOCHA estimated the population of Tartous governorate to be of 929 366 inhabitants.

### Background of the conflict

Since the beginning of the conflict in 2011, the governorate of Tartous has largely been controlled by GoS and experienced no major attacks. However, in 2016, the city of Tartous was targeted by ISIL and in 2017, the seaside promenade of the city was hit by several explosions carried out by suicide bombers. In these attacks, two persons, who were believed to belong to GoS forces, were killed. [[Security 2020](#), 2.5]

### Actors: control and presence

As of March 2021, Tartous governorate was under GoS control.

Local Defence Force militias presence is reported to be greater in rural areas of Tartous governorate, which may sometimes create security issues with GoS security agencies in rural areas, due to LDF's potential targeting of individuals and imposition of their own security measures and controls.

The 49 years lease agreement for Russia's naval base at Tartous allows 11 vessels to dock there, and 'Russia is currently upgrading' it 'to make it more robust as a base'. Russian and Syrian joint military exercises are regularly conducted in the port of Tartous.

It is reported that Iran is behind a demographic engineering plan aimed at establishing its influence in the region, by bringing Shia who fled their homes during the civil conflict to these areas, but also by bringing in others from Lebanon and Iraq.

Reportedly, anti-government armed groups were not present in the governorate of Tartous.

### Nature of violence and examples of incidents

In the reporting period, there were no incidents of battles or remote violence in the governorate. Reported incidents concerned death in prison and torture of people held in detention by the GoS

security forces. In 2020, no landmine victims were reported in Tartous. Israel reportedly hit an Iranian oil tanker in the port of Baniyas in April 2021, no casualties being recorded.

#### Incidents: data

ACLED recorded 1 security incident (average of 0.02 security incidents per week) in Tartous governorate in the period from 1 January 2020 to 31 March 2021. The reported incident was coded as 'violence against civilians'.

#### Civilian fatalities: data

VDC recorded 3 civilian fatalities in 2020 and no civilian fatalities in the first three months of 2021. SNHR recorded no civilian fatalities in 2020 and in the first three months of 2021. For the full reporting period, this represented less than 1 civilian fatality per 100 000 inhabitants according to VDC data.

#### Displacement

In 2020, UNOCHA reported for Tartous governorate around 4 000 IDP movements from, including 3 000 within the governorate. 5 000 IDP movements were reported from other governorates to Tartous.

There were no reports of spontaneous IDP return movements to Tartous governorate during the reporting period.

#### Further impact on civilians

It was assessed that 0.4 % of the population in Tartous governorate was living in damaged buildings.



Looking at the indicators it can be concluded that in the governorate of **Tartous**, there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

### 3.3.4 Serious and individual threat

Last update: November 2021

In situations where the level of indiscriminate violence does not exceptionally reach what is referred to as the ‘mere presence’ threshold, the assessment should continue with an analysis of the individual circumstances of the applicant.



[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

**CJEU, *Elgafaji*, para.39**

Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences.

≠ refugee status	It is important to differentiate these individual elements from the individual elements which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.
≠ IPA	The assessment should also be distinguished from that under internal protection alternative, with regard to the reasonableness for the applicant to settle in a different location than their home area.

In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. It is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning the relevant considerations and the nature of the assessment.

#### Indiscriminate violence, examples of relevant personal circumstances

- **Age:** When assessing the risk of indiscriminate violence, this personal circumstance would be of particular importance in relation to the ability of the person to assess the risks. For example, children may not be able to assess the risk associated with contamination with unexploded remnants of war. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person’s ability to assess and avoid risks associated with an armed conflict.
- **Gender:** When assessing the applicability of Article 15(c) QD, it is difficult to ascertain whether and in what circumstances men or women would be at a higher risk in general. It would also depend on other factors, such as the nature of the violence in the area. For example, men may be at higher risk of violence targeting local markets, banks, governmental institutions, as men are the ones more frequently being outside the home and visiting such locations. On the other

hand, general gender norms in Syria suggest that women may have less information regarding the current security situation and the associated risks. Moreover, if the violence moves closer to the residence of people, e.g. in the case of airstrikes or ground engagements in populated areas, women may have a more limited ability to avoid it.

- **Health condition and disabilities, including mental health issues:** Serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under Article 15(c) QD. Taking into account road security, this may increase the risk of indiscriminate violence as the person would be required to travel. It may also increase the risk when health facilities themselves are reported to be targeted. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the health care they need.
- **Economic situation:** Applicants in a particularly dire economic situation may also be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** When assessing the risk of indiscriminate violence under Article 15(c) QD, the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by landmines, etc. Different elements may contribute to a person's knowledge of the area. It can relate to their own experience in the specific area or in areas similarly affected by indiscriminate violence, or to their connection to a support network which would insure they are informed of the relevant risks.
- **Occupation:** The occupation the person is likely to have when they return to their home area may also be relevant to assess the risk under Article 15(c) QD. It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to frequent locations known to be particularly targeted in the conflict. In Syria, incidents of landmines affecting agricultural workers ploughing the land are also reported [[Security 2020](#), 1.6.1.3].

Individual elements related to the above can exist in combination. Other factors may also be relevant.

It is not feasible to provide general guidance on which individual circumstances would be sufficient to substantiate a real risk under Article 15(c) QD in areas with high level of violence compared to areas where the violence is considered to not be at a high level. Each case should be assessed individually.

### 3.3.5 Qualification of the harm as a ‘threat to (a civilian’s) life or person’

Last update: November 2021

Neither the QD, nor the CJEU in its jurisprudence, have defined the terms ‘threat to (a civilian’s) life or person’.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR....<sup>35</sup>

By comparing the provisions of [Article 15\(a\)](#) and [Article 15\(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the harm under the latter:



[...] covers a more general risk of harm. Reference is made, more generally, to a ‘threat ... to a civilian’s life or person’ rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’

**CJEU, *Elgafaji*, paras. 33-34**

Some of the commonly reported types of harm to civilians’ life or person in Syria include killing, injury, abduction, child recruitment, explosive remnants of war, etc.

### 3.3.6 Nexus/‘by reason of’

Last update: November 2021

Subsidiary protection under [Article 15\(c\) QD](#) is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person).

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.

<sup>35</sup> CJEU, *Elgafaji*, para. 28.

## 4. Actors of protection

[Article 7 QD](#) stipulates the requirements for actors of protection:



### Article 7(1)(2) QD Actors of protection

1. Protection against persecution or serious harm can only be provided by:
  - a) The State; or
  - b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;  
provided they are willing and able to offer protection in accordance with paragraph 2.
2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.



The contents of this chapter include:

- [The State](#): outlining and analysing the capacity of the government of Syria to provide protection in accordance with Article 7 QD;
- [Parties or organisations, including international organisations](#): analysing whether the Northern and Eastern Syria Autonomous Administration could qualify as actors of protection under Article 7 QD.

### 4.1 The State

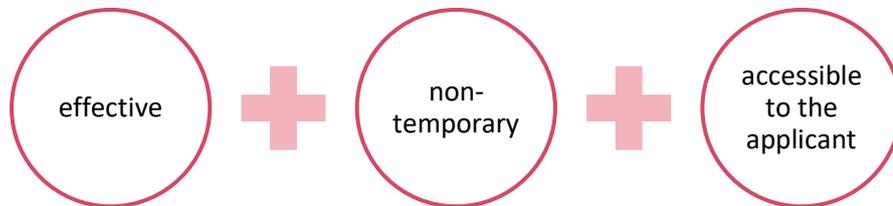
Last update: September 2020

The term **'State'** ([Article 7\(1\)\(a\) QD](#)) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial or local. Sometimes, private entities may also be given State powers and made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:

**Figure 14. Requirements to the protection in the country of origin in accordance with Article 7 QD.**



It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm ([Recital 27 QD](#)).

As of September 2019, the Syrian government reportedly controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all the provincial capitals. Three larger areas remained outside of the territorial control of the government: Idlib governorate and adjacent areas in western Aleppo governorate and northern Hama governorate; the northern and eastern parts of the country under the control of the Kurdish-dominated SDF; and a 55 km wide buffer zone around the Al Tanf border crossing with Iraq and near the Rukban refugee camp in Homs governorate [[Actors](#), 2.1.1].

Despite the government's ability to recapture the majority of Syria's territory, the conflict significantly affected the State's role, reach and institutional capacity in government-held areas. The government lacks the forces to secure the areas it retakes, but also pursues punitive policies against local populations [[Security 2020](#), 1.5.1; [Actors](#), 2.1.1]. The provision and quality of State services such as health, education, and electricity were reported to vary in government-controlled areas depending on their perceived loyalty or hostility towards Assad's government. In areas with a history of resistance against the Assad's regime, the government was reportedly focusing more on restoring governance rather than providing services. Despite the economic pressure, the Syrian government reportedly managed to maintain State institutions and economic entities functional to a certain degree [[Actors](#), 2.1.1].

Assad and Baath party leaders dominate all three branches of government as an authoritarian regime [[Actors](#), 2.1.2]. The president is elected for a seven-year mandate at a time in elections that are tightly controlled without any genuine opposing candidates [[Security 2019](#), 1.1]. President Bashar al-Assad has ruled Syria since he took over the presidency in 2000, following the rule of his father Hafez al-Assad who came into power in 1970. The last presidential elections were held in 2014 but were not considered free or fair. Assad is the supreme commander of the armed forces and leader of the ruling Baath Party [[Actors](#), 2.1.2].

A set of formal state institutions, such as the parliament and government, exist under the president, but, according to Syria analyst Aron Lund, in practice, they lack independent power and are overshadowed by an informal network closely linked to the president, consisting of the heads of the various security services and a small group of politicians and wealthy businessmen [[Security 2019](#), 1.1]. Syria's legislative body, the 250-member People's Council, is controlled by the Baath Party and other minor allies, such as the Syrian Social Nationalist Party, businessmen and tribal sheikhs. In practice, the

People's Council is considered a 'rubber stamp' parliament, which does not play an important role in the Syrian political system [[Actors](#), 2.1.3].

**Syria's judicial system** consists of civil, criminal, military, personal status courts, Terrorism Court, as well as a court of cassation, among others. The Syrian judicial system is described as being subservient to and corrupted by the President of the Republic, the Baath Party and organs of the multiple security services in Syria. The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is subjected to political influence, intimidation and abuse, lacks adherence to legal procedures and suffers from widespread corruption. The right to a fair trial is enshrined in the Constitution but is not respected in practice [[Actors](#), 2.1.4]. Syria ranked 178/180 on Transparency International's corruption index for 2018. The country scored 1.5 on a 1-10 scale in the Bertelsmann Transformation Index (BTI)'s 2018 rule of law index, which is composed of four evaluated criteria (separation of powers, independent judiciary, prosecution of office abuse and civil rights). In the World Bank's 2018 indicator for rule of law, Syria scored 0.96 out of 100 [[Actors](#), 2.2.5]. The legal procedures in Syrian courts are very slow, and a case could take years to be closed. Insufficient courts and lack of legal provisions for speeding up trials led to pre-trial detentions that sometimes exceeded the sentence for the crime [[Actors](#), 2.2.4]. According to ILAC, appointed judges had no legal training despite the formal requirements. Despite reported increases, judges in Syria receive low wages, which encouraged corruption to the extent that a price for each type of law cases was established [[Actors](#), 2.2.5].

A situation of lawlessness was reported in several governorates, such as Hama, Homs, Deir Ez-Zor, Dar'a, [[Security 2020](#), 2.3.3, 2.6.3, 2.9.3.5, 2.12.3.2]. In addition, sources such as the UNPFA refer to the absence of law enforcement, including police and judicial redress mechanisms, noting that perpetrators of violence face no accountability to deter their actions, and survivors face a lack of formal protection [[Situation of women](#), 1.2.4]. Effective protection of women against violence is limited, with enforcement being either weak or non-existent. See also [2.12.1 Violence against women and girls: overview](#).

The rise of militias, warlords and war profiteers, coupled with heavy influence and dependence on foreign involvement, are factors that experts assessed could potentially pose significant threats to maintaining centralised control by the State. Competing economic interests of militias linked to smuggling, looting, and criminality have reportedly led to occasional clashes between army branches and militias. [[Actors](#), 2.3.1]

Prison and detention centre conditions in Syria included small, overcrowded cells, spread of respiratory and dermatological diseases due to lack of medical treatment, starvation, lack of sanitary facilities and sleep deprivation. Children were held in prisons together with adults. Detainees in Syria face the risk of ill-treatment, and even execution [[Actors](#), 2.2.6]. Syria is one of the countries that continued to apply the capital punishment. Death penalty continued to be in force for several offences. On 15 September 2019, President Assad issued an amnesty decree reducing the death penalty to life imprisonment for crimes and offences committed before 14 September 2019 and pardoned draft evaders if they turn themselves in with a three- to six-month delay. Information on the implementation of the decree could not be found [[Actors](#), 2.2.3].

The **Syrian Armed Forces** consist of the SAA, the navy, the air force, the intelligence services and the NDF. Bashar al-Assad acts as the commander in chief of the SAA and the armed forces. Operational control of the forces was maintained by the Chief of Staff of the Syrian Armed Forces [[Security 2020](#), 1.4.1; [Actors](#), 2.3.1]. The war has affected the SAA. The army has decreased in size, the quality of the troops is low, and its combat capabilities remain limited. As a result of the conflict, the SAA has reportedly become even more corrupt and fragmented. Army officers received bribes from each person

wanting to avoid reserve conscription or to facilitate people smuggling to Turkey or Lebanon to avoid military service or arrest by the government [[Actors](#), 2.3.1].

**Syria's security apparatus** is composed of four main intelligence branches that are formally coordinated by the National Security Bureau, which is overseen by the President's office: Air Force Intelligence, Military Intelligence Department, General Intelligence Directorate, Political Security Directorate. Since the outbreak of the conflict, the regime has relied on the intelligence agencies to maintain control of the country and focus on opponents of the regime. The four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents and their families. They also exercise absolute power over the humanitarian sector in Syria, in practice denying humanitarian access to populations perceived to be anti-government or politically problematic. Syrian intelligence agencies operate outside the law. The intelligence agencies were also reported to be corrupt and to engage in extortion. [[Actors](#), 2.3.2].

The **police** force is formally under the control of the Ministry of the Interior and it consists of four separate divisions: emergency police, traffic police, neighbourhood police and the riot police. Corruption was reportedly a widespread problem in the police forces. The police were reported to take part in arbitrary home raids and warrants were rarely issued or presented by the police when operating arrests [[Actors](#), 2.3.3].

There are various **pro-government militias**, both local and foreign, operating in Syria alongside the regular armed forces. Pro-government militias played a key role in the survival of Assad's government and have been involved in many military offensives and local security enforcement throughout the Syrian civil war. Pro-government militias are largely autonomous and free to exploit the population in areas they control. Violent clashes between pro-government militias for access to and control of territories, and for control of smuggling and extortion networks, have occurred throughout the conflict. Many have reportedly turned into a mafia known for stealing, looting, corruption, gun smuggling, drug smuggling, and committing violations against civilians [[Actors](#), 2.3.4].

Tens of thousands of people have been detained, abducted or have gone missing during Syria's civil war, including peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents, as well as individuals detained in place of relatives wanted by the authorities. The government forces, especially the intelligence branches, used torture against perceived opponents, including women and children. Deaths of thousands of people in government custody have been reported in death registers issued by government authorities. Rape of and sexual violence against women, girls and occasionally men, committed by GoS forces and associated militias during ground operations, raids and in detention have also been reported. Sources have noted that government and allied forces continued to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks and direct attacks on civilians and civilian objects [[Actors](#), 2.4]. According to various reports, the government has targeted civilians not only with conventional, but also with chemical weapons [[Security 2020](#), 1.6.1.2, 1.6.1.4; [Actors](#), 2.4].

When assessing the availability of State protection for individual applicants, [the implications of leaving Syria](#) should also be taken into account.



In general, the GoS would not be considered an actor of protection meeting the criteria under [Article 7 QD](#). However, in very exceptional cases, it might be

established that the GoS is willing and able to provide protection that is effective and non-temporary.

## 4.2 Parties or organisations, including international organisations

Last update: September 2020

In the context of [Article 7 QD](#), it is necessary that the parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in [Article 7\(2\) QD](#).

Many areas in Syria are influenced by insurgent groups and some groups, in particular HTS, are currently in (contested) control of some territory. However, the Kurdish forces in northeast Syria are the only actor which may be considered to control substantial parts of the territory and could, therefore, be subject to analysis under [Article 7\(2\) QD](#).

### Northern and Eastern Syria Autonomous Administration

#### Kurdish-controlled areas of North and East Syria

Following the retreat of the GoS forces from the northeast Syria, the predominantly Kurdish inhabited area was left abandoned. This allowed the Kurds to gain greater autonomy in 2014. In January 2014, the PYD adopted the so-called ‘Social Contract’ as a ‘provisional constitution’ for the Autonomous Administration. The Social Contract foresaw a federal, decentralised system by which the Autonomous Region would remain a part of Syria, but with a regulated relationship with the central government in Damascus. The proclamation of a federal system in the Kurdish-controlled areas was rejected by the GoS, other Syrian opposition groups, the US and Turkey [[Actors](#), 3.1.1].

As of February 2020, SDF controlled most of Raqqa and Hasaka governorates, part of Deir Ez-Zor governorate northeast of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, as well as the area around Tal Rifaat [[Security 2020](#), 1.5.3]. There has not been a governance handover to the GoS following the agreement of October 2019 [[Security 2020](#), 1.5.1].

The Northern and Eastern Syria Autonomous Administration is led by the Syrian Democratic Council (the political wing of the SDF), with the Movement for a Democratic Society (TEV-DEM) as the ruling coalition. The PYD is viewed as the dominant political actor in the Kurdish-controlled areas, where it exercises ultimate control, making decisions for the entire region. PYD’s system of governance is described by sources as authoritarian, and other political parties have been marginalised [[Actors](#), 3.1.3].

The judicial system in the Kurdish-controlled areas consists of courts, legal committees and investigative authorities. Kurdish authorities apply in areas under their control a legal code based on the ‘Social Contract’. It is described as a mix of Syrian criminal and civil law with laws concerning divorce, marriage, weapons ownership, and tax evasion drawn from EU law. However, certain standards for fair trial, such as the prohibition of arbitrary arrests, the right to judicial review and the right to a lawyer, are lacking. The Kurdish justice system is not recognised internationally or by the GoS. In 2015, the YPG established the terrorism court - known as the ‘People’s Court’ - to prosecute ISIL fighters and affiliates. The death penalty has been abolished and the maximum sentence imposed by the terrorism court is a ‘life sentence’. The People’s Court has judges and prosecutors lacking judicial

training, who often come from different professional backgrounds. Thousands of Syrian ISIL suspects were reportedly tried in flawed proceedings. Sources also note the lack of due process in detentions, issuing of arrest warrants by security forces affiliated with the PYD rather than prosecutors, and arbitrary arrests [[Actors](#), 3.1.4.].

Protests against the Kurdish forces have been reported for lack of services, discrimination, forcible conscription, and a failure to release prisoners. Corruption, extortion and abuses of power at the hands of SDF personnel were also reported [[Actors](#), 3.3].



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It can be concluded that the Northern and Eastern Syria Autonomous Administration in the Kurdish-controlled areas in Syria do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

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## 5. Internal protection alternative

This chapter looks into the topic of internal protection alternative.



The contents of this chapter include:

- [Preliminary remarks](#)
- [Part of the country](#)
- [Safety](#)
- [Travel and admittance](#)
- [Reasonableness to settle](#)

### Preliminary remarks

Last update: November 2021

This chapter analyses the situation in Damascus City in relation to the requirements of [Article 8 QD](#).



#### Article 8 QD Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

- a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
- b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2) In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-

date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of [Article 8 QD](#) is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of [Article 8 QD](#) and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as ‘internal flight alternative’, ‘internal relocation’, etc.

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in the home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.



The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

In order to determine that internal protection is available in a particular part of the applicant’s country of origin, three cumulative criteria have to be met: ‘safety’, ‘travel and admittance’ and ‘reasonableness to settle’.

**Figure 15. IPA: elements of the assessment.**



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Syria, as well as the individual circumstances of the applicant. [The implications of leaving Syria](#) should also be given due consideration.

This chapter analyses and provides guidance on the applicability of IPA only in relation to Damascus City. This is without prejudice to the possibility to apply IPA to other places in Syria.



For more general guidance on the application of IPA, see the [‘EASO Practical guide on the application of the internal protection alternative’](#).

## 5.1 Part of the country

Last update: November 2021

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous stay or residence and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.



For the purposes of this document, the analysis focuses on the possibility of applying IPA with regard to Damascus City - the capital and the most important economic centre in Syria.

## 5.2 Safety

Last update: November 2021

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 16. IPA: Assessment of the safety requirement.



### 5.2.1 Absence of persecution or serious harm

When examining the element ‘absence of persecution or serious harm’, the decision-maker should refer to chapters 1 to 4 of this document. In addition, in particular when assessing whether there are potential new forms of persecution or serious harm, the section [The implications of leaving Syria](#) should be taken into account.

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Syria, the following elements should be taken into account:

▶ **general security situation in relation to indiscriminate violence**

The general security situation in Damascus City should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). In this regard, it has been concluded that in the governorate of Damascus, there is, in general, no real risk for a civilian to be personally affected within the meaning of Article 15(c) QD.

▶ **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by **State actors**, internal protection in Damascus would in general not be considered safe. This would also include State-affiliated actors, such as foreign allies and pro-regime militias.

With regard to persecution or serious harm by **SDF, YPG, ISIL, HTS or other anti-GoS armed groups**, it should be noted that these groups are active within certain regions and their operational capacity in Damascus City is currently limited. Therefore, the criterion of safety may be considered satisfied in most cases. However, particular consideration should be given to the individual circumstances of the applicant and whether they are perceived by the actor as a priority target.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Syria and the actor of persecution or serious harm can be the **Syrian society** at large (e.g. for [14. LGBTIQ persons](#) and [12. Women](#)), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm...<sup>36</sup>

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the **family or community** (e.g. forced marriage, honour crime), taking into account the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

See also [1. Actors of persecution or serious harm](#).

▶ **whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace them in Damascus City.

▶ **other risk-enhancing circumstances**

The information under the section [2. Refugee status](#) should be used to assist in this assessment.

<sup>36</sup> CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.

## 5.2.2 Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. However, in light of the analysis in the chapter [4. Actors of protection](#), the possibility to consider the criterion of safety satisfied in relation to availability of protection in Damascus city would be limited to very exceptional cases.



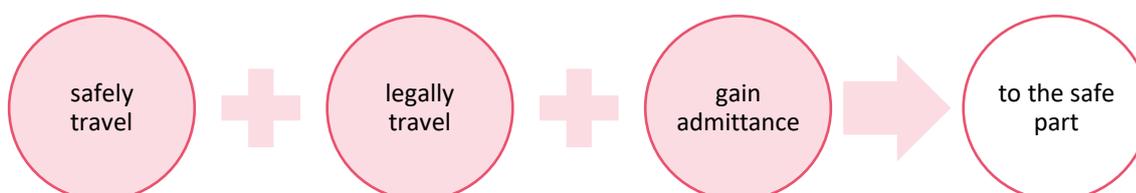
The requirement of **safety** may be satisfied in Damascus City, depending on the profile and the individual circumstances of the applicant. For those who have a well-founded fear of persecution by the GoS and/or by society at large, IPA in Damascus will generally not meet the criterion of safety.

## 5.3 Travel and admittance

Last update: November 2021

In case the criterion of ‘safety’ is satisfied, as a next step, it has to be established whether an applicant can:

**Figure 17. IPA: assessment of the travel and admittance requirement.**



The general situation and the individual circumstances of the applicant should be taken into account when assessing whether they can safely and legally travel and gain admittance to Damascus City.

It should be noted that in the context of Syria and in particular the security measures related to State actors, the three requirements should be read in conjunction.

- Safely travel** - there should be a safe route, which the applicant can practically travel through without undue difficulty, so that they can access the area of IPA without serious risks.

Damascus International Airport is located 30 kilometres southeast of downtown Damascus (about 30 minutes by car from the city centre). Damascus International Airport is controlled by Air Force Intelligence services. While the airport is identified as operational, the precautionary measures taken by the Syrian government to counter the spread of COVID-19 in late March 2020 impacted Syria’s border

crossings and Damascus International Airport as international flights were suspended. It was reported on 23 March 2020 that the airport was closed to commercial flights, and repatriation flights were organised by Syrian Airlines. This closure lasted for several months and ended on 1 October 2020 when the airport was officially reopened [[Damascus 2021](#), 2.1].

The airport region witnessed several security incidents during the reporting period. Sites inside and around Damascus International Airport were targeted by Israeli airstrikes on different occasions in 2020 and 2021, for example in February 2021, when airstrikes targeted weapons being smuggled into Syria from Iran. Iranian and Lebanese Hezbollah military and ammunition sites are located in the vicinity of the airport [[Damascus 2021](#), 2.1].

While the number of checkpoints in Damascus governorate is reported to be significantly reduced (by 90 %), checkpoints continue to operate on the road between the airport and Damascus City. As of February 2021, most of the checkpoints were located in the southern neighbourhoods of Damascus city and in Damascus countryside, as well as on highways that connect the city to the countryside. There were checkpoints situated on the roads leading to areas and neighbourhoods where Syrian government and military officials and forces as well as pro-regime Palestinian groups are located. Furthermore, two checkpoints controlled by the security forces are located on the highways connecting Damascus and Dar'a. In the north, there are three checkpoints: one on the road to Harasta, and two on the Homs-Damascus highway. In some Shia-majority neighbourhoods in Old Damascus, Iran-backed militias established checkpoints to guard the area. In addition to the fixed checkpoints, it was reported in December 2020 that the military intelligence branch established 'dozens of mobile checkpoints' in various neighbourhoods of the city [[Damascus 2021](#), 2.3.1].

Sources further reported that thorough checks were conducted at checkpoints situated on main roads and entrances of Damascus with the most scrutiny being observed at checkpoints between Damascus city and Eastern Ghouta [[Damascus 2021](#), 2.3.1]. Treatment at checkpoints was reported to include extortion, arbitrary arrest, extrajudicial detention, harassment, torture and forced disappearance [[Damascus 2020](#), 2.3].

It was reported that between eight and 12 fixed and mobile checkpoints existed on the road between Damascus and the airport, manned mainly by intelligence branches, the Republican Guard and Iranian forces. There were reportedly two or three checkpoints on the Damascus International Airport road, but the number could vary. One of the checkpoints was run by the SAA and the others by intelligence forces. Regular screening of people is conducted by the checkpoint located at the entrance of Damascus, which is manned by an intelligence branch. Sources noted that there have been no attacks by armed groups on checkpoints on the Airport road. The most common type of security incidents reported was when cars pass by a checkpoint without noticing it and are shot at. The source added that arrests mainly took place at the airport, but not much at the checkpoints on the road to the airport, reiterating that people coming from opposition areas risked more scrutiny and searches than people coming from loyalist areas [[Damascus 2021](#), 2.3.5].

'Wanted lists' were reported to include between 1.5 and 3 million names. Sources stated that each branch of Syria's security services had its own 'wanted lists' and they did not coordinate for clearing names. It was generally difficult for people to know their status with the GoS. While sources noted that those with financial means and connections could find out if their name was on 'wanted lists', this potentially exposed them. It was also not a guarantee against difficulties, including the risk of arrest [[Damascus 2020](#), 2.3].

Profiles at particular risk of arrest at checkpoints tend to be those who return to Syria without security permission or reconciliation in place prior to traveling, individuals who work or carry out activities

believed to oppose the government, such as journalism, aid work, local councils, rescue workers, as well as men of military age, and those with family members who were forcibly displaced to Idlib or Aleppo [[Damascus 2020](#), 2.4]. Syrians and Palestinians who were on wanted lists for reasons related to military service, political or anti-government activities, and criminal charges were subjected to arrests at checkpoints. Relatives of prominent political or armed activists may also encounter harassment, be interrogated or even arrested at checkpoints. [[Damascus 2021](#), 2.3.4]

Passing through checkpoints requires identification documents. Almost all checkpoints have the capacity to check a person's background and military service status [[Damascus 2020](#), 2.4].

Insecurity is reported to have disproportionately affected women and intensified restrictions on them. They faced greater risks in access to livelihoods and security as their restricted mobility was further impacted by security and honour concerns in the conflict environment [[Damascus 2020](#), 2.4].

**Legally travel** - there should be no legal obstacles that prevent the applicant from travelling to the safe area.

The Syrian Constitution provides for freedom of movement of citizens unless 'prevented by a decision from the competent court or the public prosecution office or in accordance with the laws of public health and safety'. However, in practice, freedom of movement in Syria in 2019 was 'severely restricted' due to ongoing combat and 'proliferation of regime and militia checkpoints'. Syrian citizens are also allowed to travel internationally, but the government denied access to passports and civil documentation based on political views, association with the opposition, or geographical location associated with the opposition. The GoS imposed exit visa requirements and was reported to closely monitor Damascus Airport and border crossings. [[Damascus 2021](#), 2.2]

Sources have indicated that exit visas were not generally required for Syrians who intended to leave the country, but that 'certain profiles' needed to obtain permission from one or more agencies to be allowed to cross the borders. Such profiles included government officials, who were required to obtain a permission from their employer and a security clearance; as well as men aged 18-42 who needed to obtain written permission from the military conscription branch if their military booklet did not indicate that they were permanently exempted from the service or had paid the exemption fee [[Damascus 2021](#), 2.2].

The Syrian Ministry of Interior issued a circular in March 2019 waiving the punishment of illegal exit by means of imprisonment and/or fines which used to be in effect previously [[Returnees from abroad](#), 2.1, 3.1]. Between January and September 2020, SNHR documented 38 cases of arrests of Syrian returnees from abroad, either through Damascus Airport or from Lebanon. In 2020, SNHR documented 89 cases of arrests of returnees from abroad, without specifying the areas of return. [[Damascus 2021](#), 2.2.1].

**Gain admittance** - the applicant should be allowed to access the safe area by the actor(s) who control it.

Sources interviewed in August and September 2020, stated that people who want to move from one area of Damascus and settle in another 'will have to obtain a security approval in order to rent or buy a property in the new area'. It was noted that in order to settle, change residence, and/or rent property in Damascus, one needs to get a security clearance issued by the security services regardless of where the person comes from (abroad, other GoS-controlled governorates or areas outside GoS control) and the rental or purchase contract need to be certified by the *mukhtar* of the area to which the person

intends to move, who then sends the contract information to the security branches for approval. Moreover, both the person renting/purchasing the property and the owner of the property should have no security issues for the approval to be granted. The rental agreement must be registered at the municipality, and registering an address is key for returns or moving houses. It was observed that sometimes a person is denied such an authorisation based on objections from residents of the neighbourhood, the applicant's questionable loyalty to the government or merely for corruption (in some cases when the applicant paid USD 100, they received the authorisation). Additionally, when moving houses or furniture, the local authorisation has to be presented at checkpoints. Without the authorisation of the security branch, one also could not obtain a Smart Card, which gives purchasing access to government-rationed subsidised goods such as food and fuel [[Damascus 2021](#), 2.3.7].

The returnees need to obtain an approval from the Ministry of Internal Affairs, i.e. Tabu to prove that they are returning to their own properties, in addition to a clearance from the security agencies. However, returnees living abroad whose record affiliates them with the opposition would face more difficulties to register or obtain an authorisation and may even face risk of detention. In order to rent or rehabilitate an accommodation in areas of Damascus that were previously held by the opposition, an authorisation is required, and can be obtained from local security branches instead of the central security as of 2020 [[Damascus 2021](#), 2.3.7].

Access to some areas of Damascus, such as Al-Qaboun, Al-Yarmouk, Jobar, and Al-Qadam, is almost completely prohibited due to significant destruction and security permission is required for entering those areas [[Damascus 2021](#), 2.3.6].



For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA in Damascus City should proceed with an assessment of the requirements of safety and legality of travel and of gaining admittance.

The profile and individual circumstances of the applicant should be taken into account in this regard. For individuals who would return to Syria without identity documents or without security clearance or status settlement in place prior to traveling, these requirements would not be satisfied.

## 5.4 Reasonableness to settle

Last update: November 2021

According to [Article 8\(1\) QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection. In case the criteria of safety and travel and admittance are met, the assessment of the availability of IPA in Damascus City should proceed with an analysis of its reasonableness in light of the general situation in the city and the individual circumstances of the applicant.

This common analysis follows a rights-based approach in light of jurisprudence of the ECtHR identified as relevant. While acknowledging that the ECtHR jurisprudence is in the context of a different legal

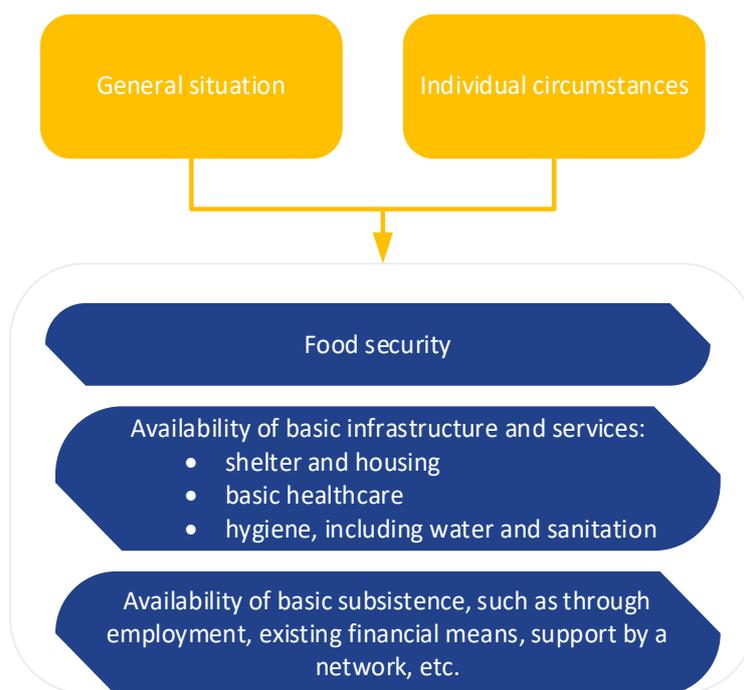
regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under [Article 8 QD](#).



- The assessment should take into account the applicant’s ability to cater for their most basic needs, such as food, hygiene and shelter, their vulnerability to ill-treatment and the prospect of their situation improving within a reasonable timeframe.<sup>37</sup>
- Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by [Article 3 ECHR](#).<sup>38</sup>

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family’s subsistence and to the availability of basic healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

**Figure 18. IPA: assessment of the reasonableness requirement.**



<sup>37</sup> ECtHR, *Sufi and Elmi*, para. 283.

<sup>38</sup> ECtHR, *A.A.M. v Sweden*, para.73.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed in the next sub-section in relation to the general situation in Damascus City.

### 5.4.1 General situation

Last update: November 2021

The contracting Syrian economy has been characterised as being in a state of ‘meltdown,’ with an unprecedented rapid depreciation of the Syrian pound (SYP), and sharply rising food prices. The continued devaluation of the SYP has resulted in inflation and a constant volatility of market prices. Real GDP contracted in 2020 and was expected to contract further in 2021, with no economic recovery in sight and the government’s capacity to meet the needs of the population under its control diminishing. Nationwide, 74 % of the basic socio-economic infrastructure is assessed as damaged. [[Damascus 2021](#), 3.1.1]

The sanctions targeting key GoS figures and various sectors of the economy have contributed to the emergence of a ‘criminalised’ economy with a network of warlords and GoS supporters connected to it, deterioration in the formal economy, a weakened civil society, and increased suffering for ordinary people. Furthermore, they have created crippling shortages of fuel, gasoline, and cooking gas. In the winter cooking gas is in very short supply, causing people to switch to wood as they wait for their turn to buy a subsidised gas canister. Prices of medicine and connected shipment costs have greatly increased. [[Damascus 2021](#), 3.1.2]

Furthermore, the COVID-19 pandemic has added to the straining of Syrian economy, as sectors such as tourism, transportation, trade, and construction, have been paralysed. The domestic food supply chains became significantly impacted, with food prices continuing to rise during the lockdown period mid-March – end of May 2020. [[Damascus 2021](#), 3.1.3]

#### Food security

[Main COI reference: [Damascus 2021](#), 3.4]

Even though there is no shortage of food in Damascus and all areas of Damascus are receiving food, the food prices are high and exceed the purchasing power of the vast majority of the inhabitants. UNOCHA/WHO considered it likely that more families in Syria had been pushed into food insecurity during 2020, due to rising food prices and loss of job opportunities resulting from the COVID-19 pandemic. Food prices in Damascus had risen by 93 % over the preceding 12 months by February 2020. Between the third week of March 2020 and the last week June 2020, Damascus governorate was among the governorates that reported the largest increase in average food basket prices. Many households are reported to consume only a basic diet consisting of bread, rice, oil, vegetables and sugar due to increased prices. Poultry and eggs could sometimes be hard to find at all. Consumption of meat (lamb or beef) had been heavily reduced due to significant increase in prices. Cheap minced meat of unknown origin, considered not suited for human consumption, has become available in Damascus and finds its way to the markets. Many people resort to collecting food waste from markets and restaurants. During the annual low production season, an average family would need one more salary just to cover fruits and vegetables. IDPs would presumably be on the lower part of the food security ladder.

In September 2020 there were reported shortages of bread in Damascus as a result of wheat flour shortage and queuing for bread has become common. The average quota per person daily is at 3.5 pita breads weighing 650 grams, amounting to about 950 calories. However, analysts stated that the GoS is unable to fulfil this quota.

One Smart Card is issued per family and only to families which are registered in Damascus. The quality of the food that can be bought with the Smart Card is low. During 2020 single persons also started receiving the card. The Smart Card can also be used to buy fuel and cooking gas.

### Housing and shelter

[Main COI reference: [Damascus 2021](#), 3.5]

According to damage reports, severe damages have been inflicted on the areas Bab Touma and Midan Wastani in central Damascus; Barza al-Balad at the city's border to eastern Ghouta; and on Yarmouk, el-Faloujeh, and on Tadamon with adjacent areas to the southeast. Analysts have stated that the demand for housing in Damascus is huge, and market supply limited. Nearly one million IDPs have settled temporarily or permanently in the city and have increased the pressure on housing, infrastructure, and services. For people settling informally, available services were extensively lacking. Due to the shortage of housing, IDPs are usually squatting in poor areas even though a number of properties have become vacant as their owners have left the city. The houses becoming vacant were located in more affluent areas where the real estate prices were high. The rental rates had risen significantly to between SYP 200 000 and SYP 300 000 (USD 85 – 128) per month by July 2020.

It was noted that no real reconstruction has taken place in Damascus City. The government had not started reconstruction in the most damaged areas of Damascus. It had not even allowed houses to be rebuilt and in some areas administrative and financial obstacles were holding owners back from starting repairs. Moreover, the price of building materials had risen to high levels, making it difficult for owners to rehabilitate destroyed houses. It has been stated that short of access to foreign funds, the GoS also lacks the capacity to engage in reconstruction of any scale that would matter. Medium-to-large size reconstruction projects are expected to be put on hold.

### Water and sanitation

[Main COI reference: [Damascus 2021](#), 3.5.4]

The supply of drinking water through the public pipeline in Damascus is considered as good. It covers most parts of the city mainly 24/7 in the winter. In the summer months there can be running water only 3 hours per day, but this will be enough for households to refill their stores of drinking water. In areas where there was much destruction there was no water supply when the government took over, but it had been improving slightly. In the overcrowded neighbourhoods of Ish al-Warwar, Masaken Barzeh, Jaramana, Qudsaya, Nahr Eisha, al-Maydan, and Rukn al-Din, water could be missing for entire days and people would then have to rely upon tank trucks bringing in water. Bottled water costs too much for most people to buy and the monthly cost of barrelled water would be SYP 150 000. During an unusually dry month in November/December 2020, there had been eight days of shortages and frequent interruptions in the drinking water supply in various parts of Damascus.

The sewers system works well for all who live in functioning buildings. There are no sewers available for IDPs living in unfinished buildings and in destroyed areas.

## Basic healthcare

[Main COI reference: [Damascus 2021](#), 3.6]

Medical care for Syrian citizens is free of charge in all government clinics and health centres. According to WHO, Damascus hospitals have the largest availability of services in Syria to treat noncommunicable diseases, such as diabetes and diabetic complications, hypertension, cardiovascular, kidney, and cancer diseases. Furthermore, 12 of a total of 15 public hospitals were classified by the WHO as 'accessible', while 3 were classified as 'hard to access'. Public healthcare services are almost for free and a vast majority of people can afford them. Also, medicines provided through the public clinics are subsidised and much cheaper than medicine offered at pharmacies. Even though the public hospitals do offer surgery, surgery is not necessarily readily available there and it requires much time and bribery for someone to get access to surgical treatment in a public hospital. The costs of private healthcare in the capital have been characterised as 'prohibitive' for most people, although clinics located on the outskirts of the city would charge less. There are reports that security forces are present inside medical facilities, monitoring the work of the medical staff. Their presence deters many from seeking treatment, since they are widely feared.

Each of Damascus's 15 hospital serves an average population of close to 122 000. Inpatient capacity has increased from originally 2 840 beds to 3 246 beds. There are 18 hospital beds per 10 000 inhabitants. During June 2020, the public hospitals carried out 5 516 elective surgeries, and 844 emergency surgeries. 265 children with severe diseases were reportedly treated in public hospitals from January to June 2020. During the first half of 2020, 2 673 patients received treatment for cancer, while 1 941 patients received treatment for cardiovascular diseases. Furthermore, the 36 private hospitals and clinics in Damascus can treat 10-100 patients.

Hospitals in Damascus are reported as crowded and short of qualified staff and basic equipment and medicine and there is a lack of capacity in the health sector in the city. It has been estimated that around 50 % of medical doctors had left during 2020 and in 2021 a further surge in the number of medical doctors who left Syria and who used to work in Damascus was witnessed. The lack of medical staff, especially qualified ones, has led to increasing occurrence of unexperienced doctors committing errors that sometimes caused the death of patients, more often in public than in private hospitals.

WHO reported that 53 out of the 61 public health centres in Damascus were fully functional, 1 partially functional, and 7 non-functional as of the second quarter of 2020, and most of them were reported as accessible.

At the start of the COVID-19 outbreak there were only 3-4 hospitals in the capital that could treat COVID-19 patients and only two of them had intensive care units (ICUs). Even though some more ICUs have been opened and more bed capacity has been made available, it continued to be insufficient. It is estimated that there were 96 ICU beds with ventilators available at public and private hospitals in Damascus and the healthcare system could treat a maximum of 1 920 cases. It has been reported that state hospitals, particularly in the Damascus area, were overwhelmed with patients and have run out of ventilators. Treatment against COVID-19 could also be given at private hospitals, however with a bribe, or at such a high price that people would usually give up and resort to home treatment instead. The pandemic was causing shortages of medicine and price increases, making an already difficult situation even more difficult. UNOCHA/WHO pointed at the potential for further overstretching the healthcare capacity, citing a steady increase in COVID affected healthcare workers reported since July 2020.

Over 44 000 COVID-19 cases were confirmed across Syria as of mid-February 2021. UNOCHA reported 2 908 confirmed laboratory cases in Damascus as per mid-February 2021. WHO reported 15 642

confirmed cases and 1 032 confirmed deaths nationwide as by 2 March 2021. However, various sources considered the prevalence of COVID cases in Syria seriously underreported and researchers have estimated that the numbers of deaths announced by the Syrian government corresponded to only 1.25 % of the actual numbers and that a cumulative total of 39 % of the city's population had been affected during the pandemic as of September 2020.

### Basic subsistence and employment

[Main COI reference: [Damascus 2021](#), 3.2]

UNOCHA set the nationwide unemployment rate for the working age population at 50 % at the end of 2020. The official unemployment rate for Damascus is set to be 30 %, but that number is not considered accurate. Unemployment is common but exact figures for 2020 for Damascus City could not be found. The COVID-19 pandemic has had a strong impact on the general employment situation as the lockdown in 2020 caused closures of workplaces and employment activities that led to households losing one or more sources of income.

Increasing unaffordability of goods and services, negative coping mechanisms such as depleting one's savings and reducing the number and quality of meals, are on the rise and for most people the job is no longer the main source of income. Before the war, one's job would make up for 80 % of the average household income but after the war the share had sunk to about 30 %. Savings, remittances, and humanitarian aid have become other important income sources. It is common for people who live in Damascus to need more than one job and it has been necessary for as many family members as possible to work. Furthermore, most government jobs cannot cover living costs and even middle-class families in Damascus usually need two jobs. Child labour is common too, especially for big families with poor backgrounds.

Remittances sent from abroad constitute a substantial share of many people's subsistence, although it has been assumed that even if income from remittances and all other sources of income were taken together, they would still be insufficient for households to cover living costs.

The World Bank reported in 2020 that poverty in Syria prevailed everywhere while the International Committee of the Red Cross (ICRC) reported that 80 % of Syrians in 2020 lived under the international poverty line of USD 1.90 per day. UNOCHA's estimate of overall poverty in Syria at the start of 2021, was close to 90 %, up by 3-4 percent points compared to 2019. Extreme poverty was estimated at between 55 and 65 %. In 2019, the overall rate of poverty in Damascus has been estimated at 81 % and extreme poverty at 53 %.

Damascus is considered the city with the highest costs of living (food, housing, education, health and clothing) in the country. Average prices of 'all goods' tripled in 2020, having increased almost 44 times since the beginning of the conflict in 2011. The average wage level did not increase correspondingly, leaving a huge gap. Throughout the period of lockdown in 2020, fuel prices rose by 21 % for diesel and by 33 % for butane gas used for cooking.

The average monthly salary of government employees stayed around SYP 60 000 – 80 000 per month, occasionally reaching 120 000. For public administrative positions, salaries could reach up to SYP 200 000. In private sector salaries ranged between SYP 120 000 and 150 000 at best. The exploitation of workers has been increasing and wages have been pressed downwards in the private sector. Being paid less than USD 1 per day is not unusual for shop employees, and the physical working conditions are often bad.

From January 2020 to April 2020, the monthly total cost of living for a family of five residing in Damascus rose from SYP 380 000 to SYP 430 000 (between USD 331 and 358).



The general circumstances prevailing in Damascus assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the city as such. The person's ability to navigate the above circumstances will mostly depend on access to financial means and in exceptional cases, the reasonableness requirement may be satisfied. The assessment should take into account the individual circumstances of the applicant.

## 5.4.2 Individual circumstances

Last update: November 2021

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable to settle in that part of the country should take into account the individual circumstances of the applicant.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact in determining to what extent it would be reasonable for the applicant to settle in Damascus.

Please note that this is a non-exhaustive list:

- **Civil documentation** [Main COI reference: [Damascus 2021](#), 2.4]: As mentioned before, civil documentation is essential to meet the criterion of [travel and admittance](#). It is also required for freedom of movement in general, and the lack of civil documentation results in inability to register births, marriage, death, to access basic services such as healthcare and school registration, to claim property, and to access humanitarian aid. Returning refugees or IDPs who do not have proper papers would not be issued a Smart Card, cannot be legally employed, cannot pass through checkpoints, cannot enrol their children in school, and cannot reclaim their old owned or rented home. Also, lack of documentation could have detrimental impact on children who could become stateless. The problem of documentation seems to affect women more than men for societal reasons, and the lack of documents may render a widow unable to secure her inheritance or hold on to the family home.
- **Gender** [Main COI reference: [IDPs and returnees](#), 4.1]: There have been initial findings that women refugees may be returning at a larger scale than men, which has been attributed to men's fear of conscription and the high death rates caused by the conflict. On the other hand, sources reported that many women living in Lebanon do not want to return because they would have to leave their husbands or sons behind or, when returning together, see them conscripted in the army.

It has been reported that IDP returnees and refugees returning to their place of origin generally face a number of challenges in obtaining basic information to bolster their decision. This lack of information affects women more than men, increasing their risk of exploitation and abuse.

The absence of civil registration and documentation has also proven to be particularly harmful to women and girls. The lack of civil documentation leads to lack of legal identity, without which asserting claims during civil proceedings concerning various types of affairs such as divorce, custody, property ownership and criminal matters becomes problematic. In addition, the lack of civil documentation can also stop women from enjoying their legal and/or traditional rights provided by their marriage contracts and block the access to other rights and services, including humanitarian aid. [see also [Situation of women](#), 1.2.6]

Displaced women and girls without male support or protection, specifically those living in camps and shelters, are more susceptible to violence than men and boys, including sexual violence, child marriage and movement restrictions [see also [Situation of women](#), 1.1.3]. Women have also been coerced into marrying men at distribution centres, or distribution staff, for a short period of time - for sexual purposes - in order to receive assistance. Decline in international funding further reduces women's access to health services. Displacement and refugee life have negative consequences on women's mental health, often triggered by lack of food and livelihood opportunities, in addition to social burdens such as having to ensure care and education for their children. Women's access to mental health services is more limited in comparison to men.

- **Age** [Main COI references: [IDPs and returnees](#), 4.2; [Damascus 2021](#), 3.7]: Young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by family or a broader support network. In the case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education.

In August 2019, UNICEF reported that 2.6 million children in Syria were displaced as a result of the conflict. The upheaval resulting from displacement has diminished the capacity of many host communities to absorb and provide services to large numbers of IDPs, including children's access to education. It has been found that many children face challenges in accessing proper education, as the educational system in Damascus has not recovered from the impact of the conflict. Furthermore, due to widespread financial challenges, children have to contribute to their families' income. The COVID-19 had further negative impact in the school system. This has led to an increase in the level of children dropping out of school and increase in child labour and child marriages. According to the UNOCHA Humanitarian Needs Overview 2019, in the governorate of Damascus, more than 470 000 children were found to be in need.

- **Support network** [Main COI reference: [Damascus 2020](#), 5]: Sources report that it is important for returnees to go back to their area of origin where they can rely on a social network. Those returning from abroad lack such a safety net if they go to an area where they do not originate from. As the socio-economic divisions have been exacerbated by the war, finding employment in Damascus is reported to be increasingly difficult without *wasta* - nepotism or clout.

The increasingly deteriorating economy has led to widespread poverty that has affected the majority of the Damascus population. As such, careful examination is needed in order to be determined whether the applicant will actually have access to a safety net and be able to receive assistance from their connections, even if they have a social network in the city.

- **Professional and educational background and financial means** [Main COI reference: [Damascus 2021](#), 3.2]: The professional background of the applicant, their level of education and available

financial means should be taken into account when assessing the reasonableness of IPA, and in particular the access of the applicant to means of basic subsistence. Unemployment in Damascus is common and the situation regarding availability of employment has further deteriorated due to the COVID-19 pandemic and the collapse of the Syrian economy. Moreover, goods and services have become increasingly unaffordable for the majority of the population, the available salaries are insufficient to meet needs, often even with a second job and individuals have to complement their income with remittances from abroad in order to access basic subsistence.

- **Ethnoreligious and linguistic background** [Main COI references: [Security 2021](#), 2.10; [Damascus 2021](#), 1.1]: Accurate and updated information on the ethno-religious composition of Damascus is not available. Throughout the conflict, the city's demography has been subject to constant change marked by new arrivals and departures and ensuing overcrowding. Displaced communities from across the country have become packed together in the capital, giving rise to a larger, more 'segmented' and more 'heterogenous' population. Sunni communities in former opposition-held areas in Damascus have been subject to mass displacement to other parts of the country. Conversely, Shias from other parts of the country have become displaced to Damascus, including persons affiliated with Iran-backed militias. Apart from Sunni, there are reports that there is also presence of Alawites, Druze, Twelver Shia, Ismaili, and Christians. Many districts and neighbourhoods of Damascus and its environs are formed according to the ethnicity and/or religion of their inhabitants, with Kurds largely residing in the districts of Rukn al-Din and Barzeh and poor informal settlements, for example in the Wadi al-Mashari neighbourhood in Dummar.
- **State of health** [Main COI reference: [Damascus 2021](#), 3.6]: The already strained healthcare system in Damascus has been further overstretched due to the COVID-19 pandemic. Therefore, the health status of the applicant is an important consideration when assessing the reasonableness of IPA for those who require medical treatment. It should also be taken into account that their state of health may affect their ability to work. For those with disabilities, access to basic subsistence such as through employment would be further limited.

These factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, more than one element of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. a family with a child with disabilities), while in other cases, they may balance each other (e.g. a woman with a university degree and connections which could assist her in finding employment in Damascus).

### 5.4.3 Conclusions on reasonableness

Last update: November 2021

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in Damascus City, and the individual circumstances of such applicants, as outlined in the sections above.



For those applicants who meet the 'safety' and 'travel and admittance' requirements under [Article 8\(1\) QD](#), the availability of IPA in Damascus City will depend on the assessment of the reasonableness to settle there.

Based on the general situation in the capital city, and taking into account the applicable individual circumstances, internal protection in Damascus City may be a reasonable alternative only in exceptional cases. Such exceptional cases would in particular include some adult applicants with significant financial means or who have a support network that is willing and capable of assisting them in accessing basic subsistence if they settle in the city.

In this regard, the rapidly evolving economic situation and food insecurity, as well as the impact of covid-19 on those and on the healthcare system in Damascus, should also be considered.

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## 6. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#) in relation to acts committed by applicants from Syria.



The contents of this chapter is structured as follows:

- Following the [Preliminary remarks](#), this chapter provides general guidance on the applicability of the [Exclusion grounds](#).
- It further outlines some of the factual circumstances in which exclusion may be relevant ([Relevant circumstances](#)).
- Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances is included under [Guidance with regard to Syria](#).



For further general guidance on exclusion, see the '[EASO Practical Guide: Exclusion](#)'.

### Preliminary remarks

Last update: September 2020

Applying the exclusion grounds, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#).

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to [Article 12\(2\) and \(3\) QD](#):



#### Article 12(2) and (3) QD Exclusion (Refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that:

- (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

- (b) (he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
- (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

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If the person would otherwise be eligible for **subsidiary protection**, the exclusion grounds under [Article 12\(2\)\(a\) and \(c\) QD](#) would apply in the same way ([Article 17\(1\)\(a\) and \(c\) QD](#), respectively). The ground of 'serious crime' ([Article 17\(1\)\(b\) QD](#)), on the other hand, is broader than 'serious non-political crime' and has no geographical or temporal limitations. Furthermore, additional exclusion grounds are envisaged under [Article 17\(1\)\(d\) QD](#) and [Article 17\(3\) QD](#). [Article 17\(3\) QD](#) contains an optional provision and its applicability would depend on the transposition of this provision in national legislation..<sup>39</sup>



#### Article 17 QD Exclusion (Subsidiary protection)

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

- (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) he or she has committed a serious crime;
- (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
- (d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.

2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of paragraph 1 which

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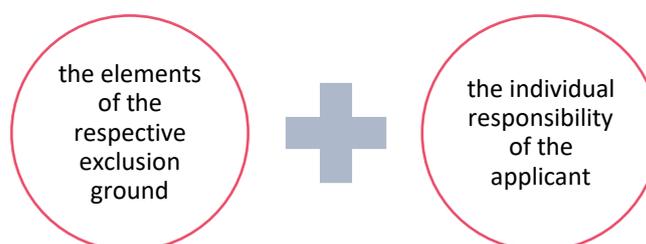
<sup>39</sup> Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.

would be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

It should be underlined that the determining authority has the burden of proof to establish:

**Figure 19. Elements in applying exclusion.**



At the same time, the applicant has a duty to cooperate in establishing all facts and circumstances relevant to his or her application.

**Individual responsibility** could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.



The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable acts(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see [Article 33 of the Rome Statute](#)),<sup>40</sup> etc.

Depending on national practice, the analysis may further proceed to take into account whether the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the (otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.

For further horizontal guidance on individual responsibility, see '[EASO Practical Guide: Exclusion](#)', p.29.<sup>41</sup>



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

## 6.1 Exclusion grounds

### 6.1.1 Crime against peace, war crime, crime against humanity

Last update: September 2020

[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments:

► **'Crime against peace'** is related to the planning, preparation, initiation, waging or participation in a common plan or conspiracy related to a war of aggression, which can only apply in relation to international armed conflict. Such a crime would usually be committed by individuals in a high position of authority, representing a State or a State-like entity. It can be noted that in practice this ground is rarely applied.

► **'War crimes'** are **serious violations of international humanitarian law**, committed against a protected person or object (civilians, combatants placed out of combat such as in detention or being wounded, or those who have put down their arms, or civilian and cultural objects), or through the use of unlawful weapons or means of warfare.<sup>42</sup> War crimes can only be committed during an armed conflict qualified accordingly under international humanitarian law. The nature of the armed conflict

<sup>40</sup> Rome Statute of the International Criminal Court, Article 33.

<sup>41</sup> The 'EASO Practical Guide: Exclusion' is available in different languages at <https://www.easo.europa.eu/practical-tools>.

<sup>42</sup> War crimes are listed, inter alia, under [Article 8 of the Rome Statute](#), under the 'Grave Breaches' provisions of the 1949 Geneva Convention and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Statute of the International Criminal Tribunal for Rwanda (ICTR).

(international or non-international) is decisive in order to define the elements of the particular war crime...<sup>43</sup>

War crimes can be committed by combatants/fighters, as well as by civilians, as long as there is a sufficient link to the armed conflict. This means that the act needs to have been 'closely' related to the armed conflict...<sup>44</sup>

Some relevant (non-exhaustive) examples of war crimes include:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture of persons taking no direct part in hostilities;
- committing outrages upon personal dignity, in particular humiliating and degrading treatment of persons taking no direct part in hostilities;
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- using unlawful means of warfare, such as prohibited chemical weapons and use of barrel bombings with indiscriminate effect;
- intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- killing or wounding treacherously a combatant adversary;
- discriminating practices by medical personnel with regard to treatment of wounded;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable;
- conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

► **'Crimes against humanity'** are fundamentally inhumane acts, committed as part of a systematic or widespread attack against any civilian population...<sup>45, 46</sup> Inhumane acts, which could reach this threshold

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<sup>43</sup> Note that the assessment under Article 12(2)(a) QD and Article 17(1)(a) QD refers to the relevant international instruments defining the terms. Therefore, the assessment of whether an armed conflict takes place, as well as its nature, is based on international humanitarian law and may differ from the assessment in the context of Article 15(c) QD as defined in the *Diakité* judgment of the CJEU.

<sup>44</sup> 'The armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed', ICTY (Appeals Chamber), *Prosecutor v Kunarac et al.*, IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002, para. 58.

<sup>45</sup> **Crimes against humanity** are defined in international instruments, inter alia, [Article 7 of the Rome Statute](#).

<sup>46</sup> On 'widespread' and 'systematic', see for example, ICTY, *Prosecutor v Dusko Tadic aka "Dule"* (*Opinion and Judgment*), IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu* (*Trial*

when committed pursuant to or in furtherance of a State or organisational policy, include: murder, extermination, enslavement; deportation or forced transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognised as impermissible under international law; forced disappearance of persons; apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against humanity can be committed in peacetime as well as during an armed conflict. Even a single act could fall under this exclusion ground provided it forms part of a widespread or systematic attack against a civilian population and the act is committed by any person (including a civilian) who had knowledge of the attack and the link of the act to the attack. Some crimes against humanity would require an additional specific intent (e.g. persecution and genocide).

In order to establish whether a war crime or a crime against humanity has been committed, the case officer should consult the relevant international instruments.

### 6.1.2 Serious (non-political) crime

Last update: September 2020

The commission of serious (non-political) crimes is a ground that could apply to applicants from all countries of origin, regardless of the general situation.

In order to determine whether the crime qualifies as **serious**, the following factors may be taken into account: the nature of the act, the actual harm inflicted, the form of procedure used to prosecute such a crime, the nature of the envisaged penalty, and whether most jurisdictions would consider it serious.

There is no requirement that the offence constitutes a crime (or a serious crime) in both the country of origin and the country of application. Therefore, certain acts could be criminalised in Syria, but not be considered serious crimes according to international standards and would therefore fall outside the scope of this provision (e.g. same sex relations). At the same time, acts that may not be considered serious crimes in Syria could be relevant exclusion grounds (e.g. marital rape, sexual relations with a minor in the context of child marriage).

In order for an act to qualify as a **non-political** crime, it should be considered to have a predominantly non-political motivation or be disproportionate to a claimed political objective. Particularly cruel actions may be considered serious non-political crimes, due to being disproportionate to an alleged political objective. Terrorist acts, which are characterised by their violence towards civilian populations

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*Judgment*), ICTR-96-4-T, judgment of 2 September 1998, para. 580; ICTY, *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Appeal Judgment)*, IT-96-23 & IT-96-23/1-A, 12 June 2002, para.94; on 'civilian population' see ICTY, *Prosecutor v Dusko Tadic aka "Dule" (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 644.

even if committed with a purportedly political objective, fall to be regarded as serious non-political crimes within the meaning of point (b)...<sup>47</sup>

It should also be noted that State agents could be responsible for serious (non-political) crimes (e.g. in relation to death penalty and executions, and torture).

The exclusion ground for refugee status further stipulates that the act must have been committed **outside the country of refuge prior to the person's admission as a refugee**. This requirement does not apply to exclusion from subsidiary protection.

### 6.1.3 Acts contrary to the purposes and principles of the United Nations

Last update: September 2020

The purposes and principles of the UN are set out in the [Preamble and Articles 1 and 2 of the UN Charter](#). In order to apply this exclusion provision, the acts must have an international dimension in the sense that they are capable of having a negative impact on international peace and security or the friendly relations between States...<sup>48</sup> However, there is no requirement that the perpetrator hold a position of power in a State or a State-like entity in order to be excluded under this provision. Accordingly, this exclusion ground may apply to certain acts which constitute serious and sustained human rights violations and/or acts specifically designated by the international community as contrary to the purposes and principles of the UN (for example, terrorist acts in light of relevant UN Security Council and General Assembly resolutions)...<sup>49</sup>

Relevant jurisprudence of the CJEU, including the *B and D* case...<sup>50</sup> and the more recent *Lounani* case...<sup>51</sup>, views acts constituting participation in the activities of a terrorist group under this provision. This could cover a wide range of conduct and cannot be confined to the actual perpetrators of terrorist acts. It could, for example, include recruitment, organisation, transportation or equipment of individuals, for the purpose of, inter alia, the planning or preparation of terrorist acts, etc...<sup>52</sup> It should be noted that the CJEU finds that the mere fact that a person was a member of an organisation implicated in terrorist acts does not automatically mean that the respective exclusion ground can be applied. It is not a prerequisite that an applicant for international protection has instigated a (particular) terrorist act or has otherwise participated in the commission of such an act. [Article 12\(2\)\(c\) QD](#) and [Article 17\(1\)\(c\) QD](#) can be applied only after undertaking, for each individual case, an assessment of the specific facts brought to the attention of the authorities with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for international protection, fall within the scope of that particular exclusion...<sup>53</sup>

<sup>47</sup> See, for example, CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010, para. 81.

<sup>48</sup> CJEU, *Lounani*, para. 74; CJEU, *B and D*, para. 84.

<sup>49</sup> See, for example, the 2001 UN Security Council resolutions 1373 and 1377.

<sup>50</sup> CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010.

<sup>51</sup> CJEU, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, C-573/15, judgment of 31 January 2017.

<sup>52</sup> CJEU, *Lounani*, para. 69.

<sup>53</sup> CJEU, *Lounani*, paras. 70 and 72; *B and D*, paras. 87 and 94).

## 6.1.4 Danger to the community or the security of the Member State

Last update: September 2020

In the examination of the application for international protection, the exclusion ground ‘danger to the community or the security of the Member State’ under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member State or criminal activities of the applicant.

The application of this provision, in particular, would often require the involvement of other authorities, which may have access to relevant information.

## 6.2 Relevant circumstances

Last update: September 2020

In the context of Syria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. While the focus in this chapter is primarily on the recent events, it should be highlighted that applicants can be excluded from international protection for acts committed in the more distant past (e.g. during the Syrian Occupation of Lebanon (1976-2005) or in the context of the Muslim Brotherhood Uprising in Syria (1979-1982), or based on their involvement in other excludable acts of the Syrian regime). In the context of the different conflicts since 2011, most actors have been widely reported to engage in actions which may lead to exclusion.



The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

### 6.2.1 The Syrian intervention in the Lebanese civil war and presence in Lebanon (1976-2005)

Last update: September 2020

[[Security 2020](#), Annex II]

In June 1976, Syria intervened in the Lebanese civil war sending a force of 25 000 soldiers to Lebanon to prevent the defeat of its Maronite Christian allies. It maintained military presence in Lebanon for the next three decades and exerted significant influence on Lebanese politics. During its presence in Lebanon, Syria maintained up to 30 000 soldiers in the country. It had clashes with Israeli forces and various Lebanese factions. Syria lost thousands of soldiers. During Syria’s military presence in Lebanon, excludable crimes such as forced disappearances and torture were carried out against Lebanese nationals, Palestinian refugees, and others by the Syrian military and intelligence branches. In 2005, following the assassination of the Lebanese premier Rafiq al-Hariri, who was a critic of the Syrian presence in Lebanon, Syrian forces withdrew from Lebanon under international pressure.

## 6.2.2 The Muslim Brotherhood Uprising in Syria (1979-1982) which comprised the Hama Massacre (February 1982)

Last update: September 2020

[[Security 2020](#), Annex II]

Islamist resistance to the Assad government grew in 1979-1981. After the Islamic Revolution in Iran, Muslim groups instigated uprisings and riots in Aleppo, Homs and Hama. The Muslim Brotherhood attempted to topple the Assad regime with targeted killings, guerrilla warfare and large-scale uprisings. Between 1979 and 1981, Muslim Brotherhood militants killed over 300 Assad supporters in Aleppo alone; Syrian forces responded by killing 2 000 members of the Muslim Brotherhood.

In February 1982, the Muslim Brotherhood attacks on the government and the uprising in the city of Hama were suppressed in a month-long siege by the army. An estimated 10 000 to 25 000 civilians were killed. Special forces belonging to the intelligence services, in particular the 'Defence Brigades' (*Sirayat al-difa'*) commanded by Rif'at al-Assad, President Hafez al-Assad's brother, are reported to have carried out massive arrests of civilians, as well as torture and executions.

## 6.2.3 Current conflicts (2011-ongoing)

Last update: September 2020

An overview of the most important actors who may have been involved in war crimes and crimes against humanity will be given below.

### The Government of Syria and associated armed groups

The implication of the regime and the associated armed groups in acts which fall under the exclusion provision of [Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) has been noted repeatedly by the UN and other actors. More than 100 000 people have been detained, abducted or gone missing so far since the beginning of Syria's civil war in 2011, largely at the hands of the GoS's security forces, the police, the Army, pro-government militias and the different branches of the intelligence service [[Targeting, 1.1](#); [Security 2019, 4.3](#)]. There are multiple reports of arbitrary detention and forced disappearances at the hand of government forces and pro-government militias [[Actors, 2.4](#)]. Those who were arrested were subjected to systematic torture in one of the intelligence services' many detention centres [[Security 2019, 4.3](#)]. Most of the victims were men between the ages of 18 and 60, but torture of women and children was also reported [[Actors, 2.4](#)]. They were detained for days or months, often without being brought before a judge and without being told what they were accused of. In most cases, the detainees' families were not informed of their whereabouts. Detainees were held in crowded cells and without sufficient food. Many are assumed to have died while in detention as a result of torture, starvation or lack of adequate medical assistance [[Security 2019, 4.3](#)]. Tens of thousands of people remain disappeared, most of them since 2011, including peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents, as well as individuals detained in place of relatives wanted by the authorities [[Actors, 2.4](#)].

Throughout the conflict, government forces and associated armed groups have used a wide range of tactics to force opposition held areas into surrendering including sieges, blocking of humanitarian aid,

denial of access to food and other basic services, and targeted attacks on medical facilities, schools and local markets. GoS attacks on opposition-held areas have been largely disproportionate, including attacks against protected objects and residential areas. The GoS used weapons such as cluster bombs that have indiscriminate effect, and prohibited weapons such as some chemical and incendiary weapons. The Assad regime has been reported to deliberately and repeatedly target civilians in Syria with both conventional and chemical weapons. Reports range from 32 to about 330 chemical attacks attributed to the Syrian government [[Security 2020](#), 1.6.1.4, Annex II; [Actors](#), 2.4] Sexual violence, including rape, of women, girls and occasionally men, committed by government forces and associated militias during ground operations, raids and in detention, was also reported. [[Actors](#), 2.4]

Child recruitment by NDF and other pro-government militias was also reported [[Targeting](#), 12.1].

### Anti-government armed groups

Exclusion considerations could be relevant with regard to (former) members of all anti-government armed groups.

In 2017, for example, Syria was ranked fifth in the world with regard to deaths resulting from terrorist attacks, after Afghanistan, Iraq, Nigeria and Somalia. ISIL, a UN- and EU-designated terrorist organisation, was responsible for 63 % of the registered deaths resulting from terrorist attacks in Syria in 2017 [[Actors](#), 6.1; [Security 2019](#), 4.2].

Following the establishment of its so called ‘caliphate’ in Syria and Iraq, ISIL has killed hundreds of civilians, including women and children, and carried out public executions, beheadings and crucifixions. Furthermore, ISIL carried out assassinations, suicide attacks, and abductions. Religious minorities in Syria, such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to ISIL’s religious laws, were specifically targeted [[Actors](#), 6.4; [Targeting](#), 5.3.2; [Security 2020](#), Annex II]. ISIL used civilians as human shield in its defence of Raqqa and other towns, and employed internationally banned landmines to hold off the advance of attacking forces [[Security 2020](#), Annex II].

HTS, also a UN- and EU-designated terrorist organisation, was formed in 2017 as a coalition of Islamist Sunni anti-government armed groups, through the merger of *Jabhat al-Nusra* (also a UN-designated terrorist organisation since 2013) with other smaller factions [[Actors](#), 4.1.1]. Attacks by HTS and affiliated armed groups on GoS positions were described as often indiscriminate in nature. These groups also terrorised, killed, and maimed dozens of civilians in the countryside of Aleppo, Hama, and elsewhere [[Security 2020](#), 1.6.1.2]. The group has conducted formal military campaigns, assassinations, hostage takings, and ‘lone wolf’ operations, including suicide bombings. In areas where HTS is operating, civilians are unlawfully detained, kidnapped and tortured for expressing political dissent. It was reported that civilians, including humanitarian workers and media activists were targeted and received death threats for being critical of HTS, as well as extorted and used for ransom [[Actors](#), 4.1.4].

Groups operating under the SNA (the former NLF) were involved in kidnappings, abductions, torture, extortion and assassinations of civilians. It was reported that Turkish forces and the affiliated SNA were responsible for indiscriminate attacks on residential areas, summary killings and unlawful attacks that killed and injured civilians, among others, during the offensive in northeast Syria. The SNA-branded group Ahrar al-Sharqiya has been most frequently named as the perpetrator of summary killings and human rights abuses during the October 2019 offensive [[Actors](#), 5.2].

There were also reports of child recruitment by anti-government armed groups, such as Ahrar al Sham, groups affiliated with the FSA, ISIL, Army of Islam, HTS, and Nur al-Din al-Zanki [[Targeting](#), 12.1].

### Kurdish political actors (PYD) and security forces (SDF, YPG, Asayish)

The PYD and Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents such as the KNC, arrests of journalists, members of human rights organisations, individuals who refused to cooperate with Kurdish groups or persons perceived to be affiliated with ISIL or armed opposition groups [Actors, 3.3]. During anti-ISIL operations in Hasaka and Raqqa governorates, the YPG forces were reported to be engaged in razing of villages, confiscation of property and forced displacement of people in retaliation for perceived affiliation or sympathies to ISIL or other armed groups [Targeting, 3.2]. Thousands of women, men and children were reported to be unlawfully interned or detained in areas under the control of SDF, some of them held in deplorable conditions in makeshift camps unfit to meet their basic needs. The YPG/YPJ were also reported to recruit children [Actors, 3.3].

## 6.2.4 Criminal activity

Last update: September 2020

Criminal activity in Syria is widely reported. Some of the crimes could trigger the consideration of exclusion, as they would qualify as serious (non-political) crimes and/or, depending on additional elements, as war crimes, crimes against humanity, or acts contrary to the purposes and principles of the UN.

Criminality is reported to be a main driver behind the activities of pro-government militias. Pro-government militias are largely autonomous and free to exploit the population in the areas they control. Many have reportedly turned into a mafia known for stealing, looting, corruption, gun smuggling, drug smuggling and committing violations against civilians. In GoS-held areas in Deir Ez-Zor governorate, which have been recaptured from ISIL, militias were reported to be in control and engaging in criminality and extortion of civilians. [Security 2020, 1.5.1]

In several governorates, a state of lawlessness was reported where people were victim of extortions, kidnappings, assassinations, looting, robberies, and human trafficking [Security 2020, 1.5.1, 2.3.3, 2.6.3, 2.9.3.5, 2.11.3, 2.12.3.1, 2.14.3].

The rise of militias, warlords and war profiteers, coupled with heavy influence and dependence on foreign involvement, are factors that experts assessed could potentially pose significant threats to maintaining centralised control by the State. Competing economic interests of militias linked to smuggling, looting, and criminality have reportedly led to occasional clashes between army branches and militias. [Actors, 2.3.1]

Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin was also reported. [Actors, 5.2]

Violence against women and children (for example sexual violence, domestic violence, early/forced marriage) has been prevalent in Syria in both public and private spheres and could also potentially amount to a serious (non-political) crime. See also the profile [2.12 Women](#)].

## 6.3 Guidance with regard to Syria

### 6.3.1 Article 12(2)(a) and Article 17(1)(a) QD

Last update: September 2020

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both a war crimes and crimes against humanity.

According to COI, especially (former) members of the SAA, the GoS intelligence- and security services and associated armed groups (e.g. NDF), as well as anti-government armed groups (e.g. FSA, ISIL, *Jabhat al-Nusrah*/HTS, SNA), Kurdish political actors (PYD), and security forces (SDF, YPG, Asayish) can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

In terms of qualifying the relevant acts as war crimes, the following classification of some of the conflicts taking place in Syria may be relevant:

- non-international armed conflict between GoS and various anti-GoS armed groups, most notably HTS, SNA and ISIL;
- international armed conflict between the US-led coalition against ISIL and GoS (due to its military intervention in Syria without the consent of the GoS);
- international armed conflict between Syria and Turkey, as the GoS has not accepted Turkish presence on its territory; military confrontations between Syrian and Turkish armed forces also took place during the conflict;
- international armed conflict between Syria and Israel, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS;
- non-international armed conflict between Turkey and the YPG forces.

[\[Security 2020, 1.1, Annex II\]](#)

### 6.3.2 Article 12(2)(b) and Article 17(1)(b) QD

Last update: September 2020

Criminal activity in Syria is widely reported, including kidnappings, assassinations, gun smuggling, drug smuggling, human trafficking and robberies. Such serious (non-political) crimes would trigger the application of [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

### 6.3.3 Article 12(2)(c) and Article 17(1)(c) QD

Last update: September 2020

(Former) membership in terrorist groups such as ISIL and *Jabhat al-Nusrah*/HTS could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).



## Annex I. Abbreviations and glossary

<b>ACLED</b>	Armed Conflict Location & Event Data Project
<b>Ahrar al-Sham</b>	Sunni Salafist Jihadist armed group active in Syria, particularly Idlib Province; historical 'partner' of Hay'at Tahrir al-Sham in Syria
<b>AI</b>	Amnesty International
<b>Al-Yarmouk camp</b>	Main refugee camp for Palestinians; located in Damascus
<b>APD (Asylum Procedures Directive)</b>	Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection
<b>Baath Party (Syria)</b>	Arab Socialist Baath Party; the ruling political party in Syria headed by Syrian President Bashar al-Assad
<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CEAS</b>	Common European Asylum System
<b>CJEU</b>	Court of Justice of the European Union
<b>COI</b>	Country of origin information
<b>CoI</b>	Independent International Commission of Inquiry on the Syrian Arab Republic
<b>DIS</b>	Danish Immigration Service
<b>EASO</b>	European Asylum Support Office
<b>ECHR</b>	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950
<b>ECtHR</b>	European Court of Human Rights
<b>ERW</b>	Explosive Remnants of War
<b>EU</b>	European Union
<b>EUAA</b>	European Union Agency for Asylum
<b>FSA</b>	Free Syrian Army
<b>GoS</b>	Government of Syria
<b>HAD</b>	Hurras al-Din
<b>Hezbollah</b>	Lebanese Hezbollah; Lebanese Shia Islamist armed militant group backed by Iran and active on behalf of Assad in Syria
<b>HTS</b>	Hay'at Tahrir al-Sham
<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia

<b>ID</b>	Identification documentation
<b>IDP</b>	Internally Displaced Person
<b>IED</b>	Improvised Explosive Device
<b>ILAC</b>	International Legal Assistance Consortium
<b>IPA</b>	International Protection Alternative
<b>IRGC</b>	Islamic Revolutionary Guard Corps
<b>ISIL</b>	Islamic State of Iraq and the Levant; also known as Islamic State of Iraq and Syria (ISIS), the Islamic State (IS), or Daesh
<b>ISW</b>	Institute for the Study of War
<b>Jaysh al-Islam</b>	Sunni Salafist Jihadist armed opposition group active in Eastern Ghouta outside Damascus; rival of Faylaq al-Rahman
<b>KNC</b>	Kurdish National Council
<b>LDF</b>	Local Defence Forces, <i>Quwat al Difa al Mahalli</i>
<b>LGBTIQ</b>	LGBTIQ people are people: who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and whose identity does not fit into a binary classification of sexuality and/or gender (queer).
<b>NDF</b>	National Defence Forces, <i>Quwat al Difa al Watani</i>
<b>NGO</b>	Non-governmental organisation
<b>NLF</b>	National Liberation Front
<b>PHC</b>	Primary Healthcare Centre
<b>PKK</b>	Kurdistan Workers' Party ( <i>Partiya Karkerên Kurdistanê</i> )
<b>PYD</b>	Democratic Union Party (Kurdish)
<b>QD (Qualification Directive)</b>	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
<b>RPG</b>	Rocket-propelled grenades
<b>SAA</b>	Syrian Arab Army
<b>SDF</b>	Syrian Democratic Forces
<b>Shabiha</b>	A pro-government militia
<b>Sharia</b>	The religious law of Islam, Islamic canonical law
<b>SNA</b>	Syrian National Army
<b>SNHR</b>	Syrian Network for Human Rights
<b>SOHR</b>	Syrian Observatory for Human Rights

<b>Suqour al-Sahara</b>	Desert Hawks; former irregular armed group supportive of Assad in Syria backed by wealthy Syrian Alawites
<b>SYP</b>	Syrian pound
<b>Taswiyat al-Wad'</b>	the process of regulating one's status
<b>TEV-DEM</b>	Movement for a Democratic Society (Tevgera Civaka Demokratîk)
<b>TIP</b>	Turkistan Islamic Party
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNOCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UNPFA</b>	United Nations Population Fund
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees in the Near East
<b>US</b>	United States of America
<b>USCIRF</b>	United States Commission on International Religious Freedom
<b>VBIED</b>	Vehicle-borne improvised explosive device
<b>VDC</b>	Violations Documentation Center in Syria
<b>Wasta</b>	Networks of support based on patronage
<b>YPG</b>	Kurdish People's Protection Units
<b>YPJ</b>	Kurdish Women's Protection Units



## Annex II. Country of origin information references

The main COI sources used in the common analysis are the following EASO COI reports available at <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

Reference in this document	COI report
<a href="#">Actors</a>	EASO COI Report: Syria - Actors (December 2019) <a href="#">[EN]</a>
<a href="#">Damascus 2020</a>	EASO COI Report: Syria - Socio-economic situation: Damascus City (February 2020) <a href="#">[EN]</a>
<a href="#">Damascus 2021</a>	EASO COI Report: Syria - Socio-economic situation: Damascus city (April 2021) <a href="#">[EN]</a>
<a href="#">IDPs and returnees</a>	EASO COI Report: Syria - Internally displaced persons, returnees and internal mobility (April 2020) <a href="#">[EN]</a>
<a href="#">Military service</a>	EASO COI Report: Syria - Military service (April 2021) <a href="#">[EN]</a>
<a href="#">Recaptured areas</a>	EASO COI Report: Syria - Exercise of authority in recaptured areas (January 2020) <a href="#">[EN]</a>
<a href="#">Returnees from abroad</a>	EASO COI Report: Syria – Situation of returnees from abroad (June 2021) <a href="#">[EN]</a>
<a href="#">Security 2019</a>	EASO COI Report: Syria - Security situation (November 2019) <a href="#">[EN]</a>
<a href="#">Security 2020</a>	EASO COI Report: Syria - Security situation (May 2020) <a href="#">[EN]</a>
<a href="#">Security 2021</a>	EASO COI Report: Syria - Security situation (July 2021) <a href="#">[EN]</a>
<a href="#">Situation of women</a>	EASO COI Report: Syria - Situation of women (February 2020) <a href="#">[EN]</a>
<a href="#">Targeting</a>	EASO COI Report: Syria - Targeting of individuals (March 2020) <a href="#">[EN]</a>



## Annex III. Relevant case law

Case law referenced in the common analysis	
Actors of persecution or serious harm	<ul style="list-style-type: none"> <li> <a href="#">CJEU, <i>Mohamed M'Bodj v État belge</i>, C-542/13, judgment of 18 December 2014</a>  <i>(M'Bodj)</i> </li> </ul>
Refugee status - military evasion/ desertion	<ul style="list-style-type: none"> <li> <a href="#">CJEU, <i>Andre Lawrence Shepherd v Bundesrepublik Deutschland</i>, C-472/13, judgment of 26 February 2015</a>  <i>(Shepherd)</i> </li> <li> <a href="#">CJEU, <i>EZ v Federal Republic of Germany, represented by the Bundesamt für Migration und Flüchtlinge</i>, Case C-238/19, judgment of 19 November 2021</a>  <i>(EZ)</i> </li> </ul>
Reasons for persecution - religion	<ul style="list-style-type: none"> <li> <a href="#">CJEU, <i>Bundesrepublik Deutschland v Y and Z</i>, Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012</a>  <i>(Y and Z)</i> </li> </ul>
Reasons for persecution – membership of a particular social group	<ul style="list-style-type: none"> <li> <a href="#">CJEU, <i>Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel</i>, Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013</a>  <i>(X, Y and Z)</i> </li> </ul>
Article 12(1)(a) QD	<ul style="list-style-type: none"> <li> <a href="#">CJEU, <i>Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal</i>, C-364/11, judgment of 19 December 2012</a>  <i>(El-Kott)</i> </li> <li> <a href="#">CJEU, <i>Bolbol v Bevándorlási és Állampolgársági Hivatal</i>, C-31/09, judgment of 17 June 2010</a>  <i>(Bolbol)</i> </li> <li> <a href="#">CJEU, <i>Bundesrepublik Deutschland v XT</i>, C-507/19, judgment of 13 January 2021</a>  <i>(XT)</i> </li> </ul>

<p><b>Article 15(b) QD</b></p>	<ul style="list-style-type: none"> <li>■ CJEU, <a href="#"><u>MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018</u></a> (MP)</li> <li>■ CJEU, <i>M'Bodj</i></li> </ul>
<p><b>Article 15(c) QD</b></p>	<ul style="list-style-type: none"> <li>■ CJEU, <a href="#"><u>CF and DN v Bundesrepublik Deutschland, C-901/19, judgment of 10 June 2021</u></a> (CF and DN)</li> <li>■ CJEU, <a href="#"><u>Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides, C-285/12, judgment of 30 January 2014</u></a> (Diakité)</li> <li>■ CJEU, <a href="#"><u>Elgafaji v Staatssecretaris van Justitie, C-465/07, judgment of 17 February 2009</u></a> (Elgafaji)</li> <li>■ ECtHR, <a href="#"><u>Sufi and Elmi v United Kingdom, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011</u></a> (Sufi and Elmi)</li> </ul>
<p><b>Internal protection alternative</b></p>	<ul style="list-style-type: none"> <li>■ CJEU, <i>X, Y and Z</i></li> <li>■ CJEU, <i>Y and Z</i></li> <li>■ CJEU, <a href="#"><u>Abdulla and Others v Bundesrepublik Deutschland, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010</u></a> (Abdulla)</li> <li>■ ECtHR, <a href="#"><u>A.A.M. v Sweden, Application no. 68519/10, judgment of 3 April 2014</u></a> (A.A.M v Sweden)</li> <li>■ ECtHR, <a href="#"><u>Salah Sheekh v the Netherlands, Application no. 1948/04, judgment of 11 January 2007</u></a> (Salah Sheekh)</li> <li>■ <i>Sufi and Elmi</i></li> </ul>

<b>Exclusion</b>	<ul style="list-style-type: none"><li>■ CJEU, <u><i>Shajin Ahmed v Bevándorlási és Menekültügyi Hivatal, C-369/17</i></u>, judgment of 13 September 2018  (Ahmed)</li><li>■ CJEU, <u><i>Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani, C-573/14</i></u>, judgment of 31 January 2017  (Lounani)</li><li>■ CJEU, <u><i>Bundesrepublik Deutschland v B and D, joined cases C-57/09 and C-101/09</i></u>, judgment of 9 November 2010  (B and D)</li><li>■ ICC, <u><i>The Prosecutor v Germain Katanga, ICC-01/04-01/07</i></u>, judgment of 7 March 2014  (Katanga)</li><li>■ ICTY (Appeals Chamber), <u><i>Prosecutor v Kunarac et al., IT-96-23 and IT-96-23/1-A</i></u>, judgment of 12 June 2002</li><li>■ ICTY, <u><i>Prosecutor v Dusko Tadic aka “Dule” (Opinion and Judgment), IT-94-1-T</i></u>, judgment of 7 May 1997</li><li>■ ICTR, <u><i>The Prosecutor v Jean-Paul Akayesu (Trial Judgment), ICTR-96-4-T</i></u>, judgment of 2 September 1998</li></ul>
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For additional information on relevant case law see:

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- EASO Practical Guide: Exclusion
- EASO Guidance on membership of a particular social group
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- Judicial analysis ‘Qualification for International Protection (Directive 2011/95/EU)’
- Judicial analysis ‘Article 15(c) Qualification Directive (2011/95/EU)’
- Judicial analysis ‘Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)’

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