

Shelter and Displacement

A booklet of field study
on the needs of refugees
and IDPs in HLP issues

LDO Local Development
Organization
منظمة التنمية المحلية

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About LDO



**Local Development
Organization**
منظمة التنمية المحلية

LDO is a civil society non-governmental organization specialized in the support of local administrations, municipalities, and civil society organizations, in addition to, the provision of basic services and the issuance of studies and information. LDO was established at the beginning of 2015 and was registered in Turkey No. 270 - 19154 dated 14/4/2016 by a number of activists and specialists in the area of local administration and governance. The organization has strong relations with local communities and local councils in Syria and has a network of local and international experts in various fields such as administration, Law, economics, strategic planning, institutional development, reconstruction, and real estate rights.

LDO works to implement governance programs, provide basic services, develop institutional and human capacities, provide solutions, monitoring and evaluation systems, prepare specialized studies and research, organize awareness campaigns and local dialogue events for local institutions and cadres and their communities, The principles of good governance and the promotion of social responsibility to achieve the development and stability of society.

About Indicators



INDICATORS is a company specialized in analytics, research, and consulting, established in 2017, in Turkey, Gaziantep, provides services that related to data, which is data collection, development of data collection tools, data quality management, building data coding and archiving systems, as well as data analysis for different types of research studies...

INDICATORS provides services in business, humanitarian, and research sectors, seeks to contribute in the development of the capabilities of the different types organizations in the field of data and analytics, through the provision of consultancy, training and scientific guides, in a way to increase the degree of the use of data and gives a clear vision of organization's situation and estimation of future changes that may occur, which will be reflected as decisions based on a good knowledge of their results.

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Executive Summary

Based on the importance of real estate ownership in the lives of individuals, and in order to enable IDPs and refugees to regain their rights and enable them to return to their areas of origin and preserve their rights and inasmuch the difficulties and difficult living conditions, we conducted the current study in order to determine the reality of the daily life of IDPs and refugees in the areas where they reside. Knowing their needs and providing solutions that can help improve their living conditions, as well as determining the size and damage to real estate rights they have in their areas of origin and their ability to act on that property. The study aims at examining the most prominent attacks on the real estate properties of individuals and their ability to claim compensation for such

damages and highlighting the most prominent laws that were issued during the crisis period that pose a threat to the rights of individuals and the extent of awareness and knowledge of IDPs and refugees. The laws and proposals that can mitigate its negative effects and help restore Syrians' rights in a way that facilitates their voluntary return to the areas from which they were displaced have been compromised.

The study was conducted in August and September of 2019 in Syria and Turkey. In Syria, the governorates of Aleppo and Idlib were covered in Idlib, Jericho, Orm al-Joz, Kafr Takharim and Maaret al-Nu'man. Dara Azza in the western countryside of Aleppo and Azaz and Afrin cities in the northern countryside of Aleppo. In Turkey, the study included the states of Urfa, Gaziantep and Hatay. During the study, 539 interviews with IDPs and refugees were conducted in different areas of the study using an electronic questionnaire including closed questions. The distribution of refugees and IDPs in each area was taken into account. Respondents' diversity in terms of educational level, origin, sex and age were also taken into consideration during the study. Six focused dialogue sessions and 20 expert interviews were

conducted with legal professionals who have knowledge of property laws. Real Estate where the guide was used featuring in-depth questions of their own.

The study showed a decline in the standard of living, especially for the displaced residents within the liberated areas due to the lack of basic services such as water, electricity and sanitation in the camps and the low level of medical and educational services provided and the high cost of living in the absence of opportunities for work and high prices, including house rents, As for refugees, they suffer primarily from the difficulty of obtaining the necessary permits for travel or work.

As for real estate properties, the results of the study indicate that the vast majority of refugees and displaced people still retain their real estate properties in their original areas from which they were abandoned, knowing that most of them are not able to carry out legal actions from buying and selling of these properties or completing the void transactions and transferring the property due to the security restrictions imposed On these transactions and the inability of many of them to travel to the areas

in which real estate resides, this is the laws that the Syrian regime issued during the conflict period, especially Law No. 10 of 2018 and the Anti-Terrorism Law No. 19 of 2012 and The creation of Terrorism Court No. 22 of 2012 creates a real threat to the ability of the displaced and refugees to maintain their real estate properties, knowing that most of them have no knowledge or awareness of the content of those laws and the texts contained within them.

The results of the study also show the inability of the majority of the displaced and refugees at the present time to extract personal identification documents from personal identity cards and passports and their inability to document the changes in their personal status of marriage, divorce, death and birth with the official state departments, and as for the barriers of return of the displaced to their areas It is represented by the lack of adequate security conditions for return and the fear of being arrested or attacked by the Syrian regime forces and its security agencies and the confiscation or destruction of property of many refugees and displaced persons and their inability to claim compensation for damages

that are not Their real estate was added to the lack of basic services due to the enormous damage to infrastructure.

Accordingly, the study recommends the necessity of working to improve the current living conditions of Syrian refugees and internally displaced people by seeking to provide the main services in the areas in which they reside, creating job opportunities that guarantee them to obtain an income

that covers their monthly expenses and improving the conditions of the housing in which they reside, especially for residents within the camps and can be done This is done by providing rental allowance cash and building housing complexes for the displaced and refugees.

Findings

1. Living Situation

- A- According to UN reports, 13 million refugees (displaced-refugees) are displaced from Syria.
- B- The number of in-country displaced persons is 6.6 million while the number of refugees is estimated at 5.6 million.
- C- The Syrian regime and his militias 's control over some areas is the most prominent reason for the displacement of people from their areas of origin.
- D- Over a third of the displaced people have indicated that the whole or part destruction of their property they were living in is a direct cause of their displacement.
- E- Over half of the Syrian refugees said that the military operations in their areas were the main reason of their exit while %37 of them confirm that the prominent reason is the regime's control over their areas.
- F- More than half of Syrian refugees said that the military operations witnessed in their regions were the most prominent reason for their departure, whereas %37 of them mainly refer to the Syrian regime's control over these regions.
- G- One quarter of Syrian refugees said that leaving their original areas cause of the destruction that hit their house.
- H- The liberated areas where displaced people live in suffer from severe shortage of public services such as electricity, water, lack of education and other key services.
- I- The displaced people suffer from the high difference between average income and expenditure that the mean of income is 78,500 SYP, while the average expenditure is 94,000 SYP.
- J- There are a very few job opportunities in the liberated areas, Experts estimate the proportion of jobs that can be got between 20 and %40 of all residents in the liberated areas.
- K- Regarding displaced people, it is increasingly difficult to obtain employment because they do not have extensive social relations in the areas where they have been displaced in addition, their wages have been

reduced because of the exploitation of their host community.

- L- %62 of displaced people live in rented apartments, and many indicate that they have been exploited by their host community, while %9 live in their own apartments.
- M- %88 of the displaced confirmed their ability to document the sales, purchases and leases in the areas they currently reside in through their documentation with local councils, courts or real estate registry.
- N- The average income of refugee families is 212,000 SYP that is the same amount the family needs to cover expenses including rent of the house.
- O- The most significant difficulties faced by refugees are the inability to work without getting work permits, and the ability to get a job opportunity is only in the state where they have a temporary protection card /kimlik/.
- P- The vast majority of refugees (%85) live in rented apartments, while %10 live in their own apartments.
- Q- %66 of refugees have the ability to document sales, purchases, and leases in the region where they currently reside.
- R- Both displaced persons and refugees support, in the first class, the provision of monthly rental allowances as the most appropriate way to improve their living conditions.
- S- More than half of the respondents support the construction of housing assembly for displaced and refugee housing free of charge or low wages.
- T- About half of the respondents' support building housing assembly and enabling displaced persons and refugees to own at low prices.
- U- Residents of the camps confirm the need to replace existing worn tents with new tents or wooden prefabricated caravans.

2. Regarding the real estate rights of refugees and displaced persons

- A- %94 of the displaced still have rights of real property rights in the areas from which they have been displaced, while the proportion of refugees' ownership of real estate is %86.
- B- The apartments are the most properties owned by displaced persons and refugees which is %91 followed by agricultural land %30, then shops %27, and land ownership for construction is %9.

- C- The vast majority of owned real estate by both refugees and displaced persons are within the organizational charts of the administrative units.
- D- %58 of real estate is based on a titling (title) issued by the real estate services.
- E- The proportion of real estate based on a court ruling is %20, while the real estate based on a record of sale before the court is %11.
- F- The proportion of real estate in which ownership is based on a regular sale is %13, which is the weakest type.
- G- More than two thirds of the participants in the study indicated that they have documents proving their ownership, while %31 do not possess those documents.
- H- The most prominent reason why displaced persons and refugees do not possess property documents is to damage them as a result of military operations or to lose them during displacement waves, while %8 of participants refer to the confiscation of documents by military forces, mainly the Syrian regime
- I- %82 of the respondents indicated that they are unable to extract property documents at the moment, mainly because they are unable to travel to their home areas for fear of arrest.
- J- Approximately one quarter of the respondents return their inability to extract property documents to lack the money they have to travel to the real estate area and pay for the required procedures.
- K- Over three quarters of the respondents confirmed that they were subjected to a type of assault on their real estate rights, such as expropriation by military forces or the total or partial destruction of property.
- L- The %98 of those who suffered the assault on their real estate rights were unable to claim or compensation for the damage suffered.
- M- The vast majority of participants (%88) indicated that they could not conduct any legal action with respect to real estate, while only %12 had sold and bought real estate.
- N- Only %17 of those who have made sales and purchases of their real estate have been able to document those transactions and complete the transfer of ownership procedures.
- O- More than one third of the respondents who responded by their inability

to document their sales and purchasing transactions are because the Syrian regime didn't recognize the sale and purchase of their origin areas during the period of control by opposition forces.

3. Regarding laws that violate real estate rights:

- A- During the conflict, the Syrian regime issued several laws that in one way or another violate the real estate rights and property of individuals.
- B- The Anti-Terrorism Law No. 19 of 2012 and the Law of Terrorism Court No. 22 of 2012 are among the most dangerous laws issued by the regime during the conflict period that violate individuals' real estate rights and personal freedoms.
- C- Law No. 19 of 2012 and Law No. 22 of 2012 give the Public Prosecution in the Terrorism Cases Court broad powers to accuse anyone who opposes the Syrian regime in one way or another with terrorism, even if this is limited to his political opinion.
- D- The judgment that individuals convicted of terrorism cases will lead to the confiscation of their fixed and movable property.
- E- Law No. 22 of 2012 explicitly violates the principle of separation of authorities, as it gave the authority to appoint judges of the ruling and investigation and acting for the President of the Republic, and thus violates the provisions of the Judicial Authority Law, which also gives the Supreme Judicial Council the right to appoint, promote and transfer judges.
- F- Displaced persons and refugees are among the groups most affected by the provisions of Law No. 22 of 2012, as this law considered the absence judgments issued by the Terrorism Court as peremptory rulings that cannot be challenged in the court.
- G- Law No. 10 of 2018 regarding the creation of organizational areas in Syria is considered one of the most dangerous laws on real estate rights and property of the displaced and refugees.
- H- Law No. 10 of 2018 imposes real estate owners within the updated organizational areas to review administrative units to declare their real estate rights and to provide documents that prove their ownership during a calendar year period, under penalty of seizing their property and denying them compensation.
- I- The majority of the displaced and refugees cannot refer to the

administrative units for security reasons, fearing that they will be arrested, which will lead to the expropriation of their properties.

- J- There is a general decrease in awareness by both the displaced and refugees of the laws that were issued during the crisis period, and it was funded by negative effects on real estate properties.
- K- More than two-thirds of the study participants indicated that they were not acquainted with the laws regulating real estate ownership, given that the degree of awareness and knowledge of these laws decreased as the educational level of the respondent decreased.
- L- The weak legal initiatives and campaigns that aim to educate the displaced and refugees about their real estate rights plays an important role in the low level of awareness they have.
- M- There is a significant decrease in the number of legal centers that work to provide legal advice and assistance to refugees and displaced persons, knowing that most of them do not have the financial ability to consult lawyers.
- N- %40 of the refugees who indicated that they were unable to document the sale and purchase transactions that they carried out, due to their lack of knowledge of the procedures that they must follow to document these transactions.

4. Regarding the personal documents:

- A- The issue of Syrians' possession of personal documents and their ability to register their personal status transactions, such as marriage, divorce, death, and birth, are closely related to the issue of real estate rights, because both issues overlap in matters of inheritance, liquidation of inheritance, co-ownership settlement, appointment of legal agents, and the claim of property rights and many other issues.
- B- %94 of the study participants possess their own personal identification documents. The most prominent of these documents are personal identification cards, but according to the average age of the study participants, which is 42 years old, it can be said that the vast majority of those holding personal identification cards obtained them before the outbreak of the conflict in Syria.
- C- Only %18 of the study participants have the ability at the present time to obtain personal identification documents from the official departments of the Syrian regime.

- D- %55 of those who indicated their ability to get official documents resort in order to pay bribes, while %46 of them do so through the assistance of a lawyer working in the regime-controlled areas.
- E- The average amounts paid for obtaining personal documents and papers are US \$ 270 per document.
- F- The high costs of extracting official documents constitute the most prominent obstacle preventing refugees and displaced persons from being able to get official documents in light of their inability to travel to the regime-controlled areas.
- G- %71 of the study participants confirm their ability to record their personal status transactions, but that registration for the most part is not done with the formal regime departments.
- H- The displaced people document their personal status transactions primarily with local government bodies, while the refugees do this with the Turkish government.
- I- Only %12 of the people who indicated their ability to register their personal status transactions do so with the Syrian regime's departments.

5. Regarding voluntary return

- J- %95 of the respondents indicated that many people who returned to their areas of origin were harassed by the military forces controlling the ground or were arrested.
- K- The return of refugees and displaced persons requires the necessity of providing the appropriate political and security environment and ensuring that they are not subject to prosecution or arrest.
- L- More than half of the study participants expressed their desire to return to their original areas in case they were able to regain their real estate properties.
- M- The most reliable entities to carry out documentation of real estate rights, according to the opinion of the study participants, are represented by human rights bodies and international human rights organizations, followed by the United Nations.
- N- Almost half of the study participants confirm the absence of the main services (water - electricity - education centers - health centers) in their areas of origin.
- O- The lack of basic services is a barrier to return.

Recommendations

1. To the humanitarian organizations

- A- The necessity of working to provide the main services in the liberated areas where the displaced reside by providing operational supplies for the water pumping stations and rehabilitating the water, sanitation and electricity networks.
- B- Providing free medical services and education centers for the displaced within the liberated areas.
- C- Seek to create job opportunities for the displaced within the liberated areas through development projects and small grants support programs.
- D- Improving the current housing conditions for both the displaced and refugees by providing a cash allowance to rent the housing in which they reside.
- E- Building private housing for the displaced and refugees free of charge or for low wages and providing facilities that enable them to own real estate within those communities.

2. To international donors

- F- Providing support to projects that aim to provide basic services in the liberated areas such as water and electricity, health centers and education centers.
- G- Supporting projects that seek to improve housing conditions for the displaced and refugees.
- H- Providing support to projects that aim at creating job opportunities for the displaced and refugees, foremost of which are small projects support programs.
- I- Providing support to conduct awareness-raising campaigns and legal initiatives that aim to raise awareness of the Syrians in general and the displaced and refugees in particular about the laws that were issued during the Syrian crisis and its effects and the procedures to be followed.
- J- Work to establish human rights centers that seek to provide free legal advice to the displaced and refugees.
- K- Funding and supporting the launch of an electronic platform that

- addresses the various legal issues of concern to the Syrians and works to raise awareness of them.
- L- Supporting projects that aim to compensate the displaced and refugees for the damage caused to their property.
 - M- Providing the necessary support to work on rehabilitating the infrastructure in the areas from which its people abandoned at the end of the Syrian crisis and enabling them to return to it.

3. To international human rights bodies and organizations and United Nations offices

- A- Working on conducting a statistical survey of refugees and displaced persons from the areas where government buildings were destroyed or damaged to collect data from them about their real estate rights and evidence supporting their allegations and work to compensate them for the damages incurred and pressuring the Syrian regime to recognize their rights.
- B- Pressuring the Syrian regime to recognize the real estate rights of individuals they acquired during the period of the Syrian opposition forces 'control of their areas.
- C- Work to open real estate records in various Syrian regions under UN auspices to register the various sales and purchase contracts that have been concluded or that may be made by the displaced and refugees in the various Syrian regions.
- D- pressure on the Syrian regime to allow refugees and internally displaced people to obtain documents that prove their real estate properties and to record sale and purchase transactions that they undertake themselves or through legal agents, while removing the required security restrictions and approvals.
- E- Work to find a neutral intermediary body that helps refugees and displaced persons to complete the various legal transactions that they undertake by sending documents to and from their areas of origin.
- F- Working to repeal the various laws issued during the Syrian crisis that affect individuals 'real estate rights and ownership, foremost of which are Law No. 10 of 2018, Anti-Terrorism Law No. 19 of 2012 and Terrorism Court Law No. 22 of 2012.

- G- Working to repeal the various in absentia provisions issued against refugees and internally displaced persons, which are considered peremptory provisions under Law No. 19 of 2012 and Law No. 22 of 2012.
- H- Reducing the effects of Law No. 10 of 2018 (in the event that it has not been repealed) by:
- To stop the work of the provisions of that law now, to postpone reconstruction work and create organizational areas until after the end of the Syrian crisis and the formation of a transitional governing body to handle the issue of reconstruction.
 - Pressure the Syrian regime to allow refugees to review Syrian consulates and embassies to submit their real estate claims and documents verifying their ownership rather than reviewing the administrative units.
 - Enabling the displaced and refugees to submit their real estate claims and documents proving their right to ownership without the need to travel to the areas controlled by the system through the administrative units opening an electronic link that allows them to do so.
- I- Work to end the suffering of refugees and displaced persons by pressuring the various actors in the Syrian file to achieve a political transition in accordance with the principles of Geneva Agreement 1 and the formation of a transitional governing body with broad powers.
- J- Conducting a comprehensive survey and organizing a database about people who do not have personal identification documents, pressing the Syrian regime to give them official personal documents and recording their personal status transactions.
- K- Pressure the Syrian regime to recognize the documents and personal papers issued by the local authorities in the areas outside its control.
- L- Forming an independent judicial body under the supervision of the international community to consider violations of human rights violations by the various parties to the conflict and decide on the various crimes committed during the conflict period and hold those responsible to account.
- M- Work to release all political detainees, dissolve and restructure the security services to provide the conditions for the return of displaced persons and refugees.

Study methodology

Objectives of the study

The current study aims to examine the conditions of the Syrian displaced inside Syria and the refugees in Turkey and their living conditions in their current areas of residence and the difficulties they face in terms of their ability to secure housing and document their real estate transactions such as selling, buying, renting and knowing their proposals on the means and mechanisms that would provide living conditions Better in terms of housing.

The study also seeks to determine the size of the real estate rights and properties of the displaced and refugees within their areas of origin and the extent of their ownership of documents that prove the right of ownership and the type of those documents and encroachments on the real estate they own, along with a statement of their ability to conduct legal behaviors related to those real estate and document those actions with the relevant official departments and ways Available for that.

The study also seeks to shed light on the real estate ownership laws that were issued during the period of the Syrian crisis and to reveal the problems contained in those laws and their impact on the rights of Syrians and their properties, especially the displaced and refugees, and to determine the degree of awareness of individuals with the provisions of these laws that may lead directly or indirectly. Direct to the expropriation of their real estate properties, and the presentation of project ideas that raise awareness to a degree that contributes to enabling the displaced and refugees to maintain or restore their properties (in the event of their expropriation) and facilitate their return by solving the problems that they suffer from in the real estate aspect.

Data sources

- 1- Consultants experts from the lawmen and workers in the field of real estate interests who have sufficient knowledge and awareness of the laws governing real estate properties Syria in order to obtain accurate information about those laws and to discuss the legal gaps contained within them, materials and texts that may involve a threat to real estate properties and their application leads to The occurrence of a type of abuse or deprivation of property of individuals and the constitutionality of those laws and

procedures stipulated.

2- Syrian individuals who are displaced inside Syria and refugees in Turkey, to see their living conditions in their current residence and to obtain information about the properties they own in their areas of origin and the extent of their ability to dispose of these properties whether by selling, buying, assignment or other operations, and their ability to Complete the procedures for transferring and documenting property with the official state departments, in addition to identifying the most prominent concerns they suffer and the obstacles that prevent them from being able to return to their areas of origin. The process

of collecting data from individuals was done using two main tools:

- Focused dialogue sessions to obtain detailed information about the themes of the study.
 - A questionnaire containing closed questions through which quantitative data and results can be generalized to the study population.
- 3- Secondary data: which was obtained by referring to studies and research related to the subject of the current study in order to benefit from the information contained within it.
- 4- Laws regulating real estate properties in Syria in order to determine the provisions contained in legal texts and article.

Scope of study

The study was conducted during August and September of 2019 in both Syria and Turkey, as it covered the governorates of Aleppo and Idlib in Syria, and it included the regions of Azaz and Afrin in the northern countryside of Aleppo and the areas Daret Azza and Kafr Naha in the

western countryside of Aleppo, and in Idlib governorate it included Idleb city and Ariha, Ma'arrat An Nu'man, Kafr Takharim, and Orm Eljoz districts, while in Turkey, data collection was carried out in three states, namely Gaziantep, Sanliurfa, and Hatay.

Study sample

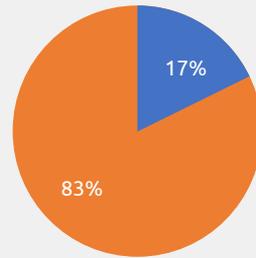
A random sample of IDPs residing in Syria and refugees in Turkey was chosen to conduct interviews taking into consideration the population

density in the targeted areas and the number of IDPs and refugees in each region, 539 interviews were conducted in total, where the number of

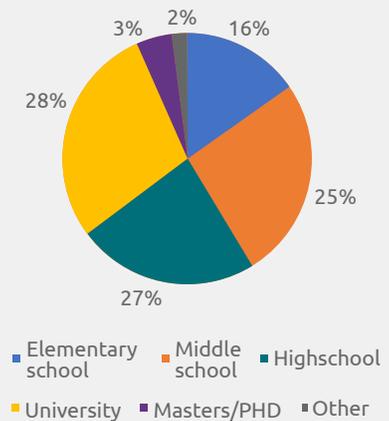
interviews with the internally displaced in Syria reached 436 interviews and 103 interviews with refugees in Turkey, using a questionnaire that contains closed questions, and 6 focus group discussions were conducted in different study areas, using a dialogue session study areas, using a dialogue session manual that contains open questions. As for expert interviews, it reached 20 interviews and were implemented using another manual that includes a number of important questions.

It is worth noting that during the data collection process, the study coverage of the various segments of the displaced and refugee ages was taken into consideration, as the largest participants reached 70 years, while the youngest participants were 17 years old, and the average age of the participants was 42 years, and the following graphs represent the characteristics of the target sample from In terms of gender, educational level and current area of residence:

Gender

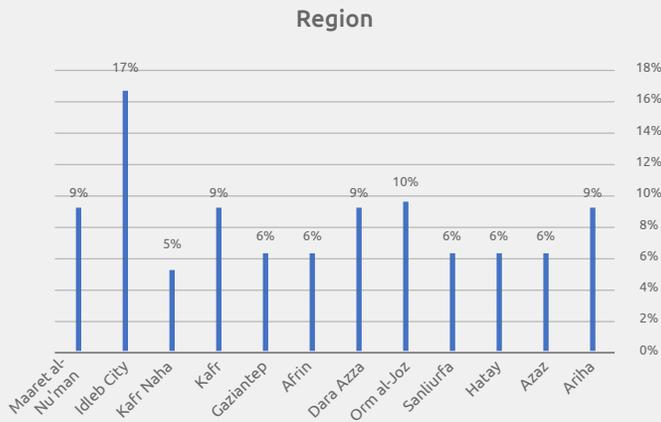


Educational level



Study limitations

The study faced a challenge represented by the artillery and air strikes carried out by the Syrian regime, which target the liberated Syrian north, this led to a slight delay in the schedule of data collection process in order to ensure the safety of field teams and the participants in the study.



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