



Local Development Organization
Sürdürülebilir Yerel Kalkınma Derneği

Real Estate Properties and Displacement

A Field Assessment Study for Syrian Refugees and IDPs' Needs in HLP Issues



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Executive Summary

Background

The continuous military operations all over Syria since the Syrian revolution started in 2011, have been accompanied by the Syrian regime's oppression against people in upraising cities via indiscriminate bombing and displacement. Moreover, the human rights violations committed by the regime and other regime supporting military forces against the Syrian citizens have resulted in the forcible displacement of millions of Syrians from their original areas to be **internally displaced people (IDPs)** or refugees in other countries.

According to international reports, there are over 12 million displaced Syrians either IDPs or refugees in other countries.¹ Also, United Nations reported on 9/8/2018 that the destruction resulted from war in Syria is estimated at 388 billion USD², and this includes individuals' personal and real estate properties. The Syrian Regime and the military forces, have not only displaced Syrian citizens and destroyed their residence areas, but also confiscated their properties issuing laws that legitimize its seizure and lead to depriving them of their rights by restricting their ability to control these properties. These laws are violations of all international charters and norms. Moreover, they are against the successive constitutions of the Syrian Arab Republic, which enshrined the right to individual property as one of the basic human rights related to each individual and cannot be deprived under any circumstances, except if there is a legal justification and after compensating individuals with a fair price for it.

Purpose

This study highlights the importance of **Housing and Land Property (HLP)** issues for Syrians in general and IDPs and refugees in particular focusing on the need to act to protect their HLP rights. It is also an effort to spotlight their living conditions in the current areas of displacement. The aim of this research is to examine and assess the HLP current situation for Syrian IDPs and refugees identifying the most urgent issues in need to be handled as well as determining the HLP violations and seizure cases in order to have a better understanding of the HLP conditions for Syrian IDPs and refugees. It is concluded with recommendations to be used as a basic ground for awareness campaigns on HLP issues for IDPs and refugees.

¹ GLOBAL TRENDS FORCED DISPLACEMENT IN 2016, UNHCR report.

² Unit of Communication and ESCWA News report, 10 August 2018.

The study also aims to conduct a precise assessment of the prioritized HLP needs of the target groups (Syrian IDPs and refugees in Turkey), studying their current housing conditions in host communities and the current term regarding possession of their official identification IDs and HLP documents as well as their ability recently to obtain these documents or register personal status events such as marriage, divorce, births or deaths at Syrian official state departments or officially in host communities. The study also seeks to know the extent of violations against HLP rights of IDPs and refugees, and the extent of their ability to control their properties and document these transactions. The study also measures the level of legal HLP rights awareness among IDPs and refugees, and their knowledge of the laws issued during the Syrian war period and their impact on citizens' HLP rights, identifying the difficulties and challenges preventing them from returning to their original areas and restoring their properties in order to deduce the most appropriate solutions to overcome these obstacles and enable them to recover and control their properties . This study can be considered as the ground for many other programs.

Scope & Methodology

This study was conducted during June, July and August in 2020 covering locations in Idlib and Aleppo governorates in northwestern Syria as well as four states in south Turkey(Hatay, Gaziantep, Sanliurfa and Kilis). The samples in this study are:

1. Syrian IDPs in northwestern Syria and refugees in southern Turkey with those who returned to Syria, willingly or forcibly including vulnerable groups in society such as women, widows, orphans, people displaced from the informal housing areas, and people at risk of losing their HLP rights due to reconstruction works in their original areas.
2. Experts such as lawyers, employees of the real estate registry departments, employees of humanitarian organizations, and engineers with experience on the legal status of real estate works in Syria in order to know the impact of the in-war issued laws targeting individuals' properties, and also to raise the level of IDPs and refugees' legal awareness enabling them to take legal actions on their HLPs.
3. Secondary references interested in real estate laws as well as previous studies and researches related to the topic of the study.

Regarding methodology, this study is based on descriptive and analytical research methods where it identifies the situation, gathers facts and data about it, analyzes the aspects of the situation, in a way contributes to improving and developing solutions or suggestions to it using both qualitative and quantitative description methods. Data has been collected using Kobo toolbox which is a suite of tools for field data collection for use in challenging environments via a questionnaire. Then, data has been analyzed using

SPSS program and POWER IB report as well as this final narrative report have been produced.

Process

In this study, 2,500 Syrian displaced participants (1250 IDPs and 1250 refugees in Turkey) have participated in the individual survey interviews using a closed-ended questionnaire. The criteria for selecting participants has been based on their gender, original governorate and the current location of displacement. Another 50 interviews have been conducted with experts in the real estate field including lawyers, employees of civil society organizations, engineers, and former or current employees of the real estate departments and local authorities. Moreover, two focused group dialogue sessions have been implemented online in Syria and Turkey. Each one included 15 participants including Syrian real estate experts and some IDPs and refugees.

Results and conclusions

The study concludes with a number of results highlighting the suffering of IDPs and refugees in their current places of residence such as being unaccepted by a large part of citizens in host communities and considered as a burden on them, facing harassment and discrimination, the difficulty of finding job opportunities and the high cost of daily expenses compared to the income they earn, and the high rent cost of houses in host communities. Particularly, Syrian refugees in Turkey suffer some legal problems and difficulties regarding their inability to travel among states without obtaining a special travel permission from Turkish immigration department, as well as the difficult and complex procedures for obtaining a temporary protection card or renewing tourist residency.

As for violations against HLP rights of IDPs and refugees, nearly three quarters of the participants in this study reported that their properties were subjected to at least one of different types of violations. The most prominent violation is the destruction of property, as 27% of participants reported that their properties have been partially destroyed, 26% of them their properties have been completely destroyed, and 40% of have confirmed that at least one of their properties was seized by one of the conflicting actors or their associate militias on ground. According to participating experts in this study, the seizure is one of the most serious violations committed against HLP rights of IDPs and refugees, especially in the light of issuing many laws in the war period which legitimize the process of expropriation, which is considered by experts, as a tool used to take revenge of his opponents and to prevent them from future returning to their areas. Experts also consider these in-war issued laws as Syrian Regime's intention to change the

demographic structure of the Syrian areas it controls. The risks of confiscation and seizure of HLPs are increasing because many IDPs and refugees have lost their proofing property documents during the displacement and their inability to obtain alternatives to them restricting their ability to prove and claim their HLP rights in their original areas in Syria. Another result of this study shows a marked decrease in the level of legal awareness among IDPs and refugees, in addition to their ignorance of the procedures through which they can claim their rights.

Recommendations

This study recommends humanitarian organizations to work on improving the living conditions of IDPs and refugees in their host communities via providing job opportunities by increasing livelihood projects, creating and supporting small projects, and development of activities integrating IDPs and refugees within their host communities. Also, it is recommended for them to advocate for improving housing conditions of IDPs and refugees by providing allowances for house rents, rehabilitating the unfinished or damaged buildings in which IDPs and refugees are living, and replacing worn out tents with new ones or prefabricated concrete rooms. Another recommendation for human rights and legal committees and organizations to communicate with the Turkish authorities to ease restrictions imposed on Syrian refugees, and to form a legal body of Syrian and Turkish lawyers in order to help refugees and increase their HLP rights awareness.

The study also recommends necessity to impose international pressure on Syrian Regime to cancel the new laws issued during the war time regarding HLP right since they are negatively and unfairly affecting HLP rights for IDPs and refugees in order to enable them to recover their HLP rights and receive compensations for the violations they have been subjected to through launching projects to document their HLP rights and violations on them. Moreover, the study recommends International human rights associations to launch a bundle of legal programs on social media or through an electronic platform aiming to raise people's legal awareness discussing legal issues in general, and HLP issues in particular. They also recommended to form human rights offices inside Syria that advocate and provide legal assistance and counseling for Syrians responding to their inquiries and complaints.

Objectives of the study

This study aims to a better understanding of the situation and needs of Syrian refugees and IDPs' of HLP rights and current violations to them in war time as well as identifying the situation of the IDPs and refugees in their host communities and their ability to obtain a new or a copy of their personal identification paper or HLP documents from the official Regime land registry offices in Syria. This aim is achieved by conducting an extended assessment for IDPs and refugees' HLP issues, and coming up with results and recommendations to be the basis for future programs and legal awareness campaigns targeting refugees and IDPs' HLP issues. It also seeks to determine the size and types of violations against IDPs and refugees' HLPs, the actors responsible for these violations, and the ability of the IDPs and refugees to conduct legal actions on their properties and to register them at the official Regime real estate department, to be able to deduce results and recommendations contributing to promotion of IDPs and refugees' ability to control and document transactions of their HLP at official land registry offices to protect their ownership to HLP rights.

Moreover, the study measures the level of legal awareness among IDPs and refugees, and the degree of their knowledge of current HLP laws issued during the Syrian war and their impact on displaced people's HLP rights in order to know the available methods to raise IDPs and refugees' awareness of these laws. Also, this research studies the difficulties and challenges impeding IDPs and refugees' ability to return to their original areas in order to propose solutions for these constraints as well as answers for challenges for those who were living in informal housing areas.

Scope of the Study

The duration of the study is three months from 01, June, 2020 to 31, August 2020. Direct beneficiaries are both IDPs in Aleppo and Idlib governorates in Northwestern Syria and Syrian refugees in Hatay, Kilis, Gaziantep and Sanliurfa states in Southern Turkey.

The Study Sample

This is a statistic study seeking to get an estimation of the percentage of violations on Syrian IDPs and refugees' HLP rights. Therefore, it took a random sample from a broader population in order to estimate the parameter. Here, the parameter is the percentage of these violations and their types in order to study the reasons and circumstances behind them and to deduce IDPs and refugees urgent needs and develop recommendations for future solutions.

The samples in this study are:

1. Syrian IDPs in Northwestern Syria and refugees in Southern Turkey with those who returned to Syria, willingly or forcibly including vulnerable groups in society such as women, widows, orphans, people displaced from the informal housing areas, and people at risk of losing their HLP rights due to reconstruction works in their original areas.
2. Experts such as lawyers, employees of the real estate registry departments, employees of humanitarian organizations, and engineers with experience on the legal status of real estate works in Syria in order to know the impact of the in-war issued laws targeting individuals' properties, and also to raise the level of IDPs and refugees' legal awareness enabling them to take legal actions on their HLPs.
3. Secondary references interested in real estate laws as well as previous studies and researches related to the topic of the study.

Methodology of the Study

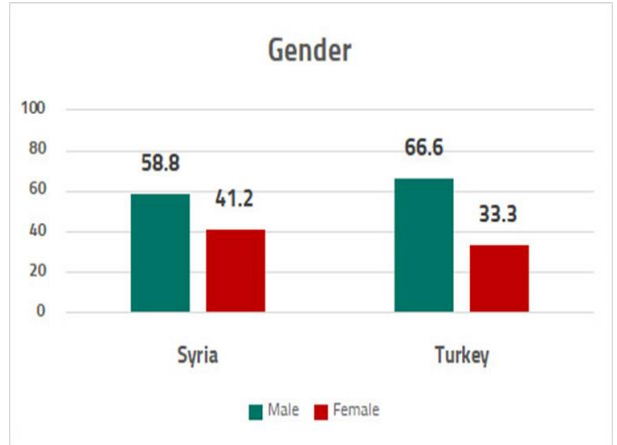
This study is based on descriptive and analytical research methods where it identifies the situation, gathers facts and data about it, analyzes the aspects of the situation, in a way contributes to improving and developing solutions or suggestions to it using both qualitative and quantitative description methods. Data has been collected using Kobo toolbox which is a suite of tools for field data collection for use in challenging environments via a questionnaire. Then, data has been analyzed using SPSS program and POWER IB report as well as this final narrative report have been produced.

In the study, 50 experts interviews (25 ones in Syria and 25 others in Turkey) have been conducted with experts in the field of real estate properties including lawyers, employees of real estate registry departments, employees in humanitarian organizations, and engineers. Interviews have been implemented by using an expert interview manual guide containing open-ended questions. Moreover, two focused Group Dialogue sessions have been conducted, one in Syria and the other in Turkey. The number of participants in each

session is 15 persons including owners of real estate properties and experts taking in consideration that at least 30% of participants are females as it is shown in the below chart

Interviews have been conducted with a random sample of refugees located in Turkey and IDPs located in northwestern Syria.

The number of individuals interviewed in the sample reached 2,500 male and female IDPs and refugees (1250 interviews in each category). The interviews are a closed questionnaire. The distribution of the sample members according to their current displacement areas is shown in the following tables:



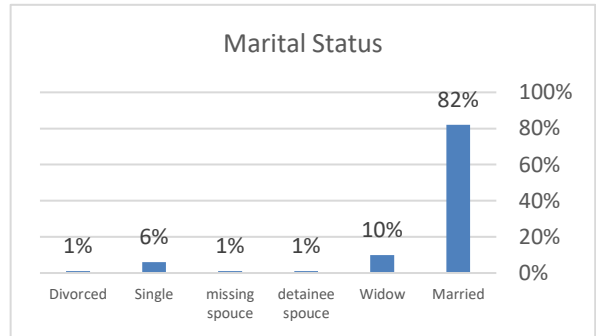
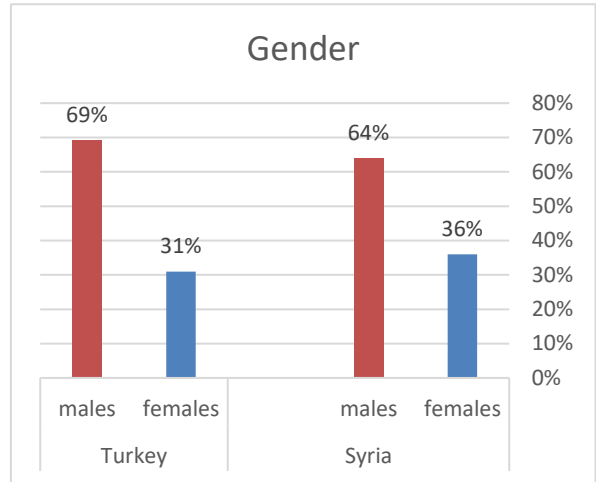
The distribution of the sample members in Syria and Turkey is according to their original governorates.

Location	Sample size
Syria, Aleppo	781
Syria, Idleb	469
Turkey, Gaziantep	300
Turkey, Kilis	300
Turkey, Hatay	300
Turkey, Sanliurfa	350

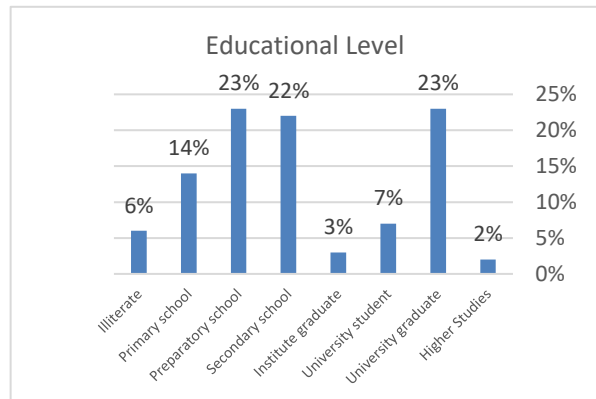
Governorate	Sample size
Damascus	100
Rural Damascus	150
Aleppo	200
Idleb	150
Hama	100
Homs	150
Daraa	50
Raqqa	150
Deir Ezzor	150
Hasakeh	50

Criteria for selecting target groups

- **Regarding gender**, the percentage of females has been considered during interviews to be at least at 30%. As the following graph shows the percentage of female participants in Syria and Turkey has exceeded 30% in the study.
- **Regarding marital status**, the following graph shows the percentage of target groups.
- **Regarding educational level of target groups**, the below graph shows that most of interviewed target groups have been from educated groups mostly obtain preparatory, secondary schools or university level.



Regarding the age of the participants, the average age of study participants is 42 years old, as the oldest participant is 95 years old, while the youngest one is 19.



Limitations and Challenges of the Study

The study has faced many difficulties as listed below:

1. Difficulty in reaching IDPs and refugees displaced from some original areas. For example, it was difficult to reach IDPs from Raqqa, Hasakeh and Deir Ezzor governorates in the NW of Syria., while the greatest difficulty in Turkey was in reaching refugees from Damascus, and this led to a delay in the timetable of the project log frame.
2. Many refugees and IDPs refused to participate in the study for many reasons. The most important reason is their fear that the Syrian regime may confiscate their properties or arrest their families and relatives who are in its areas despite the assurance of the data collectors for all participants that their personal data will remain confidential and collected data will be dealt with in general without any reference to the individuals themselves or their jobs, position or any personal details. Their refusal is an additional reason for the delay in the work process.
3. The spread of COVID-19 virus in areas where the study has been conducted adding more difficulty to conduct data collection process while taking the necessary precautions against it.
4. The inability to reach the required number of IDPs and refugees who lived in informal housing areas in their original areas due to the lack of distinction of many IDPs and refugees between informal housing areas and urban residence areas included in the organizational chart of Syrian cities due to the overlap of residential neighborhoods in big cities.

Data and Information Analysis

The study is divided into seven main aspects. The first one deals with the current situation of Syrian IDPs and refugees (HLPs and personal identification papers). The second is about volume and types of violations against their HLP rights. The third aspect is about reasons for properties' confiscation, violations and loss of ownership rights. The fourth one is related to the current methods of documenting HLP sales and leases processes in Syria. The fifth is increasing legal awareness about official required documentations of HLP rights. The sixth aspect deals with challenges and constraints to

the return of Syrian IDPs and refugees to their original areas. The last and seventh aspect is about of informal housing residents in original areas in Syria.

First, the current situation of IDPs and refugees (in terms of housing and personal identification papers)

IDPs in northwestern Syria and refugees in Turkey face many social and economical difficulties in their daily life as well as special difficulties related to housing and residency.

Participants in the focused Group Discussion sessions mentioned that the most prominent difficulties they face **on the social level** are being unaccepted by a large part citizens in host communities considering them a burden on the society , being subject to harassments and discrimination and looking down at them. Refugees in Turkey suffer the most from discrimination, but also some IDPs inside Syria have mentioned experiencing situations of some kind of discrimination against them. Some examples of difficulties IDPs and refugees face are school students' refusal to accept IDP and refugee children has among them causing a negative impact on children's psychosocial health, and refusal of houses owners in host communities to rent their houses to IDPs and refugees, as well as oral harassment expressions against IDPs and refugees' presence in host community.

"I suffer racism, bullying and being refused by some neighbors from our in our host community members"

A Syrian refugee living in Gaziantep

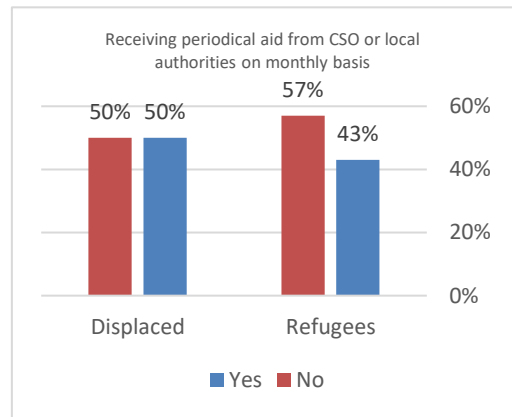
"I am living in a rented house in Idleb and have been threatened to be thrown out by the landlord. The most difficult feeling is to be an IDP even though I am originally from Idleb and living in it currently."

An IDP participant in the dialogue sessions

On the economic level, the most prominent difficulties faced by the IDPs and refugees are their poor financial conditions and inability to cover their living expenses, especially in light of the great increase in prices of basic goods and materials as well as their low income and difficulty of finding a job opportunity. The average monthly income of refugees in Turkey is \$427, while their average expenses are \$448. As for the average income of IDPs, it is \$121 per month, and their average expenses are \$171. Regarding this point, it is noticed that the sources of IDPs and refugees' incomes are not limited to their work, but also include the aid they receive from humanitarian organizations and

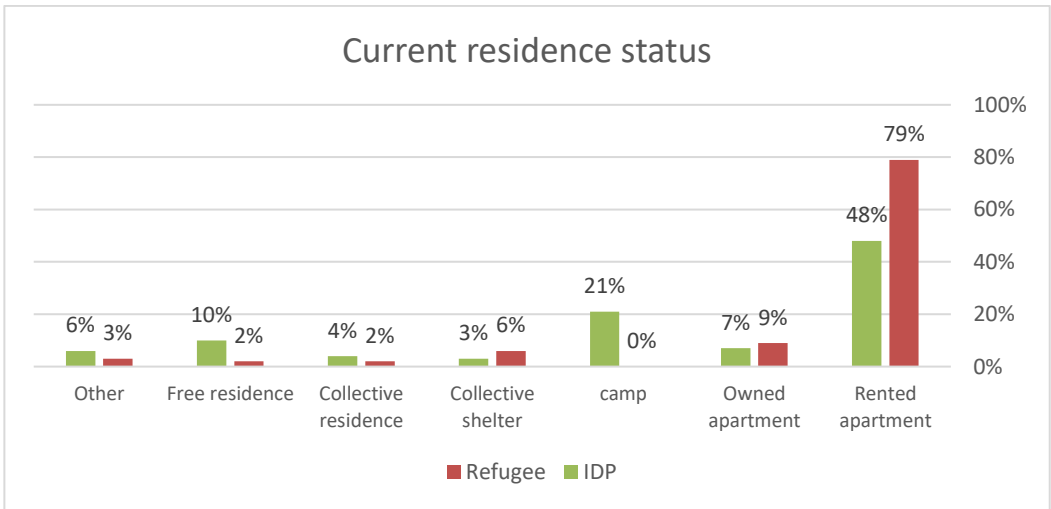
financial support from their family members and relatives. Percentage of participants in the study who receive aid from humanitarian organizations is % 46, and a large part of them have been forced to sell their gold jewelry or to reduce their expenses and had to give up on materials considered a luxury in order to make ends meet. Also, many refugees and IDPs who are able to control their real estate properties in their original areas were forced to sell them for less than a quarter of its actual price in order to feed their families and themselves.

On the level of **legal difficulties**, refugees in Turkey particularly suffer their inability to travel among Turkish states to look for job opportunities due to the necessity of obtaining an official travel permit, which is for a limited term and very difficult to obtain. Also, they have problems in renewing their tourist residency in Turkey since one of the conditions for its renewal is having a valid Syrian passport issued by the Syrian regime. Another important problem that one of the participants in the focus FGD sessions mentioned, is her inability to conduct legal procedures in Turkey such as marriage or divorce since any process you want to do in official departments requires having a civil registry confirmation paper and she is unable to obtain a civil registry record because her recent house is registered as a garage not legible for housing in civil registry offices. She mentioned that this problems lead to the problem of inability to register her daughter for preparatory certificate exam where education system requires address paper from civil registry office. The participant reported that she has contacted government agencies and humanitarian organizations addressing her problem, but her request has been rejected.



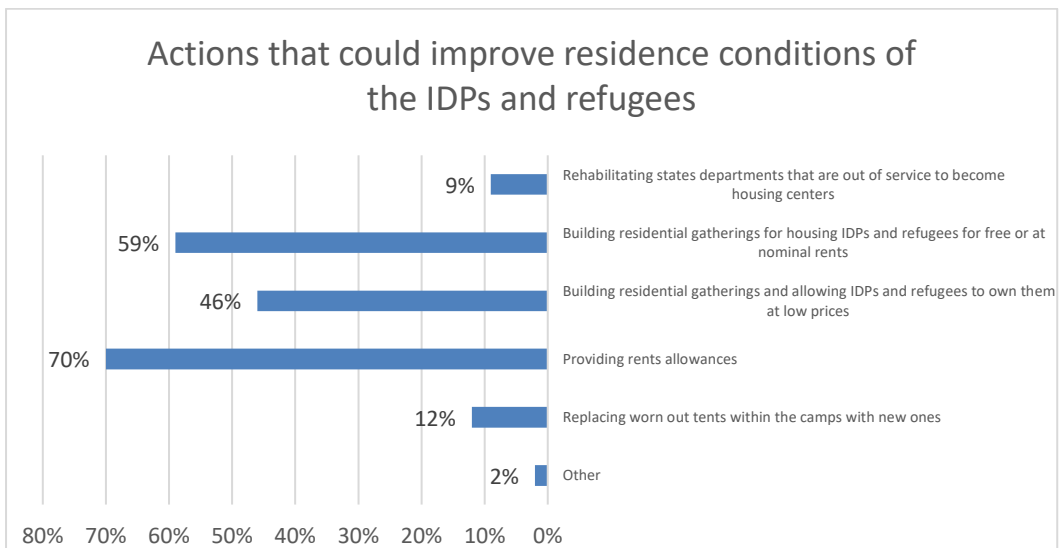
In order to address the above-mentioned economic and social problems, humanitarian organizations, international donors, human rights bodies and institutions should take a bundle of measures and launch projects that aim to create job opportunities for refugees and IDPs intensifying awareness campaigns and sessions and initiatives aimed at increasing the level of acceptance of host communities for refugees and IDPs to integrate them into society. Also, communication and coordination efforts with the Turkish authorities is needed asking to ease the legal restrictions imposed on Syrians such as requiring permission for traveling among Turkish states or requiring a valid passport to renew tourist residency.

As for the current housing conditions, the results of the study show a difference between IDPs and refugees where the vast majority of refugees in Turkey live in rented apartments even though there are refugees living in camps but none of participants in the study live in a camp. While less than half of IDPs in Syria live in rented apartments, and 20% of them reside in camps. The chart below shows the current housing status for both IDPs and refugees. It has been noticed that IDPs and refugees who participated in this study indicated that they are currently residing in unfinished buildings or apartments. Some of them even reported living in caves in the mountains.

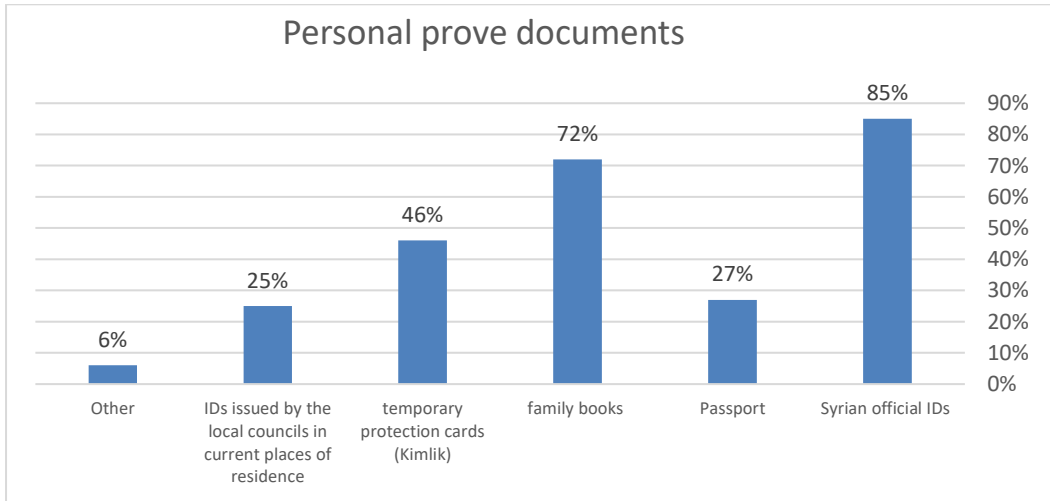


Regarding the suitability of the current housing, 66% of IDPs mentioned that it is inadequate for themselves and their families. while 40% of refugees reported that their current housing is inadequate. Participants reporting inadequate housing situation attributed their statements to a number of reasons. The most important one is the huge increase in apartment rents and the exploitation of IDPs and refugees' needs by the apartments owners . As for those who reside in the camps, they said that they need new tents instead of their worn out tents that do not protect them from hot weather in summer or cold weather in winter. This is the same problem IDPs and refugees living in unfinished residential buildings or apartments face, too. Moreover, refugees and IDPs who reside in camps or collective residences stated that their current houses do not grant them privacy. in addition to some participants stating that their current housing is not suitable for the number of their family members or lack of proper health conditions in them due to lack of ventilation or because of humidity and lack of sunlight illumination.

Regarding the means by which the current housing conditions can be improved for both the IDPs and the refugees, the study deduced that the majority of participants want to be given an allowance to pay their rents, and more than half believe that it is better to build housing blocks for IDPs and refugees for free or for a nominal rent or enabling them to own houses at low prices. It has been noticed that the participants of the focused group discussion sessions in Syria have disagreed about enabling IDPs to own real estate in the areas in which they currently reside as a solution to housing problems, as one of the participants fears that the aim of allowing IDPs and refugees to own properties is to distract them from thinking to return back to their original areas. Another participant disagreed mentioning that there is no contradiction between enabling IDPs or refugees to own property and their right to return to their original area because any Syrian citizen has a constitutional right to own more than one property and in any governorate within the Syrian Arab Republic. Another participant believes that if projects are launched to build housing units and IDPs and refugees were allowed to own them, the houses' prices must be paid on the installments because this will be for the interest of IDPs or refugees where they pay the ownership installments instead of paying the rent. Among the other proposals and suggestions presented by the participants in the focused dialogue sessions as a solution to housing problems, a suggestion by one of the participants in Turkey, who is an employee in a humanitarian organization, as she mentioned one of the experiments carried out in Urfa, where humanitarian organizations have renovated old residential houses in exchange for an agreement with their owners to lease them for a period of time to refugees at nominal rents. One of the participants in the dialogue sessions in Syria requested replacement of tents in camps with prefabricated concrete rooms, or by building concrete housing units to provide decent housing for IDPs and refugees.

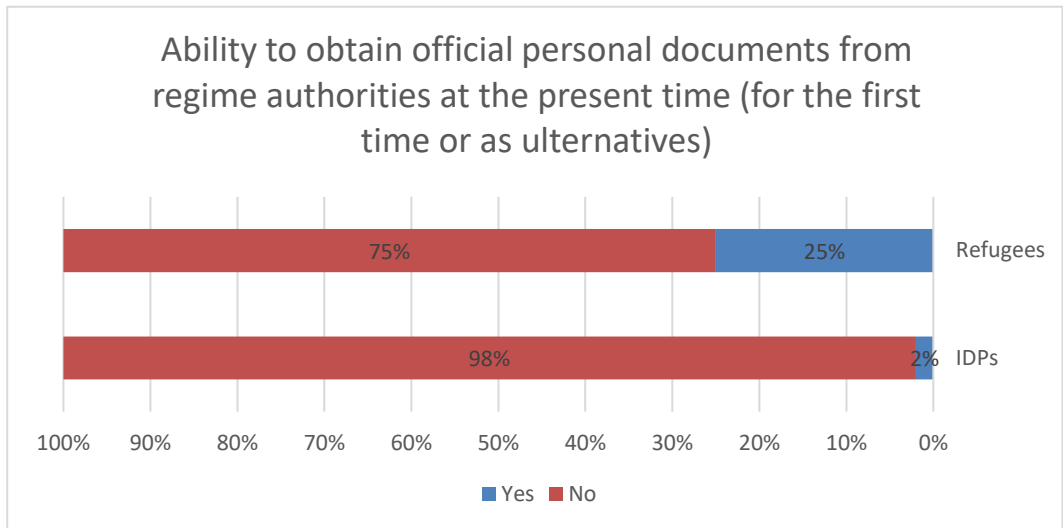


Regarding the ability to obtain personal documents and papers, the vast majority of participants in the study reported that refugees and IDPs possess identification documents and papers. Syrian official IDs come at the forefront of those documents, as 85% of participants have personal IDs, followed by 72% having family record booklet, and 27% hold official passports. Regarding personal documents issued by bodies other than the Syrian government, majority of Syrian refugees participants in Turkey hold temporary protection cards (IDs), while less than half of the IDPs participants have IDs issued by the local councils in their current places of residence in Syria. Often participants in the study with no personal identification documents, attribute this situation to many reasons. The foremost reason is the loss of their documents during displacement or their documents were damaged due to bombing or by military operations.



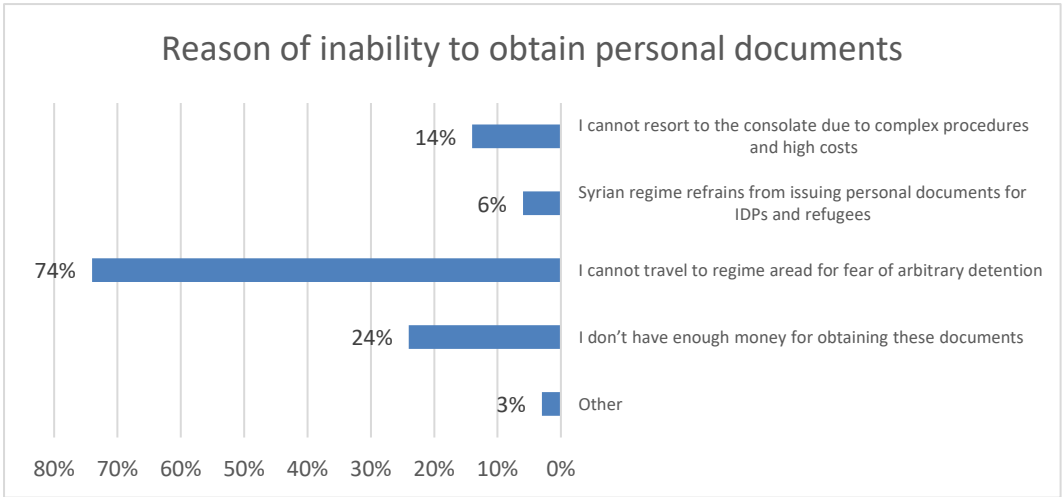
As for the ability of refugees and IDPs at the present time to obtain official personal documents from the Syrian state departments for the first time or as an alternative, the study notices a sharp decrease in the ability of the IDPs to do so, as only 2% of them expressed their ability to obtain official documents. This percentage increases among refugees to 25%. Regarding the means IDPs and refugees have to use in order to obtain official documents, they mentioned paying bribes to brokers in the regime-controlled areas, conducting a power of attorney through a video clip, or appointing a lawyer. While a lower percentage said that this is done by traveling themselves to regime areas or by visiting consulates and diplomatic missions of the regime outside Syria. These are the aforementioned methods and means, according to the participants in FGD sessions, and they included many difficulties. For example, obtaining personal documents through brokers is very expensive, as the cost one of a document is at least 400 \$, depending on

the type of required document and the legal status of the person who wants to obtain it (whether wanted for security departments or not). On the other hand, this method can also be forged taken in the risk of IDPs or refugees being victim of frauds, as the broker may send forged documents or may get away with the money and bring them nothing. Regarding the method of registering power of attorney documents, by the regime security departments and authorities have to approve the documents coming from other countries which may cause arresting the attorney who lives in the regime areas in case he or the client is wanted for security departments. One of the refugees in Turkey who participated in the dialogue sessions said that the power of attorney documents organized at the Syrian consulate are sometimes rejected due to various reasons such as the person is



wanted for mandatory military service or for political reasons.

As for the reasons that prevent IDPs and refugees from obtaining official documents and papers, the most important reason is their inability to travel to regime areas for fear of being arrested, which is stated by nearly three-quarters of the study participants, and about a quarter of the participants attributed that to lack of enough money to obtain these documents. Syrian refugees in Turkey face difficulties in visiting the Syrian consulate due to the complexity and high costs of the procedures. On the other hand, the consulate, according to refugees, does not issue any other personal documents except for passports.

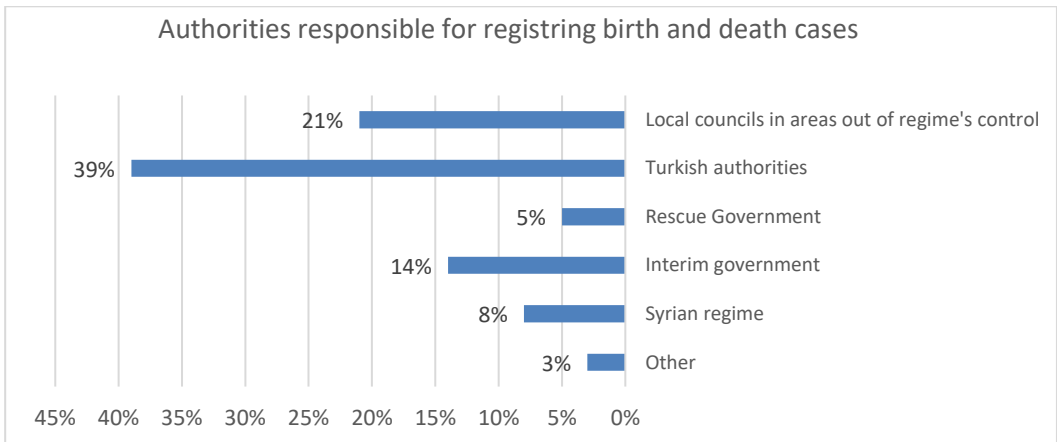


With regard to documenting births and deaths that occur within the family, more than three-quarters of the study participants expressed their ability to register these events, but only 8% of them can do it in the official Syrian state departments. The majority of refugees in Turkey (78%) register births and deaths within the Turkish authorities, as for IDPs, they register these cases at the local authorities in host communities. It has been noticed here that the participants in the FGD sessions have reported some of the difficulties that prevent IDPs and refugees from registering births and deaths cases at the authorities in host communities. For Syrian refugees in Turkey, if both parents or one of them do not hold a temporary protection ID card, then it is difficult to register births, especially since Syrians are currently facing many difficulties in order to obtain a temporary protection ID card because now issuing it is limited to a very small number of Turkish states, and procedures for it are prolonged and often takes several months. As for Euphrates Shield, Olive Branch, and Peace Spring areas inside Syria before the process of registering births and deaths or issuing personal documents were processed within offices of the Interim Government. Now, these processes are currently transferred to the local councils, and when registering births or issuing identification cards, these councils do not, for example, mention the original civil registry entry of the displaced person nor his area of origin, which is unacceptable as it leads in the future to the loss of the link between IDPs and their original area. Also in many cases, these councils issue death documents and certificates without relying on papers proving the occurrence of the incident. For example, in few cases, some local councils have registered the incidents of husbands' deaths upon the request of their women in order to receive humanitarian aid without real evidence of the death incident. One of the lawyers participating in the dialogue sessions stated that local councils have capacities that allow

them to issue and certify birth and death certificates, medical and educational certificates... etc., noting that these authorities must be among the capacities of a central authority to which all liberated areas should be related, and that work must be organized to obtain international recognition of a central administration in the region and all documents should be issued by one authority committee since IDPS and refugees are unable to register births at the Syrian regime departments and this will lead to depriving their children of Syrian nationality in future.

"Syrian conflict has caused closure and destruction of many civil registry offices, as a result, a lot of new bourns, marriages, divorces and deaths have not been officially registered, which prevents IDPs from possessing documents that prove these cases, and since not all of the civil registry entries are digitally archived, the destruction of the original documents means permanent loss of these information"

Forcible migration periodical – documenting legal identity of the Syrian displaced



Based on the above-mentioned information, the study recommends that the international community in general, UN agencies, and human rights organizations in particular must impose pressure on the Syrian government to facilitate the process of registering birth cases occurring in areas out of its control or in countries of asylum, in order not to lose the right of unregistered children to obtain their Syrian nationality. Also, it is imperative to establish communication channels with the Turkish authorities to facilitate the process of granting Syrian refugees a temporary protection ID card and to seek international recognition of the documents and papers issued by the authorities in areas out of Syrian regime's control.

Second, volume and types of violations against HLP rights

Syrian regime and other supporting military forces have practiced many violations to Syrian citizens' human rights via killing, arresting, displacement and torture. Moreover, violations on Syrians' HLP rights especially IDPs and refugees' rights have been exposed to these violations. Nearly three quarters of participants in the study stated that they have been exposed to a type of violations on their properties in original areas, and these violations are a result of the war conditions, military operations and random bombing in their areas. They also see it as a way of revenge against those who stand against the ideologies and thoughts of the controlling authority in the area.

The most prominent HLP violations are the destruction of properties. More than half of the participants have stated that their properties been either totally or partially destroyed where 27% of participants reported that their properties have been partially destroyed and 26% reported completely destroyed properties). A survey study prepared by the United Nations Institute for Training and Research (UNITAR) on 16/3/2020 revealed the extent of the destruction that occurred in about 16 cities and towns in Syria as a result of the war. The study has been based on analyzing the damage discovered by satellites to determine destroyed buildings, either severely or partially damaged in order to provide an overview of the extent of destruction in Syria. The UNITAR study has concluded that Aleppo is the most destroyed Syrian city as a result of bombing with a number of destroyed buildings reaching about 36 thousand buildings, followed by Eastern Ghouta with 35 thousand destroyed buildings. Next comes Homs with 13,778 buildings, and after that Al- Raqqa with 12,781 buildings, followed by Hama 6405 buildings and the same number as Hama for destroyed buildings in Deir Ezzor, and 5,489 buildings in Yarmouk camp.

It has been noticed in this HLP study as experts attribute the destruction of buildings and infrastructure to many reasons. The first important one is the military operations taken place in various regions in Syria associated with the Syrian regime's random bombing of cities and villages out of its control using all types of weapons, including barrel bombs without distinguishing between civil or military targets and sites. The reasons of the destruction are not limited to bombing operations, but also the Syrian regime has implemented exploding, burning and deliberate destruction of HLP in uprising areas as a way of revenge against their opponents³. Areas controlled by Regime also include militias who demolish houses and real estates and sell their rubble.

³ An expert who is a study participant and local council member in Free Rural Damascus governorate.

Despite the fact that the destruction of real estate is the largest type of violations in terms of volume, some experts have mentioned the existence of another more serious type whose results are more negatively effective than destruction. It is the dispossession and seizure of properties related to IDPs and refugees supported by the regime's new issued HLP laws during the years of war to legalize confiscation of IDPs and refugees HLP rights by having new organizational chart making IDPs and refugees unable to recognize their HLPs in their original areas. According to expert this is a way to change the demographic structure of Syrian population in the areas Regime has recently gained control over⁴. The regime did not only confiscate IDPs and refugees' properties, but also issued Law No. 3 in 2018 which allows the government to classify and determine damaged properties in order to close and demolish entire neighborhoods under these excuses. By doing this, the regime can change the features of the residential neighborhoods and properties, so that their owners cannot identify them or ask for their rights when they return in future⁵. In this way, IDPs and refugees cannot prove their ownership if they have lost their property documents due to their inability to identify the location of the property they owned, and this problem increases due to the fact that some militias have burned the archives and records of the land registry departments.

It is noticed here that many of the real estate seizures are not carried out by the law. It is implemented by Regime's security authorities or military militias fighting on ground next to the Syrian regime. These militias are investing the seized properties and using them with acceptance and cover from the regime. Moreover, ownership of these properties is transferred in the official land registry departments based on forged documents and papers such as fake sale contracts or forged notary's powers of attorney ... etc.

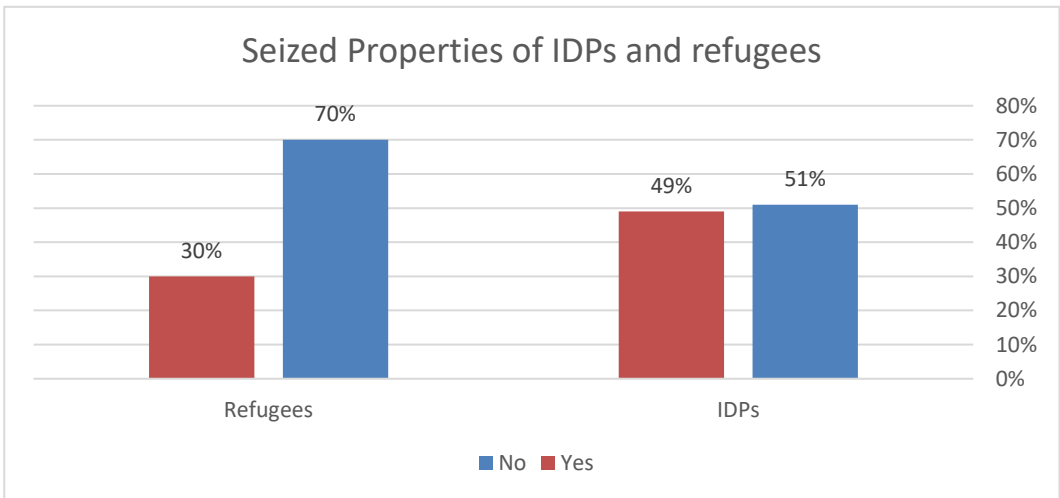
Demographic changes and the non-return of IDPs to their countries are the most dangerous risks because counterfeiting the societal structure means producing a new society which supports authorities who want to domesticate their communities. Thus, 6.5 million Syrian Sunnis citizens are displaced. By monitoring the areas being targeted, destroyed in this armed conflict, it can be noticed that HLP violations have taken place in areas of certain demographic features, Sunni areas. Moreover, most of the areas are not included within the organizational charts of the cities. The destruction is linked to agreements to hand over the regions and displace residents of those areas. All these series of actions show followers to the situation a hint about the Regime authority efforts and plans drawn to be achieved during the conflict to rebuild an integrated society of Regime allies as Bashar al-assad mentioned in one of his speeches.

[Legal affairs expert from Syrian Lawyers Association](#)

⁴ A female lawyer and legal awareness trainer in the Social Support office in Al-Amal Aid and Development Organization.

⁵ Lawyer specialized in civil and real estate cases

According to the study results , 40% of participants reported that one of their properties has been seized, taking in consideration that the majority of those whose properties have been seized are displaced, and the Syrian army and its affiliated militias are the main responsible actors for these seizures. As they are responsible for nearly three quarters of these seizure operations, followed by the Syrian Democratic Forces at 12%, then the militant groups at 4%, while about 1% of participants indicated the responsibility of the military sector of the Free Army for the seizure operations . Regarding the ways in which participants in the study were informed about seizure of their HLPs, 70% of them reported that their relatives informed them, and 24% learned about this through social media.



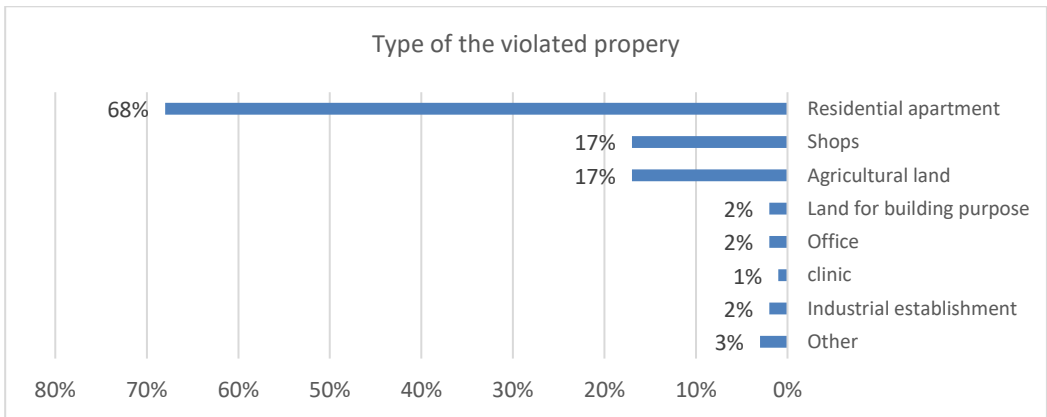
The majority of those displaced under the reconciliation agreement, 60% of them have property in their original areas and do not have any information about their properties' current status, which raises a major problem related to scarcity of information and lack of communication between the displaced and their original communities. As for the 40% of them who have information about the status of their properties, the overwhelming majority 88% reported that their property have been destroyed or damaged, while 66% of the forcibly displaced people described the status of their property as "occupied".

(Mass displacement and its consequences according to “reconciliation agreements”) A study conducted by The Next Day organization.

A similar study conducted by the researcher Martin Clutterbuck entitled (compensation for property in post-conflict Syria) has concluded with the following information:

60% of the communities that have been evaluated stated that their properties were occupied by others without a legitimate right, followed by stealing and robbing their private properties as indicated by 56% of these communities. The majority of interviewed refugees said that they have lost their ownership documents either because it was damaged, left behind, or confiscated.

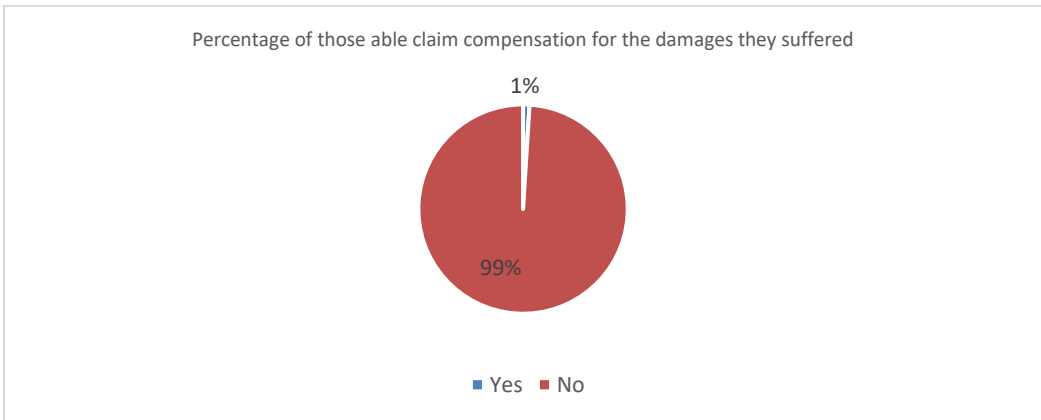
It has been noticed here that the Syrian regime forces and the militias supporting them are responsible for 81% of the violations against the HLP rights of IDPs and refugees in general including destruction, seizure, confiscation, and other types of violation followed by the Syrian Democratic Forces at 8%, followed by the militant groups at 4%. While the Free Army and its affiliated factions are responsible for 1% of these violations. For the types of the properties that were subjected to violations, they are shown in the following chart:



Based on the above-mentioned violations on the Syrians' HLP rights, experts believe that it is necessary to take serious steps to ensure that Syrians are compensated for the damages they have suffered. One of the experts⁶ believes that it is not easy to work to compensate Syrians for their properties, but that is not impossible, and efforts to do that must start now by launching projects to document the violations that took place, so that these documentations will be the cornerstone of the compensation process in future.

⁶ Programs coordinator at The Next Day Organization and expert in real estate and residence matters – director of Real Estate Documentation Program for two years.

Regarding the ways of compensation, the experts believe that it should be done by returning the property that was seized to its rightful owners, enabling them to freely conduct legal actions related to HLP rights, compensating them financially for damages to their HLPs and the compensation value can be estimated by experts from the real estate sector and engineers. Experts opinions are compatible with the compensations that the study participants expect to receive if they return to their original areas in the future, but at the present time the vast majority of them are unable to claim compensation for the damages their properties suffered.



Third, reasons of confiscating properties, violations and loss of ownership rights

Since the beginning of the revolution in Syria in 2011, the Syrian regime has issued many laws that affect real estate properties, and the experts participating in the study agree that these laws affect in one way or another the ownership rights of refugees and IDPs, and lead to their dispossession of their properties. As in 2012, Legislative Decree No. 19 the Anti-Terrorism Law has been issued, followed by Decree No. 22 on forming of the Terrorism Court. It is noticed from the legal texts in both decrees that they grant great capacities for punishing and confiscating the property of everyone who stands against the regime in one way or another and of anyone has an opinion contrary to what the ruling authority in Damascus believe. While Legislative Decree No. 19 of 2012 determined a detailed description of acts related to terrorism, and Decree No. 22 gave the Public Prosecution of the Terrorism Court the authority to refer all acts it deems related to terrorism to the court, even if it is not included in Law No. 19 of 2012, which clearly contradicts the main rule in criminalization and punishment which is "there is neither crime nor punishment without a legal text."

As for the most dangerous laws issued during the war from the experts' point of view, which directly affect the properties of the displaced and refugees, is Law No. 10 of 2018, which allows creating one or more organizational areas within the general organizational chart of administrative units in Syria, noting that the owners of real estate rights in these units must visit the administrative authorities to declare their rights and apply for the determination of the chosen place of residence within the administrative unit. This application form must be attached with the documents and papers supporting and proving his rights, within a period of one year from the date of the announcement of establishing the administrative unit, and in case that the owners are unable to submit their requests within the deadlines stipulated by the law, the ownership is transferred to the administrative unit as a legal person, as indicated by one of the experts.

Having skimmed the above-mentioned legal texts, the dangers of Law No. 10 are clear for both IDPs and refugees, as experts said that a very large percentage of IDPs and refugees cannot visit administrative units within regime's areas because this directly puts their lives at risk and makes them vulnerable to arrest. Although the law has permitted the owners to appoint persons on their behalf as well as their relatives up to the fourth degree to appear before the administrative units on their behalf to declare their properties. However, this matter is practically difficult as one of the expert lawyers has indicated that all of the residents of some areas in Syria have completely been displaced. Therefore, there are no relatives of real estate owners who can visit regime's departments, and even if there is a relative to owners of real estate properties, the relative's visit to the official departments to claim a right of an IDP or a refugee may expose him to be arrested. For this reason, the vast majority of relatives of refugees and displaced persons refrain from visiting administrative units on behalf their relatives of IDPs or refugees.

As for the difference in the influence of these laws, on the owner of HLP rights whether he is an IDP or a refugee, one of the expert lawyers believes that IDPs are the most affected, as the law allowed refugees outside Syria to visit consulates in order to appoint another person inside Syria to visit the administrative unit and document his real estate rights. However, the majority of experts believe that there is no difference between the displaced and refugees, as one of the lawyers specializing in real estate and civil cases said: "It is true that the law has allowed the refugees to make power of attorney documents certified by the Ministry of Foreign Affairs and embassies in foreign countries and to send them to people residing in the country to document and register their real estate properties, but these power of attorney documents cannot be sent due to the fact that most of the Syrian embassies and consulates' activities are suspended. Even if they were operating and these power of attorney documents were made and sent to the regime-controlled areas, they are subject to administrative and security procedures and

security background check for both parties, the owner and his attorney, therefore, these documents are subject to the will of the intelligence and security authorities departments, which poses a danger to the attorney inside Syria. Regarding the constitutionality of these laws and their compatibility with international treaties and norms that dealt with the right to property, various experts have confirmed their clear violation of the simplest constitutional rules and texts, and international laws and treaties.

These laws are not compatible with the Syrian constitution nor with the international laws and norms, since they affect the native local resident's right to ownership, and does not provide fair trial nor compensation, and its effects may include forcible evacuation of the owners and confiscating their property.

Human rights activist concerned with documenting war crimes and human rights violations.

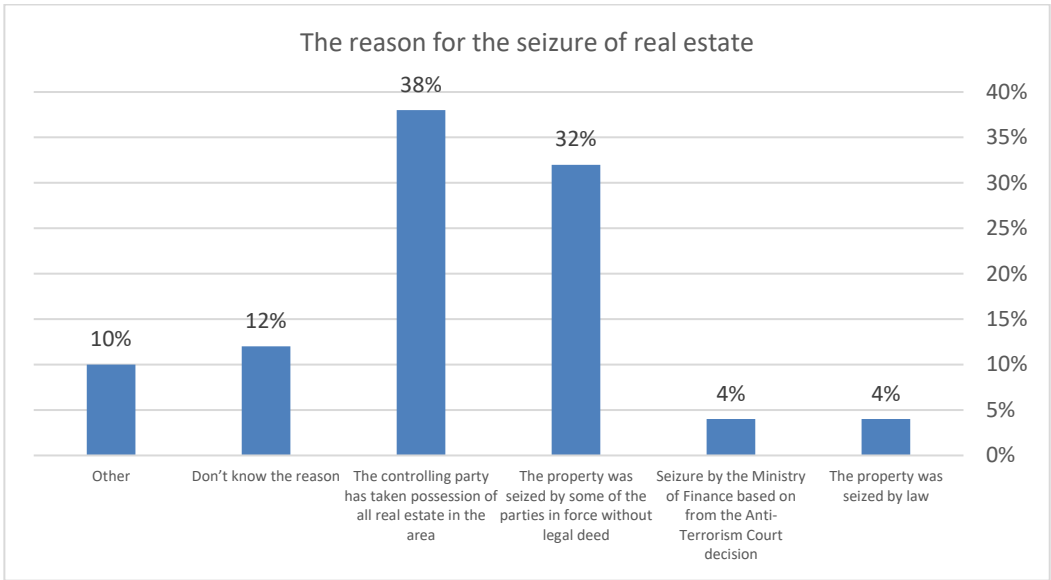
All issued laws on real estate or urban organizing were of a political nature rather than organizational or legal grounds, and the most prominent of these laws is Lao No. 10 of 2018, which stipulated that ownership is related to the presence of the owner, which is a newly stipulated principle that was never stipulated by laws.

Lawyer specializing in civil and real estate cases

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Lawyer specializing in civil and real estate cases.

Returning to the results of the study, it is clear that the impact of these laws on the properties of IDPs and refugees has already begun to appear, so that large portion of the study participants as (40%) indicated that at least one of the real estate they own in their original areas has been seized. Note that some of these seizures took place based on real estate laws issued during the war in Syria, or based on anti-terrorism laws, as the Ministry of Finance placed precautionary seizures on the property. In addition, the two most important reasons for the seizure of real estate properties are the fact that the controlling party in the area claims possession of all HLP in the area, in addition to the seizure of HLP by the influential parties without a legal justification. Also as mentioned before, the Forces of the Syrian Regime and its Security Services and Militias associated with them are responsible for the seizure of more than three quarters of the seized properties. Moreover, the Syrian Democratic Forces and militant groups are responsible for seizure of 12% to 4% respectively, while the Free Army is responsible for seizing no more than 1% of the real estate properties.



Protecting HLP right of IDPs and refugees

In light of the violations against the properties of IDPs and refugees and the threats posed on their HLP rights by the new laws issued by Syrian regime during the war include confiscation of these rights and expropriation, and with the low level of legal awareness among IDPs and refugees which makes them unable to protect their rights, it is imperative to focus on efforts at the present time to take the necessary measures to ensure the rights of IDPs and refugees and to protect their properties in their original areas especially that many of them lost the ownership documents of their properties and are unable to obtain an alternative to them.

According to the experts, one of the most important procedures needed to be taken immediately are to work on launching projects and intensifying efforts to document and register HLP of IDPs and refugees and to preserve these documents. There are current projects aiming to identify the HLP situation of IDPs & refugees and violations on them. However, projects concerned with documentation and registry of IDPs & refugees' properties in their original areas are limited and lack coordination among the authorities in charge of them. In this regard, local councils and real estate registry official at the Interim Government proposes launching an initiative that works to integrate the documents gathered by civil society organizations into one file which is deposited with the Syrian Interim Government as a reference for preserving the properties of IDPs and refugees. It should be noted here that experts also say that the documents collected so far

are insufficient because they do not include all IDPs and refugees. Therefore, it is imperative to launch projects aimed at facilitating documentations and registering processes seeking to reach the largest possible number of them, and that can be done by opening real estate documentation offices in the countries that host Syrian refugees, such as Turkey, Germany, Lebanon, Jordan, and European countries in general, and opening similar offices inside Syria providing that all these offices work under the supervision of a neutral international party such as the United Nations. Also, among the available easily applied mechanisms is working on launching an electronic platform for documenting real estate properties, so that IDPs and refugees access the platform and enter their personal data such as names, original place of residency, current place of residency, the number and type of HLP they own in Syria and ability to attach scanned original documents that prove their ownership. Human rights organizations and bodies should supervise this platform identify their originality, archive entered data and keep them safe till time to HLP can be returned again.

Regarding the most reliable bodies to carry out documentation of HLP rights of IDPs and refugees, it is believed by participants of experts in this study that this task should be entrusted primarily to UN offices and bodies, with human rights organizations contributing to this process. Some experts also believe that these operations can take place through the Syrian Interim Government or local councils. The experts' opinions agree with what individual participants in the study have reported, too. More than half of individual interviews have expressed their confidence in international organizations to carry out HLP documentation operations, and also half of them believe that United Nations offices are considered a reliable body to do that. While only 10% of participants agreed that local councils can handle these operations.

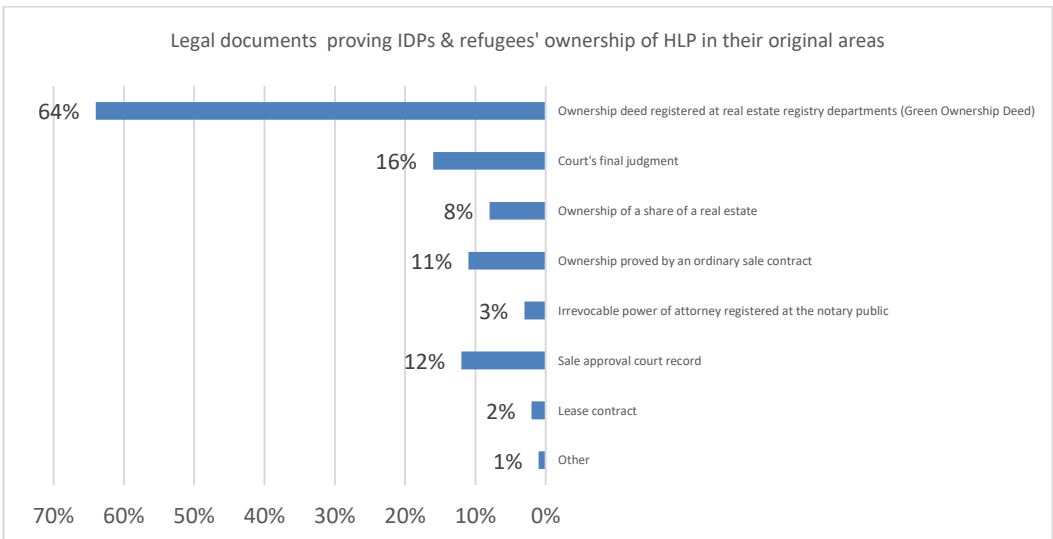
Documentation, documentation and documentation, then comes the requests for the active parties in the Syrian file to grant the real estate matter the necessary importance, and to consider it as one of the most important files that should be addressed during negotiations.

An expert in real estate and residence matters – director of Real Estate Documentation Program for two years with The Next Day Organization.

It has been noticed that the process of proving ownership varies according to the opinion of one of the experts⁷ based on the type of the proving document. As for the ownership deed issued by the Land Registry Departments (Green Ownership Document), it has the absolute authenticity and is considered as an ownership proving deed itself, noting that

⁷ Executive Director of Al-Kawakbi Center for Human Rights and Transitive Justice.

real estate documents registered in the real estate registry departments have been copied in three copies, one of which is electronic, therefore, pressure must be imposed on Syrian regime to obtain this copy and keep it to ensure protection of properties of IDPs and refugees. Moreover, judicial, court rulings, agencies and irrevocable power of attorney documents can also prove ownership. However, the problem arises in this regard in case IDPs or refugees do not possess the ownership deeds and are unable to obtain them at the present time. In this case, the property owner will face difficulty in proving his ownership, especially if the original papers have been destroyed due to the battles or bombings witnessed in most of the Syrian regions. As for the weakest ownership deeds are the normal sale contracts, as it cannot be used to prove ownership for the buyer in case that the first property owner might resell the property again, which has happened frequently during the years of the war. Regarding informal housing areas, a proof of ownership can take place in the future only before the courts via each person locating the property he owns and providing proofs of his right. By returning to the results of this study, it is seen that majority of participants have the title deed of their HLPs issued by official land registry departments in Syria which increases the ability to preserve their rights and properties in their original areas. Also, the percentage of real estate ownership increases if holders of judicial court rulings, acknowledgment of sale in court, or according to a normal sale contract are considered in the documentations operations. as shown in the following diagram.



In conclusion, examining the means of ownership proofs, experts believe that it is necessary to work on educating refugees and IDPs about the importance of keeping all papers they possess or can obtain such as ownership deeds or regular sales contracts and

even water and electricity bills because they can contribute to proving their ownership of a property.

Syrian IDPs and refugees shall not hesitate to document their real estate properties, even if the property is totally or partially destroyed, seized, abandoned or confiscated. In order to document their properties, Syrians must attach any available documents that support and prove their ownership (a copy of ownership deed, a copy of real estate registry entry, court's judgment, water or electricity service bill, lease or investment contract or any available document that proves the ownership or right to occupy or invest the property.

[Source: a report issued by Free Syrian Lawyers Association](#)

Moreover, experts believe that protecting rights and properties of IDPs and refugees requires launching advocacy campaigns that support their issues and raise these issues in front of international forums and holding meetings for discussing Syrian crisis. Syrian regime must also be urged to void all laws issued after 2011, which in a way or another includes violation of citizens' HLP rights. Most importantly, to seriously activate the political solution processes along with stopping establishing new real estate development areas until a comprehensive political solution including the return of IDPs and refugees to their original areas is reached and all seizures, confiscations and precautionary seizure decisions made by Syrian regime are cancelled.

Effective and successful solutions cannot be reached unless the regime cancels all decrees and legislations issued after 2011 because these laws legalize the process of seizing lands and properties of the IDPs and refugees.

[Projects coordinator at Next Day Organization](#)

Real estate laws and organizational actions that constrain or cancel ownership shall be cancelled until a final comprehensive solution in Syria that guarantees full transition of authority and safe return of IDPs and refugees and revealing the status of the missing and the forcibly disappeared people who own real estates and properties in their original areas is reached

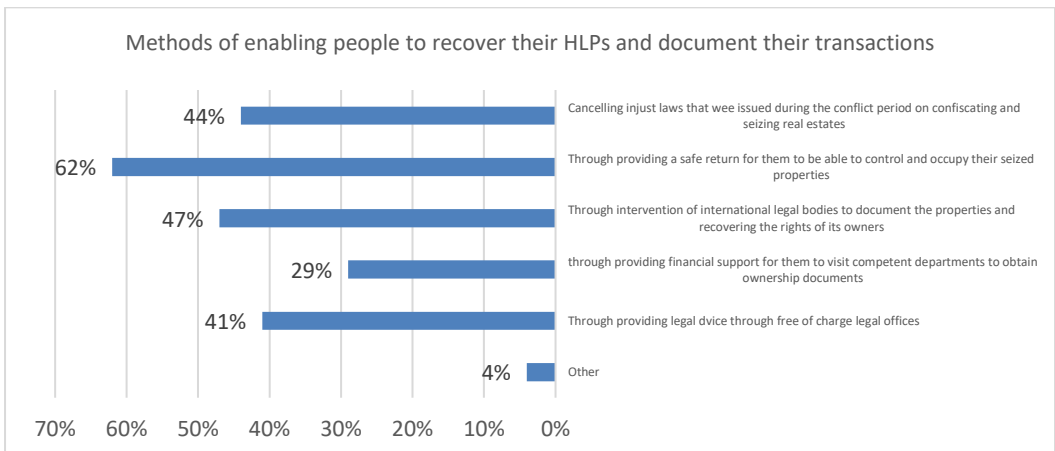
[Lawyer specializing in civil and real estate cases](#)

Local councils and real estates officials in the Ministry of Local Administration of the Syrian Interim Government reported that all violations taking place in the northeastern Syrian areas controlled by Syrian Democratic Forces and they should be followed up and observed as any organizational activities or new administrative areas or any decisions on

real estate properties SDF might issue may lead to demographic changes due to the sensitivity of the region as well as its national and religious diversity.

With regard to the ongoing political solution process, experts believe that the issue of protecting citizens' properties should be included as one of the main negotiations issues between regime and the opposition. Donor countries must also refrain from funding reconstruction activities Syria during the current period. They should also make sure that any future funding will not contribute to supporting projects that include violating any HLP rights of IDPs and refugees. Likewise, the issue of real estate properties must be included in the agenda of the constitutional committee meetings, so that the Syrian constitution stipulates the unconstitutionality of the laws issued after 2011 aiming to strip Syrian citizens of their property (especially IDPs and refugees). Also, a provision can be made on the supremacy of international laws and norms over domestic law so that the provisions contained within international laws are applied in the cases where internal law involves a violation of any human rights.

For the opinions of the participants in the study, nearly two-thirds of participants in the study believe that protecting the rights of IDPs and refugees requires the international community and the actors in the Syrian file to work on providing a safe return for IDPs and refugees to their original areas and enable them to recover their property. While nearly half of participants believe that it is necessary for international bodies and human rights organizations to make efforts to document the Syrians' HLPs. 44% participants in the study see the need to cancel the laws issued during the period of conflict that lead to confiscation and seizure of Syrians' properties, especially IDPs and refugees. In addition to the necessity to provide no-cost legal advice to educate IDPs and refugees about the procedures they must follow to protect their properties.



Fourth, current methods of documenting HLP sales and renting processes in Syria

Disposal of property is considered one of the original rights that are branched from the right to obtain a property, and it is a right guaranteed under the constitution and Syrian law since the constitution stipulates the right of the owner to dispose of his property and exploit it. It is not permissible to deprive him of this right except for the public benefit and in return for a fair compensation. While the Syrian civil law states that "only the owner of the property, within the limits of the law, has the right to use it, exploit it and dispose of it". Thus the right to dispose a property guarantees the owner's right and ability to conduct transactions of selling, renting, or assign his property. Since the legal principle is comprehensive and general, then IDPs and refugees can dispose their HLPs in their original area, pass its ownership to others, and to register the legal transactions they conduct regarding their real estates at official state departments.

Although the right to dispose HLPs is legally proven, experts disagree about the extent to which IDPs and refugees are able to conclude legal actions related to their properties and document them at official state departments where most experts believe that IDPs and refugees can dispose their properties and carry out sales and purchases, but they cannot document these transactions with official state departments due to security concerns and the inability to travel to regime areas for fear of arrest. For example, sales and assignment of a property they own can take place through a normal sale contract between the seller (who is here the refugee and IDP) and the buyer is required either to present as the concerned individual in person in the area in which the property is located whether he resides in the area in which the property is located or in another area in order to document these operations with the real estate registry departments or with the courts, This is impossible for the vast majority of IDPs and refugees due to the security risks they can be exposed to if they return to original areas. Regarding documentation via a legal attorney acting on behalf of IDP or refugee to represent him in the official departments, it also includes many difficulties that prevent the displaced and refugees from authorizing their attorneys to represent them at state departments since these offices located in areas out of control of the Syrian regime. IDPs cannot also make legal power of attorney documents due to the lack of a notary public in areas out of Regime control, while refugees outside Syria can visit consulates and diplomatic missions to make legal power of attorney to authorize people who reside within the area in which the property is located. However, these power of attorney documents are not accepted by Syrian official

state departments without obtaining security authorities approval leading residents within the regime's areas to refuse becoming attorneys of the refugees.

IDPs and refugees can conclude legal dispositions of their real estate, but they cannot document these legal actions with the official state departments, and these actions remain considered as ordinary contracts and is not in the levels of official deeds. They do not have the ultimate proving granted by the of the official real estate registry, too. This is due to IDPs and refugees' inability to reach the state departments because they lack confidence in the management of these departments in dealings with IDPs and the anti-Regime individuals. Also, they fear losing their lives by regime's oppression. Therefore they cannot appoint anyone to do so because of the security grip and the possibility of prosecution.

Local councils and real estate affairs in the Ministry of Local Administration in the Syrian Interim Government.

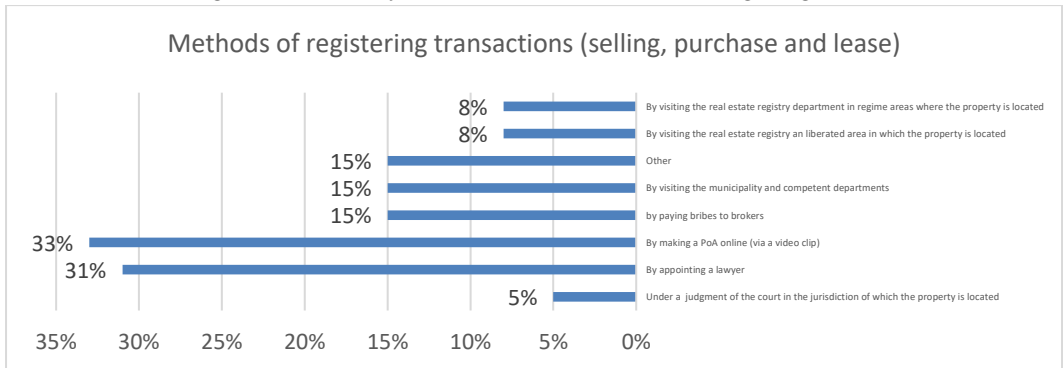
On one hand, one of the lawyers distinguishes between IDPs and refugees in the way that can be followed to conclude legal actions and document them with the official state departments. Regarding a refugee abroad, he can conclude and document legal actions through making a Power of Attorney document, providing that he has left Syria in a legitimate way, that is, through border crossings controlled by the regime, bearing in mind that the majority of people have left illegally. While IDPs in areas out of the regime's control cannot do that due to the absence of attorney departments or notary public offices.

For the presence of the property in an area out of the regime's control, the process of documenting the legal actions that IDPs and refugees can carry out becomes easier since they can visit the real estate registry departments in those areas to obtain a copy of official papers. However, these transactions are not recognized or approved by the regime. It should be noticed that those who are wanted for the security authorities of the actors controlling the area in which the real estate office is located cannot also dispose their properties or document contracts .

On the other hand, some of participants in the focused group discussion sessions believe that many IDPs and refugees are unable to dispose their real estate in their original areas because the Syrian regime has seized their properties and confiscated their movable and immovable properties based on the laws related to combating terrorism and Legislative Decree No. 63 of 2012, which granted the Ministry of Finance the capacity to seize the assets and properties of persons subject to anti-terrorism laws. Those IDPs and refugees who expressed their ability to dispose their properties, they reported that this

can be done by going to brokers or without the ability to register these actions with the real estate registry departments and this reduces the value of the property significantly.

Returning to the results of the study, 8% of participants have already concluded contracts to transfer the ownership of their HLPs to others, noting that nearly a quarter of them were not able to document the contracts they concluded nor complete the procedures for transferring ownership. The reason for this is primarily due to their inability to visit the real estate registry departments in their original areas for fear of being arrested, and because the Syrian regime does not recognize nor approve the transactions made in areas outside its control, in addition to their lack of knowledge of how to complete the procedures of documenting legal actions as well as not having enough money to obtain legal advice about what they must do. The methods used by the people who were able to document their legal actions, they are shown as in the following diagram:

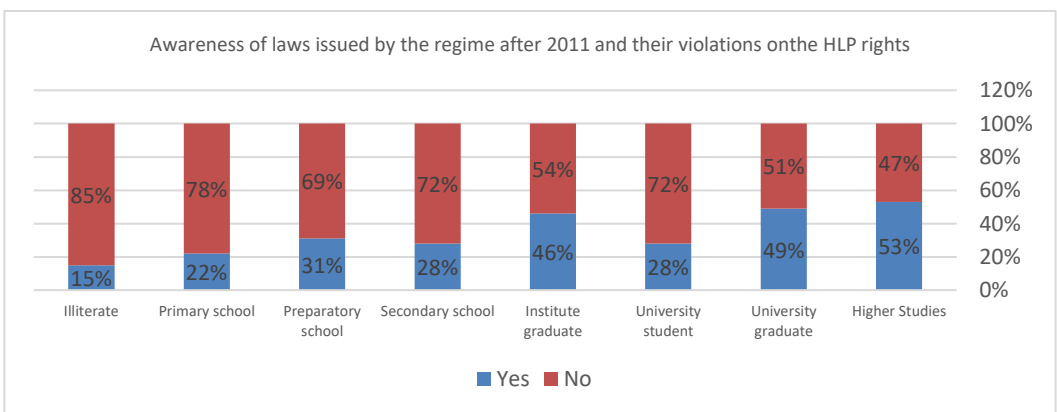


It should be noted here that the regime systematically issues laws that aim to deprive IDPs and refugees of their rights and restrict their ability to dispose their property, which was indicated by one of the lawyers participating in the focused group discussion sessions, as he mentioned that Decision No. 5 has been recently issued by the Council of Ministers, which stipulates obligating public bodies legally authorized to keep records of ownership of real estate properties and ownership of all kinds of vehicles as well as asking notaries not to document sales contracts or Power of attorney that include a completed and irrevocable sale before attaching what confirms depositing the price or a part of it in the bank account of the owner or his general or private successor or his legal representative. The decision stipulates that it shall be implemented from 15/2/2020, and the effect of the decision appears in restricting individuals' ability to dispose their real estate properties by looking at the required conditions for opening a bank account in Syria which one of its requirements is obtaining security authorities' approvals, and paying financial fees for opening the account and keeping a deposit to operate the account. With regard to the means by which IDPs and refugees can be empowered to dispose their real

estate and to document these actions with the real estate registry departments and official institutions, experts give many recommendations such as the need to impose pressure on the Syrian regime to cancel laws and decisions restricting the freedom of individuals to dispose their properties such as decision No. 5 issued by the Prime Minister, and to cancel the necessary security approvals required to accept the legal Powers of attorney. Also, it is possible to work on opening real estate departments within areas that are out of the control of the regime in order to have communication and coordination with the real estate registry departments in the regime areas, so that these departments work to document transactions conducted by IDPs and refugees regarding their HLPs in their original areas and sending these contracts and documentations to the regime's areas to be registered within the real estate registry. Some experts have also mentioned the need to provide legal and financial support to the displaced and refugees through forming legal offices that provide assistance and advice to people who are unable to document their transactions with the official departments.

Fifth, increasing legal awareness about official required documentations for the registering HLP rights

Despite the direct impact of the in-war issued laws by the Syrian regime on the property of Syrians in general and IDPs and refugees in particular, the results of the study show a decrease in the degree of awareness among both IDPs and refugees regarding the content of the legal texts contained in these laws, as only 33% of participants in the study report that they are familiar and aware of the laws issued by the Syrian regime after 2011. Regarding knowledge of real estate laws, it is similar among IDPs and refugees. 34% of participants indicated that they are familiar with real estate laws while 32% refugees reported the same thing as IDPs. In terms of gender, 38% of males have knowledge of real estate laws, while 22% of females reported their knowledge. The level of awareness and knowledge of laws regulating HLPs increases among higher educational level participants. in the study.



Experts generally agree on the lack of awareness among IDPs and refugees of HLP laws issued during the war, and they attribute this for many reasons; in general, there has been a decrease in Syrian society's legal culture even before 2011 due to the lack of Syrians' interest to follow the issued laws and deduce their interpretation and details. After 2011, the level of awareness has further decreased due to the existence of priorities that Syrians are concerned with more than following up on issued laws such as their engagement in providing living requirements in light of the extremely high costs of living and displacement circumstances.

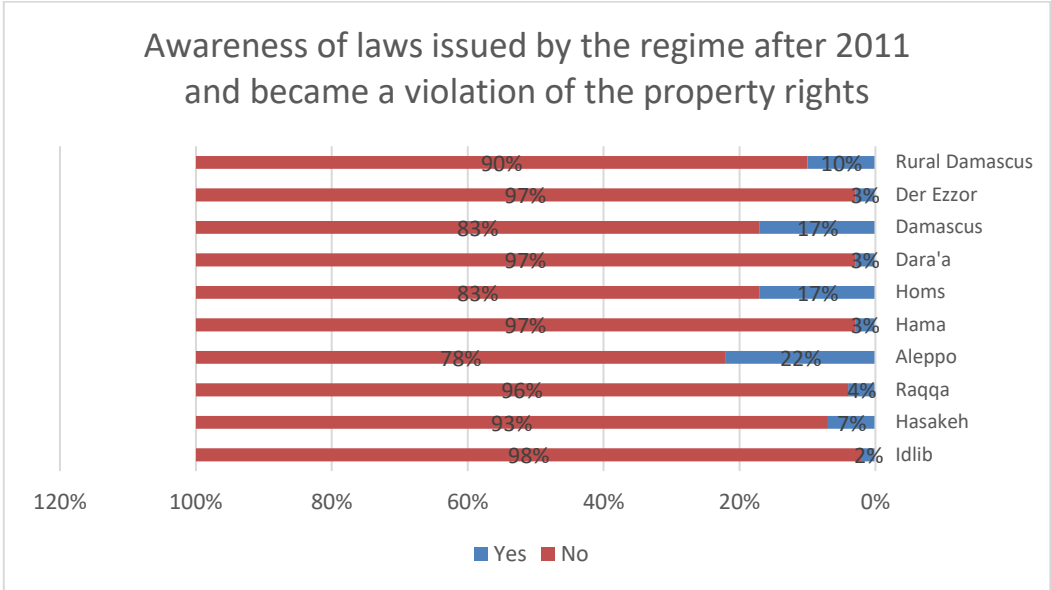
Most of IDPs lack sufficient awareness of real estate laws because escaping to safe areas has been their ultimate priority in light of the vicious military operations they have witnessed in their areas

A lawyer specializing in civil and real estate cases

Originally the law, upon its issuance, is unknown by citizens, despite being published, due to the lack of interest in public affairs by majority of people. Moreover, citizens are not aware of these laws' effects and the results of applying them on stripping or restricting their right of property.

An employee in the Real Estate Department of the Syrian Interim Government

Some experts participating in focused group discussion sessions believe that there is a set of factors that affect in one way or another the degree of HLP awareness among IDPs and refugees. One of these factors is the size of individuals' HLPs, as the greater the number of HLP owned by an individual, the greater is the level of interest in following up HLP laws issuances. Another factor according to one of the participants in the focus group discussion sessions in Syria is the original area of IDPs and refugees as people from areas that witnessed greater violations on real estate properties are more informed and aware of in-war issued in Syria. This is also confirmed by answers of participants in the study. It has been noticed that the level of awareness among people from Damascus and its countryside, Homs, Aleppo and Raqqa is higher compared to people from other regions.

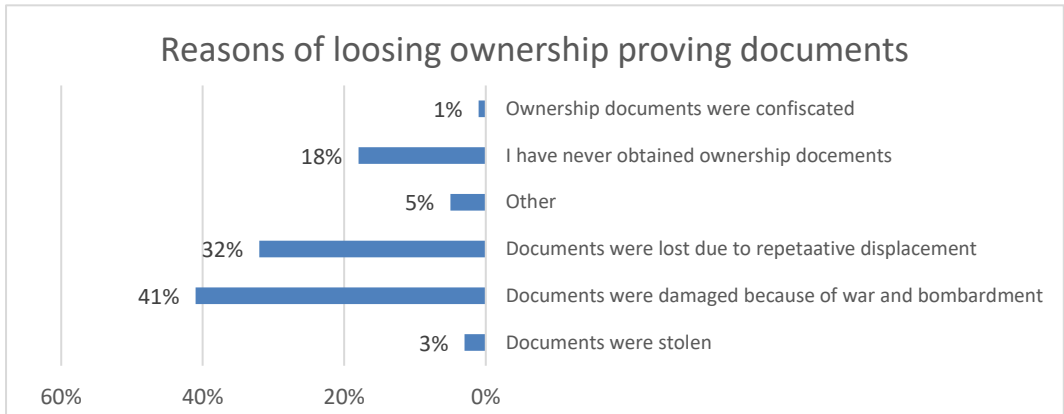


According to one of experts working in the Interim Government, the existence of legal HLP awareness among IDPs and refugees does not necessarily mean that they know the procedures and measures taken to protect these properties, as understanding and interpreting legal texts needs specialized professionals such as lawyers or employees of real estate departments.

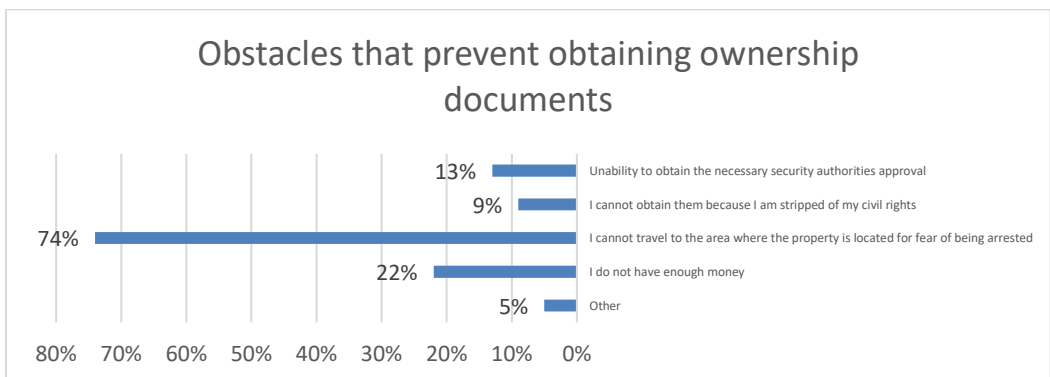
One of the most important points should be worked on is to educate IDPs and refugees about how important it is to preserve documents proving their ownership or to seek obtaining alternatives to ownership documents in case of their loss in order to be able to preserve their properties and ensure their ability to claim them back. Law No. 10 stipulates the necessity for HLP owner to attach the documents supporting his/her right when reviewing the administrative unit. In this regard, one of the expert lawyers indicated that this will double the difficulties facing IDPs and refugees due to the fact that many of them have lost ownership documents of their properties because of bombing and battles afflicted most governorates or because of losing them during the displacement journey. Clearly, it is difficult for those who lost their documents to obtain alternatives within the first year period stipulated in the law.

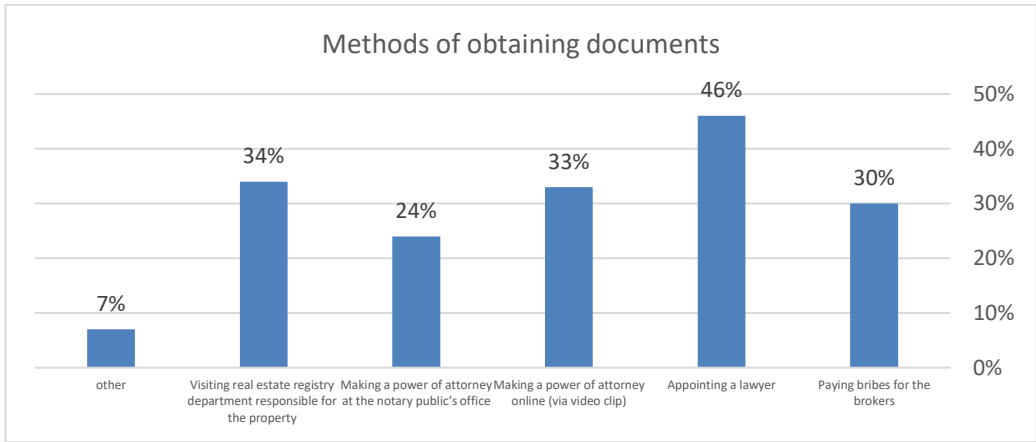
By referring to the results of the study, nearly a third of participants have indicated that they do not have documents to prove their properties ownership located in their original areas. Moreover, the damage to ownership documents due to military operations is one of the main reasons for the loss of property documents, followed by the loss of

documents due to the repetitive displacement. Only 1% of participants in the study reported the confiscation of their property documents. From the 1% of participants in the study whose property has been confiscated 42% by reported the confiscation of their IDs and property documents by the Syrian regime forces and its militias actors on ground. of participants reported that, while 25% of them reported it has been done by the Syrian Democratic Forces who confiscated their personal IDs and official documents.



Regarding, the ability of IDPs and refugees to obtain ownership documents from their original areas, refugees are able to obtain these documents more than IDPs whereas 24% of refugees expressed their ability to obtain these documents, but only 3% of IDPs are able to obtain them. Ownership documents are obtained via appointing a lawyer, paying bribes, hiring brokers or by making a power of attorney via internet or at a notary public's office as shown in the chart below:





As for people who are unable to obtain ownership documents, they attribute their inability to many reasons, foremost of which is fear from traveling to the area where their property is located due to security concerns, followed by not having enough money to obtain these documents as shown in the chart above.

As for participants of the focused group discussion sessions, they disagree about the extent to which refugees and IDPs are able to obtain ownership documents for their real estate properties, as one of the participants in Turkey session has indicated that refugees abroad can appoint lawyers or their relatives through the consulate to obtain these documents, but another participant responded saying that the costs of obtaining ownership documents through lawyers reaches about 500 \$, which is considered a large amount most IDPs or refugees cannot afford. Adding to that, the possibility of IDPs and refugees being exposed to fraud and refusal of their relatives to visit state departments on behalf of them due to fear of security problems or risk of arrestment by security authorities. Another participant, who previously worked in the real estate registry departments, has mentioned that Syrians' ability to obtain ownership documents varies according to the type of document they want to obtain and whether that document is in the digital archive or not. While in case that the document is not digitally archived, and the governmental department's office which includes the records and papers has been destroyed, then the process of extracting the document will be very complicated. However, if the documents are digitally archived, then the process, despite its difficulty, will be easier to be proved. As for some of ownership documents, it is impossible to obtain alternatives for them such as the ordinary sales contract if it is not registered at the official state departments. As for informal housing areas which constitute 50% of the

major cities according to some experts' opinion, their residents will never be able to obtain documents proving their ownership of real estate property there.

Some experts mentioned that refugees and IDPs are able to obtain ownership documents and deeds for their real estate property superficially where one lawyer reported that laws issued from 2011 until now allow relatives up to the fourth degree of HLP rights holders to obtain their ownership documents, and people who are abroad are able to make legal power of attorney at diplomatic missions abroad. However, in reality of practical application, these laws clash with security obstacles and in-war issued laws in Syria.

Experts mentioned a set of recommendations that would increase the ability of IDPs and refugees to complete their transactions with the official state departments and obtain ownership documents or other documents and papers. At the forefront of these recommendations according to three experts (two lawyers and a female coordinator of an initiative to document civil, real estate and inheritance records), is imposing pressure on the Syrian regime to cancel the security approvals required for legal power of attorney documents, and documentations processes can also be done on the digital archiving of various property and ownership deeds by launching an online platform through which real estate rights holders can obtain the documents they need without the need to travel to the regime areas. While an expert in Turkey who works at a human rights organization suggests forming legal offices to receive the requests of IDPs and refugees willing to obtain ownership documents, and these offices will follow up the procedures in the regime areas. Among the proposed solutions also according to a member of the local council of the Free Rural Damascus Governorate is that civil society organizations communicate with the Syrian regime and impose pressure in order to receive a copy of the real estate records of all various governorates, as these organizations are the only ones capable of communicating with the Syrian regime.

Regarding the means by which processes can be done to raise IDPs and refugees' level of legal HLP awareness, experts have listed a number of mechanisms to achieve this aim, including forming mobile legal teams that visit IDPs and refugees camps and houses and work on raising their awareness by explaining the in-war issued laws and their impact on citizens especially IDPs and refugees, and answering their questions and inquiries., it is necessary to establish legal offices providing legal advice and assistance to IDPs and refugees as well as allocating phone numbers to answer their questions and inquiries. Moreover, there is an urgent needs to organize awareness seminars targeting refugees and IDPs in order to promote their legal HLP awareness, and to intensify media campaigns and training courses by launching legal programs through social media

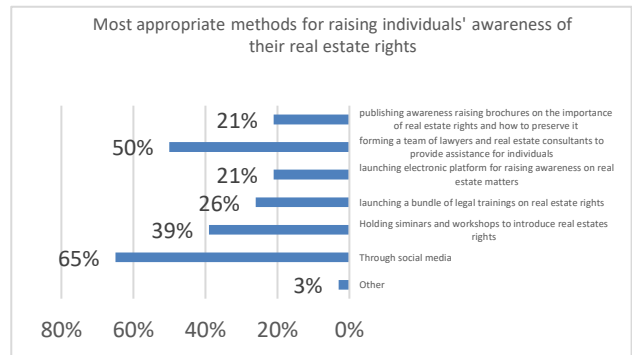
platforms and YouTube, as well as launching an electronic platform for general legal issues and for HLP issues in particular.

Experts' viewpoints are not similar regarding the point of raising awareness of IDPs and refugees to increase their ability to protect and claim their properties. On one hand, some experts believe that working to raise IDPs and refugees' awareness will undoubtedly contribute to enabling them to take measures to protect their real estate properties. On the other hand, others believe that despite the importance of raising their awareness, raising awareness is not sufficient on its own to help them protect their real estate properties. Therefore, there must be legal advisors who contribute to dealing with real estate issues, in addition to the need for international and human rights organizations and bodies to actively intervene imposing pressure on the regime and advocate for refugees and IDPs' issues.

Of course, it is possible that raising awareness on protecting rights and properties of the IDPs and refugees, but the results are not guaranteed, because HLP issues are specialized ones that are difficult to be explained through lectures or training courses. They are academic issues specialized professional in law studies spend ten years of studying and practicing in order to gain this knowledge and experience.

A lawyer who works at a legal and real estate consultations office

As for the study participants, they prefer to work on raising their awareness primarily through social media, followed by work on forming a team of lawyers and real estate consultants to provide them with legal assistance and advice.



Sixth, challenges and constraints to the return of Syrian IDPs and refugees to their original areas

Recently, the Syrian regime has been claiming that conditions are suitable for IDPs and refugees' return to their original areas, and that reconstruction operations must begin.

Voluntary return can be defined as the return of IDPs and refugee to his original area which he fled from after meeting the appropriate conditions for this return represented in not being subjected to any material or moral pressure to do that and the guarantees of local and international protection for his safety and that he will not be exposed to danger. Also, one of the conditions to IDPs to return is the elimination of the factors causing the displacement or asylum. This definition is consistent with what the experts participating in the study defined the return process. They believe that the return of IDPs and refugees is closely linked to the demise of threats that prompted them to leave their original areas. Based on the results of the study, nearly half of participants in the study attributed the reason for their departure from their areas to the control of the Syrian regime forces and its allies over them. Also, more than one third of participants were forced to do so due to the military operations taking place in their areas. Between 13% - 8% reported that they were forced to leave their original areas due to the control of militant groups or the Syrian Democratic Forces. As for participants in the focused group discussion sessions, they attributed the direct reason for their escape from their original areas to the Syrian regime's control over those areas, and its repressive practices leading them to flee frightened to be exposed to human rights violations such as murder or detention by the Syrian regime's army and militias. One of the participants in FGD session inside Syria said that he was forced to flee his area in Al-Hasakeh Governorate after (ISIS) approached his residential area near one of the oil fields.

"I fled from Dara'a after the regime entered it due to fear of assassination or being arrest affecting civilians, military personnel, activists, and anyone who opposed the regime."

"I was forced to flee my area, fearing for my family after we were bombed with barrels by the Syrian regime" [Some statements of participants in FGD sessions in Turkey](#)

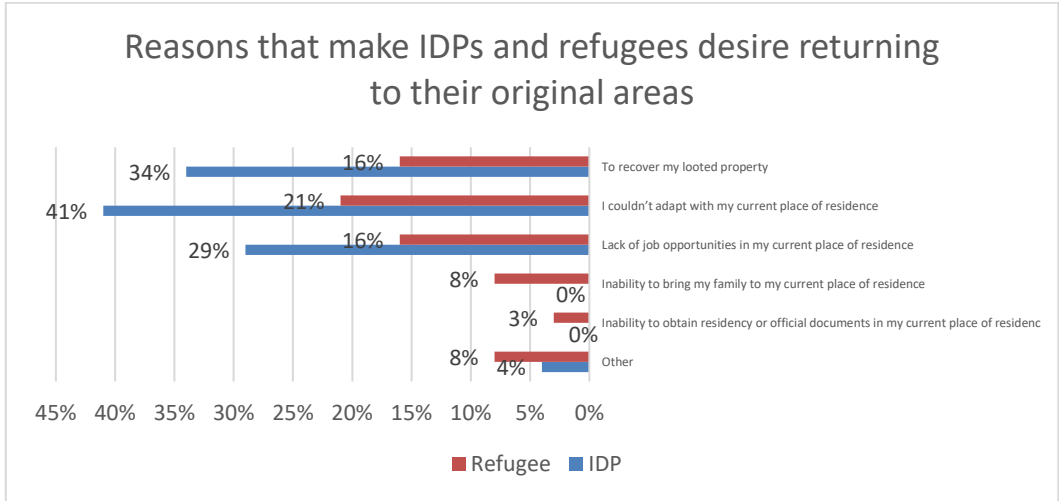
"I was forcibly to be displaced from Ghouta during the regime's entry , and I have been charged with teaching students the principles of freedom."

"We were forced to be displaced because after our demand for freedom, the bombing started and the destruction of the infrastructure was implemented as well as lack of the basic needs of life, but actually the siege over the area was the direct cause of our displacement."

[Some of the statements of the dialogue sessions participants in Syria](#)

The results of the study show a great desire for both IDPs and refugees to return back to their areas, where more than two-thirds of participants confirmed that. It has been noticed that the desire to return is higher among IDPs reached 80% whereas 56% refugees reported their wish to return back. The desire to return back is great due to many reasons. The most important reason is their inability to adapt to the current conditions of their new residence place, and inability to find a job opportunity enabling them to provide their living expenses. Also, desire of many to recover their property. 18% of those who wish to return link their desire to their ability to recover their properties in their original areas

and obtain compensation for the damages caused to them. As for people who do not wish to return to their areas, they refer primarily to the lack of a safe environment that guarantees their personal safety in their original areas and the lack of basic services such as water, electricity, schools, hospitals. etc.



It has been noticed that the desire of the displaced and refugees to return to their original areas does not necessarily mean their ability to do so. While participants in focused group discussion sessions refer to many obstacles that prevent their return such as security concerns and lack of confidence in the Syrian regime as the most prominent obstacles as well as the chaos, absence of ruling of law, the power of the security forces and the National Defense Militia over all aspects of life, absence of a police force and a judicial system guaranteeing justice and security. One of participants indicated that even if the regime did hold them accountable, some parties affiliated with the regime might threaten IDPs and refugees. Therefore, it is not possible to provide the return of IDPs and refugees except after reaching a comprehensive political settlement that ends the war in Syria and draw up a new constitution for the country that guarantees the rights and freedom of individuals with international guarantees that returnees will not be exposed to any negative practices, especially since a great percentage of those who have already returned to their original areas at the present time, based on the assurances of the Syrian regime, have already been subjected to some form of human rights violations, as nearly three-quarters of participants in the study indicated. They mentioned that they are already aware of many examples of people who have been subjected to human rights violations, such as arrest, assault, or harassment during their return to their home areas. Also, 29% of participants believe that disputes and family problems and tribalism could constitute a barrier to return, too.

Among the obstacles to return for some IDPs and refugees also are the massive destruction of their original areas, the loss of their property and real estate rights, the lack of housing in their original areas, the lack of basic necessities of life and basic services such as health, education, water, electricity and sanitation networks where 58% of participants indicated that these services are unavailable in their areas, and here it must be noticed that more than half of participants in the study support returning to their original areas even in the absence of the main services.

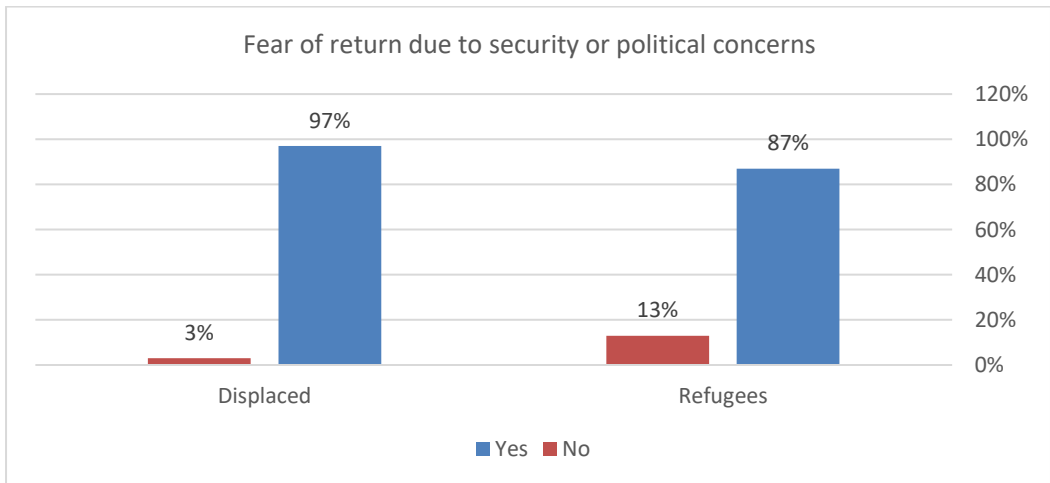
"Lack of infrastructure does not constitute a complete obstacle to my return because it remains better than living in a tent and being alienated and hearing the word displaced. Therefore, I prefer sitting in a destroyed house than displacement."

"It is realistic that without reconstruction and providing basic services to the population, the issue of returning to original areas will remain very difficult."

"The end of the regime means my immediate return to my original area , even if it was destroyed."

"Even IDPs in the liberated areas cannot return to the areas that have witnessed military operations because of the destruction that occurred to them."

Some statements by participants in FGD sessions in Syria and Turkey



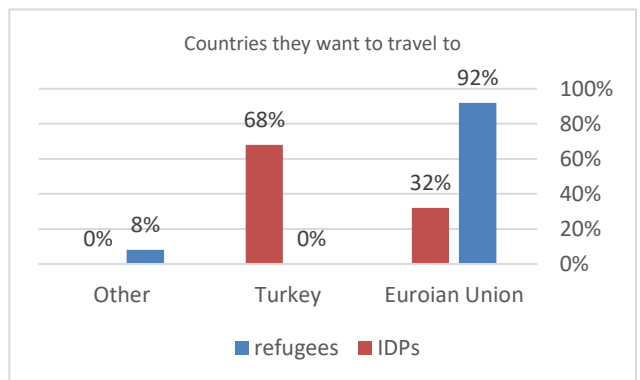
Experts believe that in order to provide a safe and voluntary return for IDPs and refugees, it is imperative for the international community to take measures to protect them and provide the appropriate conditions for that. For starting, pressure must be placed on the Syrian regime to dissolve the repressive security authorities, stop the security

prosecutions against IDPs, refugees, and civilian activists; and to issue a general amnesty for people who did not perpetrate any crimes; communicating with the active forces in the Syrian file to activate the path of a political solution in Syria in a serious manner based on United Nations and Security Council resolutions with the need to develop a new constitution for the country protecting rights and freedom of individuals; and efforts must be done to achieve transitional justice and hold all those involved in human rights violations accountable. In addition to the abolition of laws issued after 2011 that violate the rights and property of individuals, especially Anti-Terrorism Law No. 19 of 2012, Law No. 22 of 2012 and Law No. 10 of 2018, and starting to reconstruct the affected areas and provide alternative housing solutions for IDPs and refugees as compensation for their destroyed properties and enabling them to regain their real estate properties in case they were confiscated or seized. Moreover, efforts must be done to rehabilitate the infrastructure, including roads, schools, and hospitals, and to extend water, electricity, and sanitation networks; and to launch projects to provide job opportunities for the displaced and refugees upon their return to their areas. At the same time, efforts must be done to bridge the gap between all Syrian groups that was caused by having different opinions, attitudes, and perspectives on the war in Syria, and rebuilding the social structure of Syrian society.

Regarding returning back, travelling to another city or country, or staying in their new host community, only 2% of participants answered that they plan during the coming period to return to their original areas, while the vast majority of them (82%) do not plan to change their current place of residency, 8% willing to travel to another country other than the one in which they currently reside where European Union countries are at the forefront of countries that IDPs and refugees seek to travel to. followed by the Arab Gulf countries, Canada or Australia. Their reasons for that come from planning to immigrate primarily due to the difficulty of living conditions in the region in which they currently reside, followed by dreams of immigration in order to study or because the person's family resides in the country he seeks to travel to.

Seventh, situation of informal housing residents in original areas in Syria

Informal housing areas or collective slums are known as illegal areas, and they are one of the following:

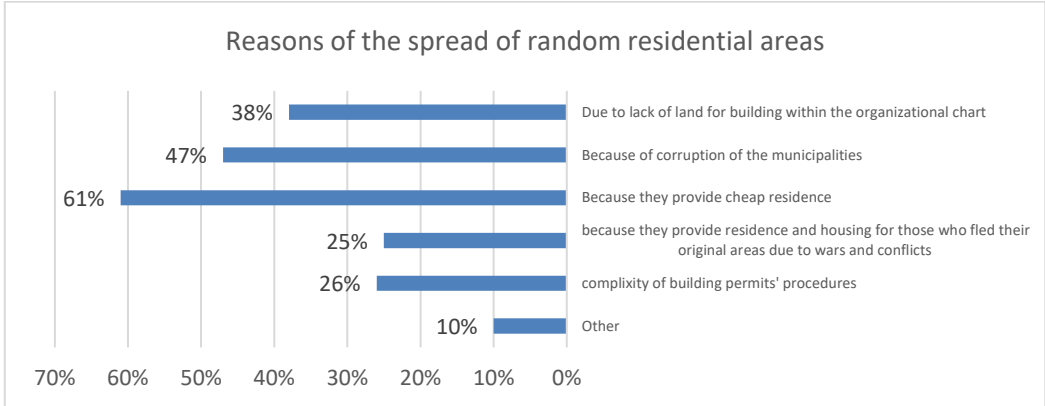


1. The ownership of the land is not legally registered.
2. The area is in outside the organizational chart and land use.
3. Inconsistency with the planning principles.
4. The houses are built in a way that does not comply with the Building Control Law.

The problem of informal housing areas in Syria goes back to decades, and many factors have contributed to its emergence. Whereas as a result of Israeli occupation of the Palestinian lands and the Syrian Golan Heights, many of their residents fled to the centers of the main Syrian cities, especially the city of Damascus. Over time, the temporary residential areas of those IDPs became permanent residential gatherings, as it is the case in the Yarmouk camp and the Palestine camp. Then, these collective slums turned into informal housing and collective slums areas⁸. Among the additional factors that contributed to the emergence of informal housing areas are the tremendous population growth that Syria witnessed from 1947 to 2010 resulting from the increase in the birth rate, the decrease in the number of deaths, the encouragement of pregnancy, and the improvement of the health services, which in turn led to an increase in the percentage of residents in cities, which reached 66.94% of population in Syria⁹, and also the factors of corruption within the regime's departments that led to the failure to develop organizational plans for cities in line with population growth. Moreover, the problem of internal migration, which is represented by movement of people from countryside to live and work in big main cities. This migration also has its causes represented in the following: low level of income in the rural areas, lack of job opportunities, and lack of basic services in countryside such as education, health, public facilities, and transportation. All these reasons have led to a huge inflation in population of major cities and increased the need and demand for housing, and because of high prices and rents of regular housing, people with limited income have had to find solution for housing by building private houses on the agricultural lands and lands of state property around major city centers. These random housing later became informal housing areas. The participants in this study support the above-mentioned reasons for the emergence of informal housing areas. 61% of participants attributed this to the decrease in real estate prices in informal housing areas, while nearly half of them believed that corruption in municipalities departments and receiving bribes in exchange for building permits and leniency in building illegal housing had an important role in the spread of random residential areas.

⁸ Real estate problem and its results on the property rights in Syria – The Next Day Organization

⁹ Population growth and the problem of random residential areas in the major cities in Syrian governorates from 1981 to 2010 – Damascus University Journal – volume 31 – 3rd edition 2015



The problem of informal housing areas is clearly seen by examining the features of these areas which are¹⁰:

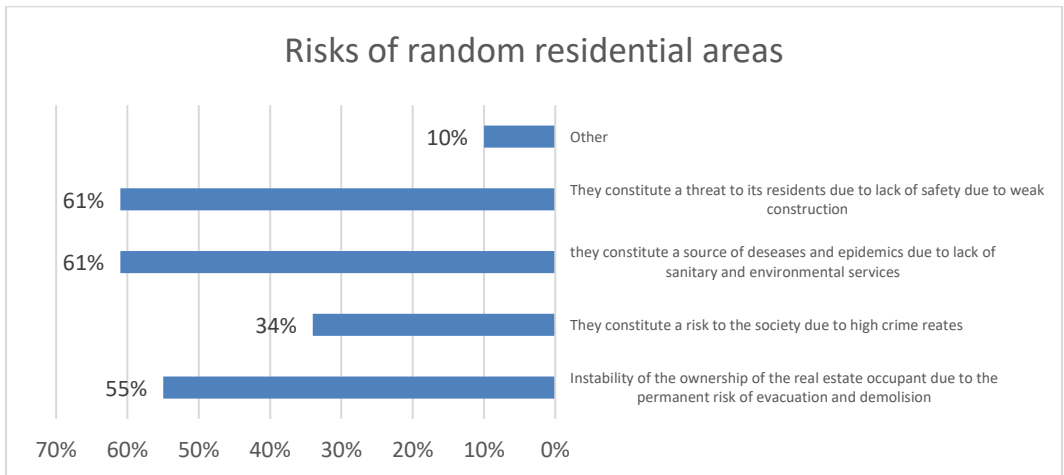
- 1- The absence of foundations of urban planning or their presence in the minimum limits, spontaneously and primitively.
- 2- The absence of safety factors in random residential areas due to the absence of geological studies for these areas.
- 3- Unavailability of healthy conditions for housing in these areas or their minimum availability.
- 4- Overlapping legal and real estate conditions for properties and the absence of real estate documentation.
- 5- Informal housing areas constitute a violation on agricultural lands and state property lands, and the percentage of informal housing units that do not have official ownership deeds is about 60%.
- 6- Structural safety factors in informal housing areas are non-existent or minimal, as a result of constructing these places without supervision, study or proper architecture supervision.
- 7- The absence of rules and systems of building.
- 8- Public utilities and networks such as water, electricity and sewage networks are far from proper technical foundations of these facilities.

Regarding the problems and risks of informal housing areas, most participants in the study believe that they pose a danger on its residents due to poor construction. Also more than half of the participants believe that the ownership of real estate occupants within random residential areas is not stable and it is possible that these areas will be evacuated by the state and housing on property will expose demolition; moreover, health risks due

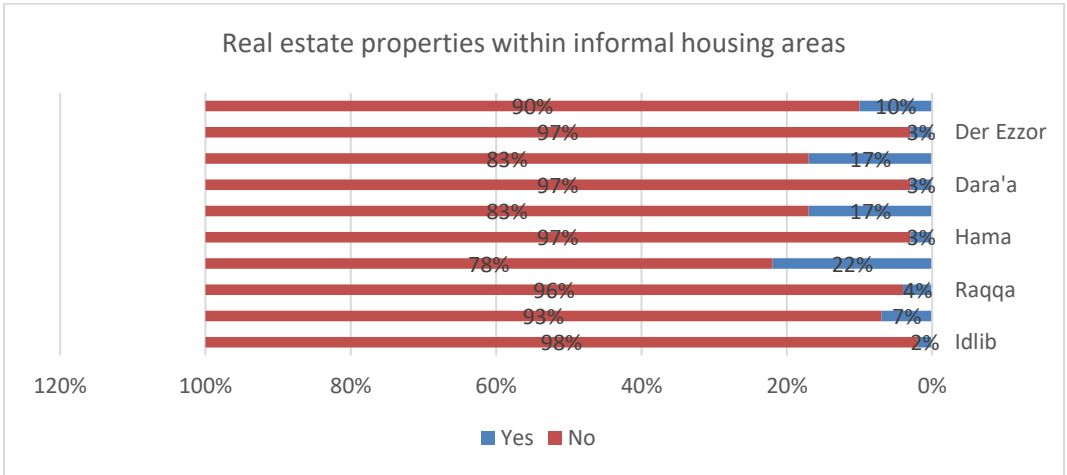
¹⁰ Random residential areas in Syria linked to households and population features – Iyas Eldeiry, assistant director of the Public Establishment of Housing – housing studies and planning affairs – Damascus 2007.

to failure to comply with the health conditions and standards for construction and sanitation networks. Nearly a third of participants believe that informal housing areas constitute a threat to society as a whole due to the high crime rates within these areas.

Despite the above-mentioned disadvantages of informal housing areas, the statistics show an increase in the percentage of random residential areas throughout Syria. At the total level, random residential areas (population - housing) constitute approximately 15-20% of the total rural and urban in Syria. The percentage of informal housing areas in city centers ranges from 25-30% and rises to more than 30-40% in major city centers¹¹. Returning to the results of the study, 9% of participants have indicated staying within random residential areas in their original areas, noting that the largest percentage of them are originally residents of Aleppo, Damascus and its countryside, 57% of the people who live in random residential areas attribute this situation to the high prices of real estate properties in regular residential areas. while 39% of them attribute the situation to their social affiliation mainly to random residential areas.



¹¹ Real estate problem and its results on ownership rights in Syria – former resource.



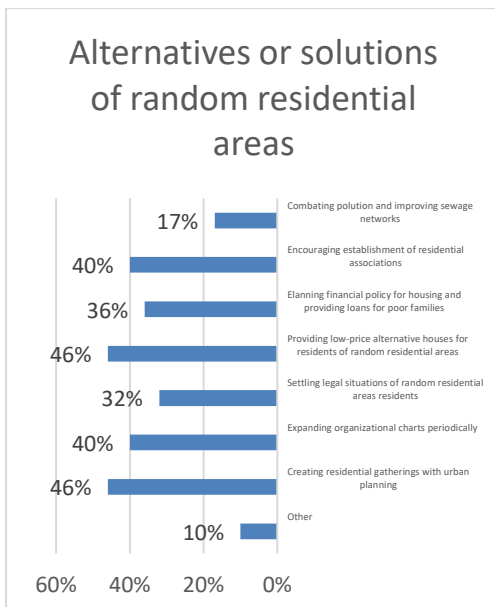
Speaking about collective slum areas, experts have mentioned a set of recommendations that would address the problem of informal housing phenomenon and ensure the rights of property occupants within these areas. Among their solutions is the expansion of organizational plans by government to include these areas and work to deliver basic services such as water and sewage networks as well as organizing the properties on it and licensing them in case they comply with the security and safety conditions and conforms to the technical requirements. This solution agrees with the statement of a lawyer participant who believes that the legal conditions of the real estate properties within random residential areas should be settled if they meet the technical conditions of construction, However, if they do not meet these conditions, properties must be demolished and reconstruction be organized. In addition to allocating a property for each of the residents of these areas based on their ownership and the area of their properties with possibility to ask them to pay an additional nominal amount, .While a member of Board of Directors for Syrian Lawyers mentioned that the real estate properties that still exist can be organized by the state in addition to issuing ownership deeds to their owners in exchange for payment the value of the property housing is established on to the state which is the owner of these real estate properties (lands). One of the experts also mentioned that the solution for random housing problem can be linked to the path of the political solution in Syria and reconstruction, so that random residential areas can be planned and organized in a manner that does not cancel the rights of their residents.

According to a lawyer participant’s viewpoint, the problem of collective slums in the liberated areas that increased during the years of the war due to the huge displacement towards the northern regions of Syria, and it can be solved through getting support of donors in international countries to fund projects aimed at organizing housing,

developing organizational plans, and converting residential areas from random to organized and establish general facilities such as roads, sewage, water and electricity networks. It is possible that these projects will be implemented in coordination with the municipalities in the liberated areas.

It is worth mentioning that all experts in the study have agreed on the necessity to fairly compensate the occupants of real estate land in case solution requires to evict them from their homes, noting that the compensation provided for in Law No. 10 of 2018 is unfair as the right of the violators who built their houses over the lands of public or private state property. According to Law No. 10 of 2018, the compensation is limited to taking the rubble of their buildings, and they are not entitled of any right other than that. According to a decision of the Executive Office, they may be given alternative houses from the surplus available to the administrative unit, and the occupants of the violating residential buildings are not entitled to any compensation except for rent compensation.

The opinions and proposals of experts to solve the problem of random housing are compatible with participants' opinions in the study as one of the most prominent solutions to this problem from participants' viewpoint is the need to find alternative housing for residents of informal housing areas at low prices, settle the legal conditions for the informal housing, and expand organizational plans periodically, setting up a housing finance plan, providing loans to poor families, and encouraging the establishment of housing associations.



Regarding solutions even before the revolution, there was a tendency to demolish informal housing areas and to replace them with regular buildings. Every person residing in those areas is eventually housed in a house like his former one in the same area, and this was a Syrian Qatari plan before the revolution. As for the current time, perhaps this is the best solution, which is to demolish these informal housing areas and replace them with new well-organized residential complexes with services. Then, people who used to reside in those areas can return to them.

A lawyer residing in Syria
to reside in those areas to it.

Results of the study

First, regarding current situation of IDPs and refugees (housing and personal documents)

- 1- On the social level, IDPs and refugees suffer from being unaccepted by a large portion of members of host communities where they are considered a burden on the society, and from being subjected to discrimination and harassment.
- 2- Refugees and IDPs mainly face the difficulty to obtain a job opportunity in their current places of residency.
- 3- There is an increase in monthly expenses of IDPs and refugees compared to the monthly income they receive.
- 4- The sources of income of refugees and IDPs are not limited to work, but also include the aid they receive from humanitarian organizations or assistance from family and relatives.
- 5- In order to cover the difference between income and expenses, IDPs resort to many means including selling their gold jewelry or economizing on expenses, and those able to dispose their real estate properties in their original areas are forced to sell them for less than a quarter of its actual price to provide their living needs.
- 6- Refugees in Turkey particularly face many legal problems. The most prominent ones are their inability to travel among Turkish states without obtaining official travel permits, the requirement to have a valid passport for renewal of tourist residency, and the request for identification paper to be able to complete the legal procedures in most official departments.
- 7- The vast majority of refugees (about 80% of them) reside in rented apartments, while of IDPs in rented apartments , and 20% of them reside in camps.
- 8- 66% of IDPs participating in this study reported their inadequate current housing conditions for them and their families, while 40% refugees reported this point.
- 9- The most prominent difficulties faced by refugees and IDPs regarding housing conditions are the high rent rates of their apartments. As for those residing in camps or in unfinished residential buildings, the most prominent problem they suffer from is their residential place cannot protect them from weather conditions.
- 10- Most of participants in the study prefer that an allowance should be provided for renting a house, and percentage of those supporting the construction of residential blocks for IDPs and refugees for free or for a nominal rent is also high.
- 11- About half of participants in the study support building housing complexes and enabling IDPs and refugees to own them at low prices, and one of the focused dialogue sessions participants indicated that those who wish to purchase housing in these units should be allowed to pay for them in small payments not in one payment.

- 12- 12% of participants believe that worn out tents in camps must be replaced with new ones, while one of participants mentioned that in order to provide decent housing for the displaced, tents must be replaced with prefabricated housing units or cement rooms.
- 13- The vast majority of participants possess official personal documents, and the majority of them (85%) obtain Syrian ID cards.
- 14- Majority of refugees in Turkey hold temporary protection ID cards, while less than half of IDPs in Syria have personal identification cards issued by the local authorities in their hosting areas.
- 15- There is a sharp decrease in the ability of IDPs to obtain official documents from government departments as not more 2% expressed their ability to do so , while 25% of refugees can obtain them.
- 16- The most prominent means IDPs and refugees resort to in order to obtain official documents are the following: pay bribes to brokers, make a Power of Attorney via a video clip and send it to a relative or a lawyer residing in regime areas, knowing that agencies from abroad need security authorities approval. This may expose the attorney inside Syria to the risk of arrestment if the IDP or refugee is wanted by security authority.
- 17- Approximately three quarters of participants in the study indicated their inability to obtain personal documents and attributed this to their inability to travel to the regime-controlled areas due to fear of arrestment, and about a quarter of the respondents attributed this to not having enough money to obtain these documents.
- 18- 78% of participants can document births and death cases that occur within the family.
- 19- 8% of participants expressed their ability to register births and deaths at official state departments.
- 20- Most of the Syrian refugees in Turkey register births and deaths in the Turkish authorities offices. As for IDPs, they do so but in local authorities' offices in their hosting areas.
- 21- According to participants in the focused group discussion sessions, it is difficult for Syrian refugees without temporary protection ID cards to register births in the family, noting that Syrians in Turkey face many difficulties regarding obtaining a temporary protection ID card since the issuing is limited to a very small number of Turkish states, and it takes a long period of time.

Second, regarding volume and types of violations against HLP rights of IDPs and refugees

- 1- About three quarters of participants in the study have been exposed to some kind of violation on their properties located within their original areas.
- 2- 26% of participants mentioned that their properties were completely destroyed and 27% partially destroyed.
- 3- Experts attribute that the reasons for destruction of Syrian real estate properties to the military operations that most areas in Syria have witnessed. In addition to some military forces destroying these properties as a form of revenge or with the aim of creating a demographic change in the areas they control.
- 4- Some experts believe that the most serious violation on IDPs and refugees' properties is the confiscation and seizure of these properties as well as the issuance of laws legalizing the expropriation of their owners in order not to enable them to return to their original areas and create a demographic change for the population in those areas.
- 5- 49% of IDPs and 30% of refugees indicated that at least one of their properties have been seized.
- 6- The Syrian regime army and its militias are considered responsible for nearly three quarters of the seizures that took place, followed by the Syrian Democratic Forces at 12%, then the militant groups at 4%, and the percentage of those who states the responsibility of the military factions of the Free Army for the seizure operations does not exceed 1%.
- 7- In general, the Syrian regime forces and its militias are responsible for 81% of violations on IDPs and refugees' HLP right of in general, including destruction, seizure, confiscation and other violations, followed by the Syrian Democratic Forces with 8%, then the militant groups at 4%, while the Free Army and its factions are responsible for 1% of these violations.
- 8- The vast majority of participants (99%) were not able to claim compensation for the damage caused to their HLPs.
- 9- Participants in the study believe that compensation for damages to their property should include financial compensation for those damages enabling them to recover their properties and obtaining official apologies for the violations they were subjected to.

Third, regarding the reasons of confiscating properties, violations and loss of ownership rights

1. Experts participants in the study agree that the various laws issued by the Syrian regime after 2011 in Syria involve, a kind of violation on IDPs and refugees' HLP.
2. The majority of experts believe that the effect of these issued laws does not differ if the properties owners are IDPs or refugees.
3. All experts have confirmed that the issued laws within the war period contravene the Syrian constitutional texts and rules and international treaties and laws.
4. Law No. 10 of 2018 stipulates that real estate owners must attach documents and papers that prove their ownership, which reduces the ability of IDPs and refugees who have lost these documents to prove their ownership, especially since many of them do not currently have the ability to obtain alternative documents.
5. IDPs and refugees' ownership deeds of the of their properties in their original areas are classified by results of the study as 46% (Green Ownership Deed registered at the real estate registry), 16% judicial court ruling, 11% ordinary selling contract, 12% selling approval court record and 2% with lease agreement.

Fourth, regarding methods of registering and documenting properties during selling, purchase and lease transactions carried out during the current Syrian situation

- 1- Some experts believe that IDPs and refugees cannot dispose their properties at all due to their inability to travel to their original areas and the refusal of their relatives residing in those areas to act on their behalf due to security concerns.
- 2- Most experts believe that IDPs and refugees can dispose their properties and carry out sales and purchases informally, but they cannot document these transactions with official state departments.
- 3- Real estate disposal transactions (sale or purchase) are carried out through ordinary sales contracts between the owner and the buyer without documenting them with the official departments, which leads to a decrease in the value of the property to less than a quarter of its original value.
- 4- One of the main reasons that prevent the displaced and refugees from disposing their properties or registering their actions is their inability to travel to their original areas for security reasons.
- 5- IDPs cannot delegate their representatives to conclude legal actions and visit official departments due to the lack of a notary public in areas out of the regime's control .

- 6- Despite the refugees' ability to visit regime's diplomatic missions abroad to make power of attorneys for people living within the regime's areas, these documents need to gain approval of Syrian security authorities which makes people within the regime's areas refrain from accepting to represent refugees.
- 7- According to experts, the Syrian regime does not recognize nor approve the legal actions that individuals take regarding their HLPs in areas outside its control.
- 8- Participants in focused group discussion sessions mentioned that the regime has already conducted seizure on the properties of some IDPs and refugees with confiscation of their movable and immovable assets in order to make them unable to dispose their properties.
- 9- 8% of participants have confirmed that they have already made contracts to transfer ownership of their real estate to others.
- 10- A quarter of the people who concluded legal actions related to their HLPs could not document these actions with the official state departments.
- 11- People who are unable to document their transactions attribute the reason for this to their inability to visit the real estate registry departments in their original areas because of fear of being arrested and to the fact that Syrian regime refuses to approve the transactions taken place in areas out of its control; moreover, to their lack of information on how to complete the processes of documenting legal actions and to lack of enough money to get legal advice on what they should do.

Fifth, regarding the methods of raising awareness on legal required documentation for HLP rights

- 1- There is a decrease in the level of awareness among both IDPs and refugees of the content of the legal texts contained in in-war issued as only 33% of participants mentioned that they are familiar and aware of the laws issued by Syrian regime after 2011.
- 2- The level of awareness about the laws governing HLP increases among respondents with higher educational level and with large properties in their original areas.
- 3- One of the experts participating in the study mentioned that the existence of legal HLP awareness among the refugees or IDPs about HLP laws does not necessarily mean that they are aware of the procedures and measures that can be taken to protect these properties, as understanding and interpreting the legal texts needs a specialized professionals such as lawyers or employees in the real estate departments.
- 4- An expert reported that most IDPs and refugees do not know the difference among above-mentioned kinds of ownership deeds.

- 5- The study shows that most of IDPs and refugees do not clearly know the difference between organized and random residential areas due to the overlapping of residential neighborhoods in cities.
- 6- The level of legal awareness among women are lower than among men which requires focusing efforts on women.
- 7- About a third of the participants stated that they do not have documents to prove their ownership of their real estate located in their original areas.
- 8- 24% of the refugees expressed their ability to obtain their ownership documents from their original areas while only 3% of IDPs do.
- 9- People who are unable to obtain ownership documents related this to many reasons, and the most important one is their fear of traveling to the area in which the property is located for security concerns, followed by not having enough money to obtain these documents.

Sixth, regarding challenges and constraints of HLP rights that obstacle the return of Syrian IDPs and refugees to their original areas

- 1- According to experts, the protection of the real estate rights and properties of IDPs and refugees requires in the first place the effort to document their properties by reliable authorities and to keep these documents as a guarantee to preserve the rights of IDPs and refugees.
- 2- Experts believe that the task of documenting IDPs' properties and preserving these documents must be entrusted primarily to UN offices and bodies, and human rights organizations can contribute to it, too.
- 3- More than half of participants in the study have expressed their confidence in international organizations to carry out real estate documentation operations, and half of them also believe that the offices of the United Nations were considered a reliable body to do so.
- 4- Experts believe that protecting IDPs and refugees' requires carrying out mobilization and advocacy campaigns and raising HLP rights awareness within the international forums and meetings that are held to discuss the Syrian issue.
- 5- The protection of IDPs and refugees' rights, according to an expert, requires stopping the operations of creating real estate development areas until a comprehensive solution is reached to ensure the return of the displaced and refugees to their original areas.
- 6- Some experts believe that IDPs and refugees' issue of HLP rights should be discussed as one of the urgent basic files in the political solution process, and it is necessary to refrain from starting reconstruction operations without reaching a solution that guarantees IDPs and refugees' HLP rights .

- 7- Experts believe that IDPs and refugees' return to their original areas is closely linked to the demise of the reasons that led them to leave.
- 8- About half of the participants attribute the reason for their departure from their original areas to the control of the Syrian regime and its allies over the areas, and more than a third have been forced to do so due to the military operations taking place in their areas, while 13% and 8%, fled their areas because militant groups or Syrian Democratic Forces gained control over them.
- 9- 80% IDPs want to return to their areas, while 56% refugees want to do so.
- 10- 18% of those who want to return to their areas linked this to their ability to recover their properties in their original areas and to obtain compensation for the damages taken place on them.
- 11- 97% of IDPs and 87% of refugees are afraid to return to their original areas for security reasons.
- 12- 58% of participants said that there is a lack of basic services such as water, electricity, schools and hospitals in their original areas.
- 13- More than half of participants in the study support returning to their original areas despite lack of basic services after the security concerns end and a political solution is reached.

Seventh, regarding the situation of the informal housing areas

- 1- According to 61% of participants in the study, the problem of the emergence of informal housing areas is due to the fact that it provides housing at low prices.
- 2- The majority of participants believe that this phenomenon constitutes a danger to their residents due to weak construction.
- 3- More than half of participants believe that the ownership of real estate occupants within random residential areas is unstable and it is possible that these areas will be evacuated by the state with demolishing real estate properties within them.
- 4- Almost a third of the participants believe that informal housing areas are a threat to society as a whole because of the high crime rates within them.
- 5- Experts and study participants agree that the best solution to address the problem of random residential areas is to work on correcting the legal conditions of these areas and including them in the organizational chart if they meet the technical and safety requirements. However, if they do not meet these requirements, then work must be done to demolish them and compensate the owners with fair compensation for their properties rights.

Recommendations of the study

First, to humanitarian organizations

- 1- The need to work on launching livelihood projects seeking to create job opportunities for refugees and IDPs within their current areas of residency.
- 2- Intensifying activities aimed at integrating IDPs and refugees into the host community and alleviating the severity of discrimination and harassments to which they are exposed.
- 3- The need to make efforts for replacing tents within camps with concrete housing units or prefabricated housing; at least replacing worn out tents with new ones.
- 4- Launching projects to build housing units to provide shelter to IDPs and refugees for free or for nominal fees.
- 5- Launching projects to build housing units and enabling IDPs and refugees to own property within these units, provided that the process of paying houses prices is made in several payments.
- 6- Working on rehabilitating unfinished residential buildings and apartments or old buildings considering making an agreement with their owners to lease them to IDPs and refugees for a period of time for free or for nominal fees.
- 7- Providing an allowance for renting housing for refugees and IDPs, or at the very least, for the most vulnerable families.

Second, to human rights organizations and bodies

- 1- Human rights organizations and bodies should communicate effectively with the Turkish government and push toward reducing the legal restrictions imposed on Syrian refugees such as the need to obtain permission to travel among Turkish states, the requirement to have a valid passport to renew tourist residency and facilitate the process of granting Syrians a temporary protection ID cards.
- 2- Forming offices that include Syrian and Turkish jurists seeking to provide legal advice to Syrians in Turkey, follow up on their problems, and help them find solutions.
- 3- Working to form a legal body in Turkey and in areas out of the regime's control in order to open channels with the Syrian regime to register unregistered births, marriages, divorces and death cases within official state departments.
- 4- Conducting extensive studies on the problem of Syrians' inability to obtain personal documents or registering personal status cases such as marriage,

- divorce, birth and death, in order to accurately determine the size of the problem and find the most appropriate solutions for it.
- 5- It is necessary to document the type and extent of the violations to which the rights and property of Syrians have been subjected, in preparation for compensating real estate owners for damages to their properties.
 - 6- Imposing pressure to abolish all in-war issued laws in Syria because they involve violations on the rights and property of IDPs and refugees especially the laws which restrict their ability to dispose their properties and document those transactions.
 - 7- Imposing pressure to canceling various confiscation and seizure decisions imposed by the Syrian regime on the property of Syrians during period of war in Syria and enabling the displaced and refugees to recover their properties.
 - 8- Imposing international pressure to force Syrian to cancel the requirement of approvals from Syrian security authorities to accept power of attorneys coming from Syrians in other countries.
 - 9- Working to open legal offices inside Syria and in countries hosting Syrian refugees to provide legal assistance and advice to people who are unable to visit official departments in order to document their real estate rights and their legal actions there.
 - 10- Forming mobile legal teams to visit camps and areas where IDPs and refugees are gathered and work to promote their legal awareness of in-war issued laws and their impact on their properties as well as answering their questions and inquiries. It is also possible to work on allocating phone numbers to provide legal advice and assistance to them.
 - 11- Imposing pressure on the Syrian regime to obtain a digital copy of land registry records saved in their departments, and launching an electronic platform that allows IDPs and refugees to obtain the needed documents without need to go to their original areas.
 - 12- Launching an initiative seeking to merge the documents gathered by civil society organizations into one file and keep it safe with a reliable body so that it can be used as a record and a reference for preserving the rights and properties of IDPs and refugees.
 - 13- Launching mobilization and advocacy campaigns on the issue of IDPs and refugees' HLP rights and the violations they are exposed to.
 - 14- Working to organize seminars aimed at educating IDPs and refugees about in-war issued laws during the war affecting their rights and properties and efforts to increase their awareness of the needed means to protect these properties.
 - 15- Launching legal programs through social media and an electronic platform that addresses legal issues in general and HLP issues in particular.

- 16- The need to impose pressure on the Syrian regime to correct the legal conditions of real estate properties within the informal housing areas, if they meet the technical building requirements.

Third, to international bodies and active countries in the Syrian file

- 1- The necessity for the international community recognition for the documents and personal papers issued by the local authorities in areas out of Syrian regime's control.
- 2- Working to form one unified central real estate and civil registry administration in areas out of Syrian regime's control to undertake the process of managing these areas and issuing documents and personal papers according to international standards and under the Syrian Law requirements.
- 3- Efforts to create appropriate conditions for the return of IDPs and refugees to their original areas by imposing pressure on the Syrian regime to dissolve the Syrian intelligence & security authorities and to stop the prosecutions against Syrians.
- 4- Taking the necessary steps to seriously advance political solution in accordance with the United Nations and Security Council resolutions.
- 5- Imposing pressure on the Syrian regime to stop reconstruction actions in damaged and destroyed areas which are original properties and lands of IDPs and refugees until a political solution is reached that would ensure the return of IDPs and refugees to these areas.

Including the issue of refugees and IDPs as one of the main issues of the path of a political solution in Syria, and placing it on the agenda of the Constitutional Committee so that texts protecting properties and rights of individuals are included while the ones that violate individual properties are abolished especially the ones issued after 2011.

Fourth, to international donors:

- 1- Refraining from supporting the reconstruction efforts before reaching a comprehensive political solution that guarantees the real estate rights and properties of IDPs and refugees.
- 2- Supporting efforts aimed at developing the affected areas and establishing projects to provide alternative housing for IDPs instead of camps, and to rehabilitate the infrastructure and provide basic services.
- 3-

Fifth, to IDPs and refugees

- 1- The necessity to keep the documents and papers they possess that prove their real estate ownership in their original areas, regardless of the type of those documents, whether they are ownership deeds, irrevocable Power of attorneys, final court judgments, ordinary sales contracts, or bills for water and electricity services.

List of the most important references and sources:

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